

"HER NAME."

Then father took the Bible down
And in his clear, old-fashioned hand
Upon its Record pages brown
He wrote the name as it should stand.

THE NEIGHBORHOOD FAILURE.

CHAPTER I.

"I am a plain woman, Mr. Forrester,
a very plain woman—"
"Yes, madam, you are very plain,
still for a woman of your age, I think
that you appear well enough."

engaged in the exciting ride of a stick-
horse?"
"You are a fool."
"You compliment me. Oh, crested
Mrs. Andrews, in perilous night, whose
banners arise on the battlements
height—"
"Tom Forrester, you are crazy?"
"Can I see the damsel?"
"When in sight, yes."
"Oh, crested—"
Mrs. Andrews rushed from the
room. The young man sauntered
lazily away. Stopping for a moment,
he leaned on the gate, then with a low
hum, as though he were too lazy to
sing, he crossed the road, climbed
the fence and disappeared in the
woods.

"It's lack of virtue caused your pun-
suance of it, doubtless."
"No, the sad discovery caused me
to so soon throw it aside."
"Caroline tells me that you are writ-
ing a book."
"I am."
"Of what sort of a book?"
"A novel."
"A fiddle-stick. I didn't know but
you were revising Hoyle."
"Wonder you hadn't thought it to
be entitled 'What May Come or a
Quiet Speculation in Futures.'"
"Isn't that a bit of a pun?"
"Isn't it? I lost no
one's money but my own, and it is
none of your business, sir."
"Isn't it, and it did not seem to be
very much business for yourself?"
"Very much, and Caroline sitting
so far apart when I came in? Had
you been quarreling?"
"No, it was because we were sitting
so close together when we saw you
coming."
"Will, Mr. Forrester, I have worri-
ed you about as long as I can."
"Isn't it a bit of a hurry?"
"You are certainly the most insolent
man I ever saw."
"Isn't it the most courageous?"
"Isn't it, indeed you are not?"
"Isn't it that the late Mr. And-
rews was a man of courage. No of-
fense, madame, no offense. I'm gone.
Good-bye."

George Ticknor Curtis on the "Implied Pow-
ers of the Constitution"—Errors that Pre-
vail as to its General Welfare Clause
—"Liberal" and Strict Construc-
tions.
"The Implied Powers of the Consti-
tution" was the title of a most able
and instructive paper read before the
law school of Georgetown university
by Hon. George Ticknor Curtis, says
The Washington Post. The lecturer
stated that there were two ways of
interpreting the constitution—the "lib-
eral" and the "strict" interpretation.
He had found it best to disregard both
of these systems, and favored a funda-
mental rule for interpreting what
are called the incidental or implied
powers, which he went on to explain.
"Before doing so," he said, "let
me direct your attention to a matter
which seems almost to require some
apology for alluding to it at all. We
hear much nowadays about the so-
called 'general welfare clause' of the
constitution. The constitution uses
the words general welfare in just two
places, and no more. In the preamble,
the promotion of the general wel-
fare is one of the objects enumerated,
along with five others, for which the
people of the United States ordain and
establish the constitution. The wildest
and most latitudinarian construction-
ist would hardly venture to tell an au-
dience of intelligent law students that
the preamble of the constitution con-
tains any grant of power. It simply
asserts the grand objects which the
people aim to secure by the constitu-
tion; but as to the means by which
they do secure these desirable objects
we must look into the body of the con-
stitution and among its enumerated pow-
ers. Looking into the body of the in-
strument, we come upon the first
clause of the eighth section of article
1 of the constitution, which contains
the grant of the taxing power. Here
the words general welfare are used
again, and strange to say, there are
persons who suppose that this clause
contains a grant of authority to tax in
order to promote the personal welfare
of every man, woman, and child in the
United States. I shall merely counsel
you to analyze the clause and see how
strange this notion is. The clause
grants to the congress a power to tax
the people for three special purposes:
first, to pay the debts of the United
States; second, to provide for the com-
mon defense of the United States;
third, to provide for the general wel-
fare of the United States. In every one
of these special purposes for which the
taxing power is to be exercised 'the
United States' means the political cor-
poration known as the United States,
and not the individual inhabitants of
the country. The debts that are to be
paid are the debts of the government;
the common defense that is to be pro-
vided for is the defense of the govern-
ment in all those matters in which it
has duties of defense to discharge for
the whole country; the general wel-
fare that is to be provided for is the
well-being of the government in all
those matters of which it has special
cognizance, and in respect to which
its efficiency is a matter of concern to
the whole union. In the very next
clause, which contains the grant of
power to borrow money on the credit
of the United States, the 'United
States' is used in the same sense,
meaning the government known as the
United States. It is on the credit of
the government, not on the credit of
individuals or of states, that congress
is authorized to borrow money.
"Now look at the stupendous com-
munion that is wrapped up in the tax-
ing power, or the supposition that it
includes a power to tax for the promo-
tion of the welfare of individuals.
There is no limit to the taxing power,
excepting that duties, imposts, and
excises must be uniform throughout
the United States. All the property in
the country may be taxed without
limit for the legitimate objects of tax-
ation. If one of those legitimate ob-
jects is the welfare of individuals, or
masses, or classes, or of the whole peo-
ple, the two houses of congress and
any president, acting together, can di-
vide up all the property in the coun-
try, upon a plea that a general divide
will promote the general welfare. By
this process, this government could
devour itself, and there would be noth-
ing left for it to subsist upon; but it
happens that one of the great pur-
poses for which this government was
established was the protection of prop-
erty, and its constitution contains
guarantees designed for the protection
of property that are more remarkable
and efficient than any that exist under
most of the other governments in the
world. At the same time the consti-
tution contains guarantees of personal
rights that are as strong and efficient
as those afforded to the rights of prop-
erty. But I will detain you no longer
upon this very singular notion of the
general welfare, excepting to remark
that there are now large establish-
ments in this government on which
great sums are expended every year,
and which rest on no better constitu-
tional foundation than this strange no-
tion of 'the general welfare clause.'
Some of these establishments can not
be referred to any specific power of
the constitution. They do not result,
from any one or more of the admitted
powers of the government. There are
other establishments which do result
from some one or more of the express
powers of the constitution. There are
systems of federal legislation which
can and there are systems which can
not be referred to some of the powers
of the constitution as implied in and
resulting from those powers when
measured by the true rule of interpre-

