

Senator Knox Says There is no More Important Question Berore American People.

DISCUSSES SUBJECT AT YALE.

Inclines to a Very Broad Construction Of Power of General Government-States to Blame for Inactivity.

New Haven, Conn., June 24 .- The orator of the day at the schior exercises in the law school of Yale university this afternoon was United States Senator Philander C. Knox, of Pennsylvania, and his subject was "The Development of the Federal Power to Regulate Commerce." He said in part:

He said in part: Mr. President, Mr. Dean and Gen-themen of the Yale Law School— There are no questions before the American people today of greater im-portance than those relating to the federal control over commerce. That power was granted chiefly as a safeguard against commercial hos-tilities and reprisals between the states. It remained practically dor-mant until comparatively recent years. It is now clearly recognized as a great affirmative and constructive power, not limited to composing dif-ferences between state laws and sys-tems, but constitutionally capable of effective and fruitful development in a region all its own. In some re-spects it may be spid to be the greatchective and infution development in a region all its own. In some re-spects it may be said to be the great-et power lodged in the general gov-ernment, and the possibilities of its application are co-extensive with the possibilities of the expansion of the yest subject to which it applies.

STATE AND FEDERAL POWERS.

Nothing, therefore, is of more con-sequence in our governmental affairs than an accurate understanding of the scope of the national and state pow-ers in respect to commerce and the activities related to commerce, for no chective regulation is possible in other soveraignty if the notive of the the covereignty if the power of the one could be usurped or obstructed by the other. This will be understood and conceded, except by those who sppear to think the general govern-ment can constitutionally accomplish everything that seems good for the everything that seems good for the people and are constantly raising ex-pectations upon this line which can-not possibly be fulfilled. Notwithstanding the complex sys-

Notwithstanding the complex sys-tem of polity, which prevails in this country, the American people have a complete and entire system of gov-ernment with all the powers necessary to dcal with every subject and situa-tion. All governmental authority is included in one or the other, or in both, of the two sovoreigntles which constitute the American system onstitute the American system. The fact that the state govern-ments are supreme in state affairs. and the national government supreme in national affairs does not result in the deduction that there are any afwhich may escape government control

POWERS REMAIN THE SAME.

POWERS REMAIN THE SAME. While the constitutional powers of the nation and the reserved powers of the state remain ever the same, the opestion as to when an act or trans-action is exclusively a state affair, subject to state control, or a national matter subject to national control, is one of fact as well as law, and it can be readily understood that the facts differ at different periods of our de-velopment and under different cir-ctimstances relating to the subject. That which in the earlier period of our history was a matter of state concern may become one of national concern by the establishment of com-mercial intercourse in respect to it with other states and foreign nations, or become a national concern because or conditions affecting the subject

first considered, nearly 100 years ago. It was then pronounced "complete in itself, that it may be exercised to its utmost extent and acknowledges no limitation other than are prescrib-ed by the Constitution." "The design and object of that power (the commercial power), as evinced in the history of the Consti-tution, was to establish a perfect equality amongst the several states as to commercial rights and to pre-vent unjust and invidious distinctions vont unjust and invidious distinctions which local fealousies or local and partial interests might be disposed to introduce and maintain."

STATES MUCH TO BLAME.

The necessity to exercise the na-tional power over commerce arises largely out of the failure of the states to regulate wisely great corporations created by and under the dominion of the states and engaged in interstate commerce. That failure has led to well known abuses which affect inter-state commerce, and theraby created state commerce, and thereby created the necessity for the exercise of fed-eral regulation to prevent the abuse. The necessity for the exercise of federal regulation almost always springs from causes the states could have prevented.

