

which the sole power rests in the monarch; the latter form recognizes the power as divided between the sovereign and the legislative body. In every government a sovereignty must exist, in connection with which is the power to make law. In monarchical governments this sovereignty is in the king, as in absolute monarchies, or in the legislative assembly, as in limited ones, while in the aristocratic form it is in the hands of a select class of noble birth, called the aristocracy. Many claim that the last named form of government is the best for the better educated class would have more wisdom than the people at large. But such a centralization of power is not good. The pure democracy is that form in which all the people meet and make the laws, while in the case of a republic this power is delegated to the representatives of the people. The first, although the most highly distributive in power, is impracticable except where the people are few in number. The latter form, which is that existing in the United States, possesses many advantages over the other forms. Sometimes all these forms are combined together, as in the case of Great Britain, there being a sovereign to represent the monarchical form, the House of Lords, the aristocratic, and the House of Commons, the republican. There are certain rights, which properly belong to all men, and laws are enacted to preserve these personal rights from interference on the part of others. The first of these is the right a man possesses to enjoy life and to act as he chooses, so long as he does not infringe upon the rights of others.

Some of these natural rights are given up by the individual to the state in return for its protection. This protection can be exercised only through law and hence the necessity of law. Political rights or privileges are conferred by law, among them being the privileges of voting, holding office, etc. In addition to these, we have certain civil rights, which can not be taken away from us without due process of law, although the political privileges may be taken away by the legislature without such process. Civil rights may, however, be taken from a man by the infliction of fines, imprisonment, etc., but this must be done only by due process of law. The Pilgrim Fathers all assembled together for the purposes of legislation in the early part of their history, but afterwards the representative form of government had to be adopted on account of the increasing numbers of the people. Virginia, before this time, had elected a legislature from among the people. It was in this country, for the first time in the history of the world, that written constitutions, based on the idea of the pre-existent right of all men to be free, became the organic law of government. Virginia is said to have taken the lead in this matter, and we can point with pride to the fact that constitutional law and civil liberty had their origin in our

country. The lecturer referred to the early colonial history, when charters of a more or less liberal character were granted to the colonists by the King of England. These charters were referred to in some detail, it being shown that privileges were granted to the two branches of the legislature to make laws under the restrictions that no law should be passed in opposition to any act of Parliament, and that all laws were subject to veto by the governor.

The parallel between the territorial form of government now existing in the United States, and the colonial government was pointed out, it being shown that in some respects our condition is worse than was that of the colonists, for while they could make no law at variance with the statutes of Parliament, that body was denied the authority to legislate for the colonists in their domestic affairs as Congress now legislates for us. For purposes of mutual aid, the colonies formed a confederation, aiming to preserve the former rights of each colony, and still more to cement the union between the established communities. The articles of confederation provided that Congress should consist of one house, the members voting according to States. But this Confederation was comparatively weak, there being no power to levy taxes or regulate commerce. Under the circumstances it was thought necessary to form a constitution, and as a result of the calling of a convention for this purpose, that grand instrument known as the Constitution of the United States was originated. Its foundation lies in the statement that all men are created equal, and endowed with certain inalienable rights, this idea having first been enunciated in the Declaration of Independence. This principle, in fact, is the corner-stone of the government of the United States, and all attacks upon it tend to jeopardize the entire fabric. The members of the constitutional convention had many difficulties to meet, and it was only by Divine inspiration that the great and successful result of their labors was achieved. Some of the representatives of the people maintained that there would be danger in attempting to take any rights from the States; but without doing this no central government could be formed. On the other hand, there were two classes who favored the constitution. The leader of one of these classes was James Madison, who contended that only such powers should be given to the central government as were absolutely necessary, and that centralization should be avoided as much as possible. The other faction, led by Alexander Hamilton, favored a more complete centralization of power, as the only means of forming a government of any strength. The constitution, on its completion, was submitted to conventions in the different States, where it met with determined opposition on the part of some, but was finally ratified by the people of a majority of the States, and went into effect so far as those States were concerned. This

constitution is not a compact of the thirteen original States, but it is the organic law adopted by the people of those States and is equally binding upon all the nation. This instrument forms the fundamental and supreme law of the land, and prescribes the form, powers and office of the government. It may be changed, but it must not be disobeyed, its object being to place certain limitations upon the officers of the government. It also protects the minority against the encroachments of the majority, which would have complete control of the government, were it not for the restrictions of the Constitution.

Our government is divided into three parts, the legislative, the executive and the judicial. This division is necessary, as each of these branches acts as a check upon the others, and thus an undue exercise of power in any portion of the government is prevented.

The legislative body is divided into two parts, the Senate and the House of Representatives, the members of the first being appointed by the legislatures of the States from which they come, that they may not be influenced too strongly by the people. Senators are elected for six years, and one third go out of office every two years. In the case of the House of Representatives, its members are elected by the people, and the entire assembly is re-elected every two years. Each State has two Senators, but the Representatives are apportioned to the States according to population, the numbers ranging from one to more than thirty. The speaker defined at some length the powers of each of these bodies, and explained their method of doing business.

Congress is restricted in some of its powers, especially regarding infringements upon the rights of the different States. *Ex post facto* laws, bills of attainder, and like enactments are prohibited, such restrictions being of a most wholesome character.

The chief executive power is vested in the President of the United States, who is elected in a peculiar manner. All the votes of the States vote for electors, who meet and cast their ballots for President, the returns being sent to the Vice-President, who announces the result by declaring the one receiving the greatest number of all the electoral votes to be president-elect. In case no choice is made, the election of President is left to the House of Representatives, each State, however, having but one vote.

The third branch of the government is the judiciary, which is one of the strongest members of the governmental body, since it has power, through the Supreme Court, to nullify all acts of Congress. This court is called the "Voice of the Constitution," because, in legal contemplation, that instrument means no more nor less than the Supreme Court says it means. It was thought by the founders of this government that all necessary safeguards were placed around both civil and religious rights,