tion. There are other systems of
legislation which flow from the fact
that the government of the United
States is a great landed proprietor—a
capacity which is to be distinguished
from its powers of political sovereignty.
I am now considering the latter, and
I wish to give you what I believe to be
the true rule for interpreting them."
Mr. Curtis then entered into a de-
tailed examination of some of the ex-
press powers of the constitution, and
explained the rule for interpreting the
extent and nature of the resulting or
implied powers involved in each of
them as requiring those qualities or
characteristics. The first, he said, is
a negative quality; the two others are
positive qualities. First, the means
chosen for the execution of an ac-
knowledged power of this government
must not be prohibited by the constitu-
tion. Second, it must bear a direct re-
lation of means to an end; or, in other
words, it must execute the power
which it professes to execute. Third,
it must be considered with both the
letter and the spirit of the constitution.
The last qualification he explained to
be that if there is any positive pro-
vision of the constitution with which
the means chosen is in conflict, or if
that means is inconsistent with the
great objects for which the constitu-
tion was established, it is within the
range of the legislative discretion.
Many illustrations of this compre-
hensive rule were given, and among oth-
ers the lecturer referred to the legisla-
tion making the promissory notes of
the government legal tender for pri-
vate debts, which he said violated all
sound construction of the legislative
powers. He made no direct allusion
to the late decision of the supreme
court on that subject. He closed as
follows:
"Let me again advise you, in study-
ing such questions as these, not to be
deterred from the prosecution of truth
by the outcry of 'strict construction.'
It will not help you in the least to in-
quire what is the proper phrase to ap-
ply to the method of interpretation,
whether it should be called liberal or
strict. Neither is it of any sort of con-
sequence to you how this or that po-
litical party habitually construes the
constitution. I take it that you do
not attend a law school for the pur-
pose of learning what party you had
better join. The study of the constitu-
tion in which you are engaged will
not be much promoted by consulting
the 'platforms of parties or the pro-
fessed sentiments of political men. Go
to other sources. Go to the judicial
interpretations of the constitution,
from the beginning of the government
to the present day, and extracting
from them the sound rule which marks
the boundaries of the federal powers,
from your opinions and beliefs by that
rule, and let others class you as strict
or as liberal constructionists, without
the smallest care on your part about
either phrase. You will find that what
is called a liberal construction is some-
times right and sometimes wrong.
You will find the same thing to be true
of what is called a strict construction.
The rule laid down by Chief Justice
Marshall and his brethren is broad
enough to give this government all the
scope that it ever ought to claim and
strict enough to prevent it from en-
croaching on the rights of states or of
individuals. So long as it shall be ob-
served this government can not go
wrong. When it is departed from this
government will wander from its
sphere, and, although it may dazzle
the beholders and excite their admira-
tion and gratify their love of power,
it will dislocate the whole political
system that was established by our
fathers and made consistent with
liberty."
"Let me give you one other counsel.
Do not allow yourselves to be distur-
bed by that other outcry which
seeks to bring reproach or disfavor
upon the doctrine of state rights. The
abnormal assertion of the right of se-
cession from the union as a constitu-
tional right of the states, which is now
happily eliminated from their constitu-
tional rights, should never prevent
you from seeing that our political sys-
tem does embrace and uphold state
rights, which are as unquestionable
and positive as are the rights and pow-
ers of this government. Consider for
one moment what would have hap-
pened if, at the time of the establish-
ment of this constitution, all the ele-
ments of political power and govern-
ment had been fused into one mass;
had been concentrated and concen-
trated into the hands of one central
authority; that the people of the states
had not interposed by the tenth amend-
ment and declared 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.' Give
the freest scope to your imaginations,
and imagine if you can whether we
could have carried our civilization
from ocean to ocean if the sovereignties
of the states had not been thus
preserved; whether the absorption of
all the powers of government into one
central authority would not have
ended in a despotism that would at
last have been broken down by its own
feebleness. The truth is that our
mixed system of separate states hold-
ing and exercising each for itself and
within itself all the powers of govern-
ment which it has not through this
constitution ceded to the United States,
or which the constitution has not ex-
pressly prohibited, has enabled us to
attain to a degree of civilization, of
happiness, and renown to which no
other system could have conducted us.
We can preserve this system only by
taking care that each of the two kinds
of government confines itself to the
sphere marked out for it."

A Logical Reply.

"Will you please let this young lady
have your seat?" asked a young man
of a hard-working laborer in a crowded
street car.
"I don't think I will, sir. I see
she's got a pair of skates wid her an'
is goin' to the rink, an' if she's stout
enough to skate several hours she
ought to be able to schand up here
in the car a few minutes until she gets
there," was the prompt and appropri-
ate reply.—Kentucky State Journal.