The national power of regulation should only be invoked when necessity for regulation exists. Normally and honestly conducted commerce requires but little if any governmental regulahonestly conducted commerce requires but little if any governmental regula-tion, and the failure by Congress to regulate interstate commerce is equiva-lent to a legislative declaration that it shall be free. Abnormal conditions is commercial intercourse citised by mon-opolics, preferential service, rebates and the like, destroy the normal operations of commerce and create the demand for federal regulation to restore the rule of freedom and equality. The pressure of the accumulated evils and abuses of many years of inadequ-ately regulated commerce in this coun-try culminated some for

and abuses of many years of inadequ-ately regulated commerce in this coun-try culminated some few years ago in an imperative necessity for action to test the adequacy of existing laws to meet the situation, and the enactment of such additional ones as should prove to be necessary to restore and preserve freedom and equality in interstate and foreign commerce. foreign commerce. The combinations to control the pro-

The combinations to control the pro-duction, distribution and sale of com-modities which were to be subjects of interstate commerce; the combinations between and the mergers of interstate railroads, designed to bring under one control the transportation business of large areas of the country; the unjust discriminations to favored shippers and localities, both in the carrying service and the rates charged therefor; the secrecy surrounding the operations of corporations rendering service to the public had utterly destroyed in many localities the ability of other persons and concerns to engage in commercial competition with the favored ones who enjoyed such unfair and illegal advan-tages.

STATEMENT OF SITUATION.

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STATEMENT OF SITUATION. A brief statement of how this situa-tion was dealt with by the national government, the theory upon which the government proceeded, and some observations upon certain mischierouz misconceptions as to the scope of the powers that have been successfully in-voked to 'correct' the evils I have named, will not, I hope, be uninterest-ing for uninstructive. First, the scope of existing laws was tested through a series of suits. These suits had for their main purpose to determine the effectiveness of existing statules to reach new types of combi-nation to regrating the free-play of the law of competition, and new and sub-tle discriminatory devices which had sprung from fertile and experienced minds instructed in the interpretations the courts had put upon the existing laws.

The purposes for which this litigation was undertaken were all accomplished. The completeness of the federal power over commerce was reaffirmed and de-clared to extend among other things to the helding commune the holding company. This device which had been success-

This device which had been success-fully employed to establish under one control the leading productive indus-tries of the country was declared il-legal when utilized to absorb compet-ing systems of interstate railroads, and thereby we escaped a danger to our commerce, our government and our very liberties, the magniture of which can scarcely be grasped.

ILLEGAL COMBINATIONS.

It was likewise judicially determined, that a combination between a railroad company and a shipper, to grant the latter an unlawful rebate which re-sults in the establishing of a monopoly, is a violation of the Sherman act, and and may remove obstructions from the highways of commerce whether they be physical or economic, whether they may be sand bars, mobs or monopolis a violation of the Sherman act, and that a court of equity might restrain the guilty parties at the suit of the attorney general of the United States, as well under that act, as under the general jurisdiction in equity. Of al-most equal importance was the decision that the operations of a monopolistic combination within a state may be so connected with those between the states as to bring the whole under the regu-lative power of Congress. Notwithstanding the success which attended these suits, there was developed a number of serious defects and omis-sions in national legislation necessary to be corrected, if the avenues of com-merce were to be kept open to all upon the same terms, and if a speedy and workable remedy for violations of the law was to be placed in the hands of the government tiself to restore the rule of freedom and equality in inter-state and foreign commerce. that a court of equity might restrain the guilty parties at the suit of the ies. HOW EXERCISED. The power of Congress may be ex-rcised by prohibition and by prescrip-Congress has prohibited combinafrom in restraint of interstate and foreign trade and has prohibited the carriage of diseased cattle, explosives and lottery tickets, and Congress has and lottery tickets, and Congress has prescribed that certain safety appli-ance shall be used upon railroads do-ing an interstate business. The one class of laws is designed to keep the channels of commerce free and un-polluted; the other is designed to se-cure the safety of the employes and patrons of the carriers. I clue these acts because their con-stitutionality has been sustained, be-cause they obviously bear directly upon commerce and for that reason will serve onnmerce and for that reason will serve o make clear the distinction between he well established rule to be deduced state and foreign commerce. FIFTY-SEVENTH CONGRESS. The legislation proposed to the Fifty-seventh Congress as necessary to ac-complish the restoration of the normal commercial rule, all of which was promptly enacted, was: 1. That in respect of railroad re-bates, the emission in the act to regu-late commerce to punish the beneficiary from the decided cases and the exten-sion of the rule involved in certain pending legislative propositions of fed-eral control, to which I shall now direct your attention. eral control, to which I shall now direct your attention. First, I shall restate the existing rule, as it has been judicially determined, in these words: Congress has the power to regulate interstate commerce, which includes the power to regulate the means or instrumentalities by which commerce is conducted. The new 'proposition is this: Con-gress has the power to regulate com-merce including its instrumentalities, and likewise power to regulate the per-sons by whom articles of commerce are produed in respect to matters dis-connected with commerce. This addition to the rule finds expres-sion in the suggestion to prohibit the interstate transportation of inocuous articles lawfully made or produced in a state for reasons not affecting inter-state commerce. state commerce,

