

work. His reply comes to me on the pages of a note-book, with the questions on one side and the answers opposite them. It is short, and to the point. He says he does not use tobacco nor liquor, and yet many who use them reach a healthy old age. He sleeps eight hours every night, and takes a cold sponge bath daily. He can't say whether marriage is conducive to longevity or not, and he adds that "many unmarried people live long." He thinks twenty-five is a good age for a young man to marry, and advises young men who wish to reach eighty "to have regular habits and to work moderately but persistently in some good cause." To such as can't sleep he says: "Diminish the strain upon your mind and avoid care from annoyance and evil."

This correspondence of mine is interesting through the insight which it gives into the lives and habits of some public men. Many of these old men write firm, characteristic hands. Some refuse to give matter for publication. Canon Farrar writes me that he has a rooted objection to giving promiscuous opinions and details of biography to the press, and that he must beg me to kindly excuse him.

Mr. Herbert Spencer, the great scientist, is now eighty-five. He was a sickly boy, and he has never had good health. Still his life has been spent in hard work, and he is now one of the most skillful men of the world in the art of taking care of himself. He does most of his work by dictation, and he saves himself in every possible way. He has for years been troubled with insomnia, and though he is a good talker he will not enter into discussions in the evening. He drinks tea and smokes cigarettes.

He firmly declines to do everything outside of his own work and he has a lithographic reply which he sends out to all correspondents who write as to matters which do not relate to this. His life shows that work and care are the secrets of his wonderful working old age. Huxley is another old scientist, who writes me that he cannot supply the information which I want. His letter is an autograph one and the hand is firm and clear.

The Rev. Newman Hall, who, now at seventy-nine, is hale and hearty, and writes a good business hand, says: "To remain in health to three score and ten, and possibly by reason of strength to four score, I would say: 'Live according to the laws of God—temperately and virtuously, soberly, righteously and godly—abstain from fleshly lusts,' which war against the soul, was Paul's advice to young Timothy. As regards my personal habits, I have never smoked, and during sixty years have wholly abstained from all intoxicating drinks. I generally sleep from 11:30 or 12 to 7 or 7:30. I sleep seven hours without waking. I use a cold bath every morning throughout the year. On an average I walk about four miles a day. I can still walk ten without fatigue. I generally have three services every Sunday, and am never Mondayish. On an average I preach five times weekly and neither suffer from pain nor fatigue. As to overwork of brain I would say: Give up working as soon as it is a weariness and do the chief brainwork early in the day. Do not work the brain late at night if you wish to sleep, and as to worry do your

duty and cast your care upon the Lord, content with his approval and a good conscience."

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WASHINGTON, D. C.

SOME MILITARY LAWS.

Essay Read Before the Officers of the National Guard of Utah, at the Executive Offices, Salt Lake City, March 29th, 1895, by Captain L. C. Allen, 16th U. S. Infantry.

Military law of the United States consists of the Rules and Articles of War, and other statutory provisions for the government of persons subject to military control, to which may be added the unwritten or common law derived from usage and custom of military service.

Winthrop divides the written law into four classes: 1.—The statutory code of Articles of War; 2.—Other statutory enactments relating to the discipline of the army; 3.—The Army Regulations; 4.—General and Special Orders. The General and Special Orders to which reference is made are those issued from the War department, Headquarters of the Army, or Headquarters of a military division or department.

The judicial interpretations are that a regulation of an executive department is a rule made by the head of such department for its action under a statute conferring such power, and has the force of law. The mere order of the President or Secretary of the department is not a regulation. The Army Regulations, when approved by the President, have the force of law, provided, always, that they are not inconsistent with the laws of the United States. Their construction of a statute, when not affecting private rights, is held to be binding on the courts. The act of March 1st, 1875, is authority for the present Army Regulations. The President is there authorized to make and publish regulations for the government of the army in accordance with existing laws.

The unwritten law is recognized in the 84th Article of War, and applies only where the written law is silent.

Those laws, written and unwritten, which relate to the good order and discipline within the army, are of almost daily application, and are so familiar to all that they are not a matter of great concern. But some of the other statutory provisions are more complex, their application more difficult, and their consequences far reaching, especially those pertaining to the civil functions and relations of the military.

That the English-speaking people have long been jealous of their soldiers, is evidenced by the precautions taken against the army for centuries. In the early history of England troops were raised for a particular purpose and disbanded when hostilities ceased. Military law, therefore, covered only a time of war. The crown declared certain articles of war for the time being. This method of governing the army remained in vogue until 1689, when the first mutiny act was passed, and the army was brought under direct control of Parliament. The mutiny act was the military law for about two hundred years; and the manner of its existence

manifests clearly the determination to subordinate the military to the will of the people. It was brought forth on each occasion for one year only, in compliance with the constitutional theory that the maintenance of a standing army in time of peace, except by permission of Parliament, is against law. It had, therefore, to be passed at each session by each house of Parliament, clause by clause, and line by line. In 1879 the mutiny act was superseded by the "Army Discipline and Regulation Act" which is a fixed and permanent code like our own; but the consent of Parliament for maintaining an army must be obtained every year. The consent gives force to the act for one year.

This cautious way of disbanding the army every twelve months was brought forward to our Constitution in the provision which declares that no appropriation for the support of the army shall be for a longer period than two years.

On account of the supposed danger from the army, the question of its proper strength in time of peace has been a source of anxiety to Congress and the American people from the beginning. In 1818 Mr. Calhoun, secretary of war, in an able state paper, replying to the question, "what reduction may be made in the military peace establishment of the United States with safety to the public service?" voiced the sentiment and the opinion of the leading statesmen of the time. After stating that a reduction of the expense could not be made with safety by reducing the army, which then consisted of about 10,000 men, he continued: "In coming to this conclusion, I have not overlooked the maxim that a large army is dangerous to the liberty of the country, and that our ultimate reliance for defense ought to be on the militia. Its most zealous advocates must, however, acknowledge that a standing army to a limited extent is necessary, and no good reason can be assigned why any should exist but which will equally prove that the present is not too large. To consider the present army dangerous to our liberty partakes, it is conceived, more of timidity than wisdom."

Thus was presented the spectacle of a nation which had by force of arms torn itself away from the political bondage of the most powerful country on earth, and which, but three years before, had maintained its sovereignty against the same power, gravely discussing the question whether or not its liberty was in danger from 10,000 of its own liberty-loving soldiers.

The framers of our Constitution wisely provided for retaining the army under control of the people, and indicated the uses to which it could be put: "Congress shall have power to raise and support armies; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into active service of the United States. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature or of the executive (when the