should be supplied by imposing a penshould be supplied by imposing a per-alty, not only upon the carrier who gave, but upon the shipper who re-ceived, such rebates, and that the power of the equity courts to restrain such practises at the suit of the United States should be made certain by stat-ute ute. That it should be made unlaw-

2. That it should be made unlaw-ful to transport traffic by carriers sub-ject to the act to regulate commerce at any rate less than such carriers' published rate, and that all who par-ticipate in the violation of such law should be punished.
3. That a comprehensive plan Should be punished.

 That a comprehensive plan should be framed to enable the gov-ernment to get at all the facts bearing upon the organization and practices of concerns engaged in interstate and foreign commerce essential to a full understanding thereof.
 Another step in logislation which

4. Another step in legislation which was earnestly recommended was an act to speed the final decision of cases under the interstate commerce and autotrate lace

act to speed the final decision of cases under the interstate commerce and anti-trust law. These laws, enacted during the short session of the Fifty-seventh Congress, were followed by the rail-road rate law of the Fifty-ninth Con-gress, the principal feature of hwich is the grant of power to the interstate commerce commission to fix a reason-able rate for the carriage of goods and persons.

DESIGN OF LAWS. These laws were designed to secure equality in transportation charges. They provide a swift remedy at the suit of the government in its own courts of equality, thereby relieving the individual sufferer from the expense and delay incident to a private suit. All these have have been declared constitutional except the railroad rate

and these birst have been declared constitutional, except the railroad rate act, and as to that act, not yet passed upon by the courts, it is believed by the great weight of legal opinion to be constitutional in respect to the power to fix reasonable rates and practises practises practises, The public satisfaction resulting from the enactment and the enforce-ment of these statutes regulating commerce has induced some persons

commerce has induced some persons to contend that the congressional power to regulate commerce is a pan-acea for many other public evils, and it is proopsed to utilize that power to accomplish ends not within the na-tional jurisdiction, and having no re-lation to the subject of the power. POWER TO REGULATE.

"The power to regulate is the pow-er to prescribe the rule by which com-merce is to be governed." These are the words of Chief Justice Marshall

the words of Chief Justice Marshall in Gibbons vs. Ogden, This power of prescribing the rule by which commerce is to be conducted extends to commerce itself and to the instrumentalities of commerce. By commerce itself, I mean the ac-tivities and intercourse which consti-tute the commercial relation. By the instrumentalities of commerce, I mean the animate and inanimate means used to manimatin and carry on commercial

maintain and carry on commercial As to these activities and intercourse which constitute commerce, Congress has from time to time prescribed cer-tain rules; such for instance as the rule that commerce shall be free from monopoly and restaint effected by combinations, and that the general rule

of competition shall have free-play. As to the animate and inanimate means, or instrumentalities by which commerce is conducted, Congress has likewise prescribed various rules; such as contained in the railroad safety appliance act, and the act prescribing the hours of labor of employes upon railroads engaged in interstate com-

merce. this subject of commerce Over this subject of commerce among the states and with foreign nations, and its instrumentalities, the power of Congress is plenary. It may be exercised in the most general or minute way. For this purpose, Con-gress possesses all powers which ex-isted in the states before the adoption of the national Constitution, and its power when the subject is national its Over power when the subject is national is or may be made exclusive. The con-

stitutions, laws, corporations and citi-zens of the states are subject to this paramount authority. Congress can regulate anything, everything, any and regulate anything, everything, and every person, natural or artificial, in the sense that it can prohibit or pre-vent any use or act that will interfere with consressional control over inter-state commerce, or that will injuriously affect such commerce. Congress may likewise prevent the arteries of interstate commerce from being em-ployed as conduits for articles hurfful to the public health, safety or morals.

subject of commercial transaction in the future, it is impossible to deny that it would also include all productive in-dustries that contemplate the same thing. The result would be that Con-gress would be invested, to the exciu-sion of the states, with the power to regulate, not only manufactures, but also agriculture, horticulture, stock raising, domestic fisherics, mining-in short, every branch of human industry short, every branch of human industry. For is there one of them that does not contemplate, more or loss cleatry, an interstate or foreign market? Does not interstate or foreign market? Does not the wheat grower of the northwest or the cotton planter of the south, plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the states, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these deli-cate multiform and wing herearts in cate, multiform and vital interests-in-terests which in their nature are and must be local in all the details of their successful management."

TO REGULATE COMMERCE. In Veazie vs. Moore, 14 How., 574, the

court said:

In Veazle vs. Moore, 14 How., 574, the court said: "The phrase 'to regulate commerce' can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and op-erations are restricted to the territory and soil and jurisdiction of such com-munity. Nor can it be properly con-cluded, that, because the products of domestic enterprise in agriculture or manufactures, or in the aris, may ulti-meters or the encouragements by which enterprise is fostered and protected, is legitimately within the import of the phrase foreign commerce, or fairly im-plied in any investiture of the power to regulate such commerce. A preten-sion as far reaching as this, would ex-tend to contracts between citizen and citizen of the same state, would control the pursuits of the planter, the grazier, the manufacturer, it mechanic, the im-mense operations of the colliers and mines and furnaces of the country, for there is not one of these avocations, the results of which may no: 'scome the subjects of foreign commerce, and be orne either by turnpikes, canals, or ralizoads, from point to point within the several states, towards an ultimate destination, like the one above men-tioned."

CLAIMS OF POWER.

But it is claimed that as the power to regulate commerce is absolute, com-plete and mainly exclusive in Congress, the right to forbid the shipment in interstate trade of any kind of goods, for any reason, comes within that power. That is to say, under the guise of a for the promotion or protection of commercial regulation, not necessary for the promotion or protection of commerce, a producing regulation, which Congress could not have enacted. may be enforced; or, in other words, Congress can deny a person the right to engage in interstate commerce for do-ing that which Congress cannot prohibit him from doing. But, as we have seen. Congress cannot regulate production, and Chief Justice Marshall said in McCulloch vs. Maryland: "Should Congress under the pretex:

of executing its powers pass laws for the accomplishment of objects not en-trusted to the government, it would be-come the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land."

NO POWER TO PROHIBIT.

In my judgment, the power to regu-late commerce between the states does not carry with it the power to prohibit commerce, unless the prohibition has for its purpose the facilitation, safety or protection of commercial intercourse, or the accomplishment of some other national purpose.

The power to regulate interstate com-merce does not extend to the laying of an arbitrary embargo upon the lawfully produced, harmless products of a state, nor to the right to defeat the policy of a state as to its own internal affairs. I concede that the national power to regulate interstate commerce carries with it the right to prohibit commerce in order to secure equality of commer-cial right, or to prevent restraint of or interference with commerce, but not to prohibit the shipment of the innocuous producets of producers within a state prohibit the shipment of the innocuous products of producers within a state who are pursuing a course sanctioned by the laws of the state and in no wise in itself interfering with interstate commerce. If prohibition of interstate trade is within the arbitrary power of Conrgess, it might be exercised so as to exclude the products of particular states or sections of the country. Con-gress then might prohibit the shipment of controp or wheat to promote the in-

the proposition that Congress may prohibit transportation, but I say the prohibition must have for its end the regulation of interstate commerce and something dehors the federal

power. In a recent case, the supreme court of the United States, through the chief justice, speaking of the power and sovereignty of a state, uses this language. language:

'It cannot be denied that the nower and property of its citizens, and to preserve good order and the public morals, the pawer to govern men and things within the limits of its domain. Is a power originally and always belonging to the states, not surrendered by them to the general government, nor directly restrained by the Constitution of the United United States, and essentially exclusive."

POWERS ARE GRANTED.

That the Congress of the United States has no general legislative pow-ers but only such as are granted to it by the Constitution is not an old fash-ioned and exploded notion.

It has been reaffirmed with em-bhasis by the supreme court within he last 60 days in a great opinion by Justice Brewer in the case of olorado vs. Kansas.

Colorado vs. Kansas. The learned justice said: "That this is such a government (one of delegniced powers) clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument grant-ing certain specified things made op-erative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present, dislosed the widespread fear that the national government might, under the pressure of a sup-posed general welfare, attempt to ex-ercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justifica-tion in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act."

provided for amending that act." We cannot make progress in de-veloping a body of substantive reme-dial law without an accurate appre-clation of the restrictions upon both the state and federal powers. Like the Girondists in the French revolution, American lawyers must submit to be condemned by the Bour-bons as radicals if they stand for ra-tional and constitutional legislation bons as radicals if they stand for ra-tional and constitutional legislation to meet new conditions and to cor-rect the evils in the old conditions, and to be guillotined by the Reds as obstructionists if they fail to endorse the popular vagaries of the political ephemera who swarm about every great movement of reform, unappre-ciative of its origin, its tendency, and its purpose. Such is the fate of the profession that studies, loves and de-fends the institutions of civilized gov-ernment and has ever been their most powerful constructive and conserving force.

PRESERVATION OF CONSTITU-TION

The preservation of our Constitu-tion is not committed to the federal judiciary alone. It is the oath-bound obligation of every legislative, judi-cial and executive officer of the states and nation, and is the highest duty of private citizenship. The Con-stitution is not to perish at the hands of the impassioned phrase-maker, and its defenders should not be deterred by mistaken or prejudiced clamor from performing their obligation to preserve and defend it. The Constitution was founded upon the sacrifice of the lives and fortunes of our ancestors; it is the solemnly ex-The preservation of our Constitu-

of our ancestors: It is the solemnly ex-pressed will of the people, it has been preserved by the people through the most gigantic and tragic war of mod-ern times, and it must endure as writ-ten and expounded until altered by the people by the means they have pre-seribed.

The power of the federal government cannot be increased except by new grants of jower through amendment of the Constitution. The efficiency, however, of the federal government will

however, of the federal government will progressively increase through the ap-plication of existing federal power to the growing complexities of social and commercial conditions. What changes in these conditions may be in store for us no man can foretell. What social readjustments may follow the application of the fed-eral commercial power to such changes is likewise unknown. The power is a tixed and definite factor; no one has pretended to define the boundaries of

action is to be applied to all the exaction is to be applied to all the ex-ternal concerns of the nation, and to those internal concerns which affect the states generally; but not to those which are completely within a partic-ular state, which do not affect other states, and with which it is not nec-essary to interfere, for the purpose of executing some of the general powers of the government."

DAN HANNA MARRIES.

Makes a Third Venture on the Mat-

rimonial Sea.

today married to Mrs. Mary Start today married to Mrs. Mary Start at the residence of the bride's father in this city. The ceremony was per-formed by a justice of the peace. The only witnesses were the bride's moth-er and one or two other persons.

Cleveland, O., June 24 .--- Dan Han-

SNAPSHOT PHOTOGRAPHER. In the graduate class of the three hobors two are won by Filipinos, Jose Escolar of Pampauga, takes a magna cum laude honor, aud Mariano Honor-ade de Joya of Bolanzas, takes an bon-or cum laude.

After July 1 His Lot in Germany Will Be a Hard One.

Mr. Hanna has been twice divorced,

Berlin, June 21-The snapshot photographer in Germany is threat-ened with extinction after July 1, owing to the great risk he will run of being mulcied in heavy fines under the new act which goes into force on that date. The right of all persona to the exclusive reproduction of their own portcuts and of those of their houses or belongings, is by the new bowever, permits the granting of per-mission by any one to a photographer-to take his photograph or that of his landscape or of his cattle or horses.

KIDNEY TROUBLES The kidneys are essential organs for keeping the body free from im-purities. If they should fail to work

death would ensue in very short time. Inflammation or irritation caused by some feminine derangement may spread to some extent to the Kidneys and affect them. The cause can be so far removed by using Lydia E. Pinkham's Vegetable Compound

When a woman is troubled with pain or weight in loins, backache, swelling of the limbs or feet, swelling under the eyes, an uneasy, tired feeling in the region of the kidneys, she should lose no time in commencing treatment with

Lydia E. Pinkham's Vegetable Compound

It may be the means of saving her life. Read what this medicine did for Kate A. Hearn, 520 West 47th Street, New York, who writes:--

Dear Mrs. Pinkham:-"I owe a debt of gratitude to Lydia E. Pink-ham's Vegetable Compound for it has saved my life. I suffered with Kidney trouble, irregularities and painful periods, and my blood was fast turning to water. I used your medicine for some time and it has ade me strong and well.

Lydia E. Pinkham's Vegetable Compound made from native roots and herbs cures Female Complaints, such as Falling and Displacements, and Organic Diseases. Dissolves and expels Tumors at an early stage. It strengthens and tones the Stomach. Cures Headache, General Debility and invigorates the whole system. For derangement of the Kidneys in either sex Lydia E. Pinkham's Vegetable Compound is excellent.

Mrs. Pinkham's Invitation to Women

Women suffering from any form of female illness are invited to write Mrs. Pinkham, at Lynn, Mass., for advice. It is free.

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CARDHER BALLY STORE NEWS

Clothes That Wear Well !

Look out for the look-well when you buy your Clothes. Look out for the wear-well, also,

What satisfaction is there in wearing a Suit that loses its shape in a few weeks and gets "shabby" before the season is over?

None at all. Service is essential to economy in Clothes.

QUALITY is the paramount feature of Gardner Correct Clothes. They are made to look

1 mar 6 MISS KATE A. HEARN

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9 The brids is the divorced wife of Frank Skelly, formerly a hotal clerk here. She had resumed her maiden

of become a national concern because of become a national concern because of conditions affecting the subject which call for the exercise of na-tional power theretofore dormani. The power to regulate this intercourse or commerce between the states, the right to engage in which the Con-stitution did not create, but which ex-isted at the time of its adoption, was given to the federal government by the Constitution. the Constitution.

ENLARGEMENT CONTEMPLATED.

ENLARGEMENT CONTEMPLATED. The constitutional power of regula-tion having been granted to the fed-eral government in respect of a sub-ject naturally liable to development and change, it can be said its authors contemplated a corresponding en-largement; not, be it observed, in the power, but in its application to the expanding subject. When congres-sional powers are applied to new con-ditions it is not, as it sometimes seems to be, an extension or expansion of ditions it is not, as it sometimes seens to be, an extension or expansion of the power, but an indication of a change in or extension of expansion of the subject upon which the power operates. Neither the power to regu-late commerce nor the conception of its scope has expanded beyond its definition by the supreme court when

definition by the supreme court when

CONTAGIOUS BLOOD POISON NO LIMIT TO ITS POWERS FOR EVIL

Contagious Blood Poison has brought more suffering, misery and humilation into the world than all other diseases combined; there is hardly any limit to its powers for evil. It is the blackest and vilest of all disorders, wrecking the lives of those unfortunate enough to contract it and often being transmitted to innocent offspring, a blighting legacy of suffering and shame. So highly contagious is the trouble that innocent persons may contract it by using the same table ware, toilet articles or clothing of one in whose blood the trencherous virus has taken root. Not only is it a powerful poison but a very deceptive one. Only those who have learned by bitter experience know by the little conclusion which would make it concentrate for of know by the little sore or ulcer, which usually makes its appearance first, of the suffering which is to follow. It comes in the form of ulcerated month and throat, unsightly copper colored spots, swollen glands in the groin, falling hair, offensive sores and ulcers on the body, and in severe cases the finger nails drop off, the bones become diseased, the nervous system is shat-tered and the sufferer becomes an object of nity to his follow man. Experitered and the sufferer becomes an object of pity to his fellow man. Especi-ally is the treacherous nature of Contagious Blood Poison, shown when the infected person endeavors to combat the poison with mercury and potash. These minerals will drive away all outward symptoms of the troubles for a while, and the victim is deceived into the belief that he is cured. When, lowever, the treatment is left off he finds that the poison has only been driven deeper into the blood and the disease reappears, and usually in worse form because these strong minerals have not only failed to remove the virus from the blood but have weakened the entire system because of their destructive action. S.S.S. is she only real and certain cure for Contagious Blood Poi-It is made of a combination of healing blood-purifying roots, herbs and barks, the best in Nature's great laboratory of forest and field. We offer a reward of \$1.000 for proof that S. S. S. contains a particle of mineral



in any form. S. S. S. goes down to the very bottom of the trouble and by cleansing the blood of every particle of the virus and adding rich, healthful qualities to this vital fluid, forever cures this powerful disorder. So thoroughly does S. S. S. cleanse the circulation that no signs of the disease are

Write for our special book on Contagious Blood Poison, which fully explains the different stages of the trouble, and outlines a complete home treatment for all sufferers of this trouble. No charge is made for this book, and if you wish special medical advice about case or any of its symptoms, our physicians will be glad to furnish that, too, without harge,

THE SWIFT SPECIFIC CO., ATLANTA, GA.

PRODUCTION OF ARTICLES.

Let us now consider whether the reg-ulation of the business of producing ar-ticles which may in whole or in part go into interstate commerce by denying to the owner the privileges of interstate commerce for reasons not affecting such commerce, is a regulation of com-nerce. In other words, is the merce pro-luction of goods commerce? If it is duction of goods commerce? If it is not, then can Congress regulate such production within a state under the constitutional power to regulate inter-

ate commerce? It would be difficult to overstate the It would be difficult to oversitie the importance and seriousness of the ques-tion thus presented, as upon its ulti-mate authoritative determination de-pends, it may be, the autonomy of the states in substantially all matters of in-ternal police. It is scarcely worth while to discuss

he proposition that production is not

PRODUCTION NOT COMMERCE.

PRODUCTION NOT COMMERCE. Mr. Justice Lamar remarked in Kidd w. Pearson, 128 U. S. "No distinction is more popular to the common mind, or more clearly ex-pressed in economic and political liter-ature, than that between manufacture and commerce. Manufacture is trans-formation—the fashioning of raw ma-terials into a change of form for use. The functions of commerce are differ-ent. The buying and selling and the transportation incidental thereto con-silicate commerce; and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. If it is held that the manufatures as are intended to be the

gress then might prohibit the shipment of cotton or wheat to promote the in-terests of wool or corn.

There is no authority for any such proposition. The power of prohibition has never been sustained except as against articles noxlous or dangerous in themselves. It is not possible to ind even a suggestion that in respect to natural products which are prime ne-cessities, Congress can prohibit com-merce in them between the states in orto enforce its conception of what could be a wise police regulation of a

TRAFFIC IN LOTTERY TICKETS.

TRAFFIC IN LOTTERY TICKETS. In the case of Champion vs. Ames, 188 U. S., 321, it was held that lottery tickets are subjects of traffic and their cartiage by independent carriers from one state to another is interstate com-merce, which Congress may prohibit under its power to regulate commerce among the several states, but this was specifically placed upon the character of the business. The court said, through Mr. Justice Harlan, "It is a kind of traffic which no one can be en-titled to pursue as of right." The court also said: ", The power of Congress to regulate commerce among the states, although plenary, cannot be deemed arbitrary, since it is subject to such limitations or restrictions as are pre-scribed by the Constitution. This pow-er, therefore, may not be exercised so as to buffringe rights secured or pro-tected by that instrument." The right to regulate their domestic affairs is "secured and protected" to the states by the tenth amendment re-

affairs is "secured and protected" to the states by the tenth amendment re-serving to the states respectively, or to the people, the powers not delegated to the United States.

SOME WORLD-WIDE LAWS.

In Gibbons vs. Ogden, 9 Wheat., 111, he court said with regard to the right f intercourse between state and state, hat that right was derived not from the constitution, but from "those laws that that right was derived not from the Constitution, but from "those laws whose authority is acknowledged by civilized man throughout the world." Under the articles of confederation the states might have interdicted interstate trade, yet when they surrendered the power to deal with commerce as be-tween themselves to the general govern-ment it was undoubtedly in order to form a more perfect union by freeing such commerce from state discrimina-tion, and not to transfer the power of restriction. that estriction.

restriction. In Dooly vs. United States, 183 U. S., 171, the four dissenting justices correct-ly said: "But if that power of regulation is

absolutely unrestricted as respects in-terstate commerce, then the very unity the Constitution was framed to secure can be set at naught by a legislative body created by that instrument."

SUM OF THE MATTER.

The sum of the matter then is this For the purpose of protecting com-merce, Congress may close its chan-pels to those who are injuriously af-fecting it, but for the purpose of en-forcing a more enlightened policy in respect to matters not within the jurisdiction of Congress, it has no such power

Congress may employe such means Congress may employe such means as it chooses to accomplish that which is within its power. But the end to be accomplished must be within the scope of its constitutional powers. The legislative discretion extends to the means and not to the ends to be ac-emplished by use of the means. In a word, I do not take issue with

fixed and definite factor; no one has pretended to define the boundaries of the subject upon which it operates. The distinguished present solicitor-general of the United States, an hon-ored son of Yale, Mr. Henry M. Hoyt, in a recent argument in the supreme court aptly axid: "The word commerce is not restricted to trade and traffic, or navigation or transportation. No one can now say definitely what move-ments and interactions across state lines may not be embraced within its ines may not be embraced within its

Human government is a human necessity. It is all the stronger and more effective in times of dire need for not having been experimented with and its fiber, strained in times of tranquility.

TO MAKE REAL PROGRESS.

TO MAKE REAL PROGRESS. The way to make real progress in needful legislation, and to permanently retain each advance, is to move wisely along legitimate lines. This is a land of law as well as of liberty, and the liberty of the law-maker is subject to restraints as well as the liberty of the individual. Congress can only do what it is possible to do under the powers delegated to it by the body politic, which is the people. To do anything more would be futile usurpation; to do any less under these powers than the best interests of the people demand should be done would be neglect of duty.

It is beside the question to urge the desirability and popularity of measures if Congress has no power to enact them. Our heartiest sympathy may be enlisted in many movements and yel our judgment may be compelled to reject the menns proposed for their ac-complishment. I remember and am impressed by the words of President Roosevel in his first messige to Coh-gress, the "The men who demand the imposible or the undesirable serve as the allies of the forces with which they are nominally at war, for they hamper those who would endeavor to find out in rational fashion what the wrongs really are and to what exteni-and in what manner it is practicable to apply remedies." It is beside the question to urge the

to apply remedies." The fast words of Washington and the first words of Lincoln contained a solemn admonition to us on the neces-sity of preserving our dual govern-monitients. ment Intact

HOW TO CORRECT WRONGS.

HOW TO CORRECT WRONGS. In his farewell address to the Amer-ican people, Washington said: "If, in the opinion of the people, the distribution or modification of the con-structional powers be in any particular wrong, let it be corrected by an amend-ment in the way which the Constitu-ion designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are de-stroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield." "And in his first message to the Amer-rican Congress. Lincoin said: "To maintain inviolate the rights of the constitution their own affairs by their own judgment exclusively, he es-sential for the preservation of that balance of power on which our institu-tions rest." "And finally, Chief Justice Marshail.

