Election of Senators by Popular Vote.

A few years ago the proposition that United States senators be elected by popular vote had comparatively little support. Today that plan is indorsed by men of all political parties. In spite of the fact that it is very evident that the reform is popular among the people and that newspapers regardless of political prejudice give cordial support to the plan, the senate has systematically obstructed the proposed reform. During the past two or three years many legislatures have gone on record in favor of an amendment to the constitution providing for the popular election of senators, and anything pertaining to that plan must be of general interest. Recenty the Chicago Record-Herald, a republican paper, stated that twelve legislatures had already applied to congress requesting the calling of a convention for the purpose of amending the federal constitution so as to provide for the election of senators by direct vote of the people, and that nine other states had passed resolutions favorable to the proposed reform. Mr. H. F. Dale of Des Moines, Ia., commenting upon the Record-Herald's statement, wrote to that newspaper directing attention to the fact that Iowa should be added to the list and that the Iowa legislature as long ago as 1892 adopted a joint resolution in favor of popular election.

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In his letter to the Record-Herald Mr. Dale raised two questions concerning the procedure in case such a convention should be called. One was whether there was any time limit within which the different states must act for their resolutions to be effective the other, whether their action should be by joint resolution, concurrent resolution, or by bill. Prompted by Mr. Dale's questions, the Record-Herald caused an investigation to be made at its Washington office and the result provides interesting reading. Article V. of the constitution under which the proposed convention would be called is as follows:

"The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments which, in either case, shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state without its consent shall be deprived of its equal suffrage in the senate."

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A request for information on some of the mooted points was made in Washington through the Record-Herald's bureau there and brought forth in response the following statement:

"The application of the states legislatures to congress to call a constitutional convention may be made in any form the constitutions of the different states will permit. It cannot be stated as a rule that the state demand shall be made by concurrent resolution, joint resolution or bill, that depending upon the constitution of the respective states. It will be found that in practically all the states the governor of the state has a veto power. The constitution says the application shall be made by the legislatures of two-thirds of the several states, and does not mention the governor, but in regard to proposing constitutional amendments the legislatures must follow the provisions of the constitution under which they act, and if that constitution requires the approval of the governor to give the act of the legislature force then it will be required.

"The federal constitution does not mention the president of the United States in article 5, which provides for amendments to the constitution, nevertheless the resolution of congress proposing amendments to the constitution is approved by him. As congress can propose constitutional amendments only by a two-thirds vote of both houses, the approval of the president is formal, because the vote by which the amendment is proposed must under the constitution be a two-thirds vote, which is required to pass a law over the president's veto."

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According to this same authority: "Officials of the state department and senators who have taken a prominent part in the present movement to secure a constitutional amendment for the election of senators by the vote of the people, agree that there is no time limit within which the demand of two-thirds of the states must be made. The present movement has been on foot something like one hundred years. During that time the legislatures of a number of states have made application to congress for a constitutional amendment, and it is believed that the first application has as much force today as the last. The position is taken that congress can ascertain the views of a legislature upon any subject only through its acts, and a legislature which may have years ago petitioned for a constitutional amendment must stand committed to that position until a subsequent legislature revokes that action.

"This is a new question and one upon which there will be a difference of opinion. Some will undoubtedly contend that one congress is not bound by a predecessor, and that communications to one congress will not carry over to the next. Such a position will be difficult to maintain, because it would involve a substantial repudiation of a part of article 5 of the constitution. Should congress hold that the application of the legislatures of two-thirds of the several states must be made to one congress, or within two years, amendments to the constitution through the application of legislatures would be practically impossible, because it would be difficult, if not impossible, to get the legislatures of two-thirds of the states to act within two years."

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It is further pointed out by the Record-Herald authority that "when congress on its own initiative submits constitutional amendments to the legislatures of the several states for approval, it places no time limit on their ratification. Congress passes the resolution, which is duly forwarded through the proper channels to the different legislatures, which may act upon the proposed amendment at pleasure. An amendment to the constitution proposed by congress may be pending before the legislature for approval for years. Until the legislatures of three-fourths of the states have ratified the proposed amendment congress would have the right, in the judgment of some excellent authorities to withdraw the amendment.

"In other words, suppose congress should propose an amendment. There is a tidal wave or some revulsion in sentiment and the political composition of congress is changed. The new congress, which may be opposed to the amendment proposed by its predecessor, may, in the judgment of some, withdraw the pending amendment provided the legislatures of two-thirds of the states have not ratified it.

"Two states, Ohio and New Jersey, revoked the ratification of one of the amendments to the constitution, and is believed today the revocation was effective. A state legislature can revoke as well as approve, and the revocation of its ratification of an amendment will likely be effective provided the proclamation has not been issued, announcing the ratification of the amendment by the legislatures of three-fourths of the states."

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It is also announced by this same authority that "the constitution is explicit in providing that 'the congress . . . on the application of the legislatures of two-thirds of the several states shall call a convention,' etc. Under the constitution congress has no discretion or option, but on the other hand the question arises who is to compel congress to act. Suppose the legislatures of two-thirds of the several states make application and congress ignores them. The question cannot be taken into the supreme court of the United States, nor is there, so far as the authorities on the subject here can see, any way to force congress to comply with the constitutional provision.

"Upon the application of the legislatures of two-thirds of the several states congress 'shall call a convention for proposing amendments.' This convention cannot be limited to any one point. It must be free to propose such amendments as it chooses. The amendments proposed by this convention may be submitted to the legislatures or to congress for ratification, as the one or the other mode of ratification may be proposed by the congress."

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Commenting editorially upon this statement, the Record-Herald intimates that there is considerable doubt as to whether a state may withdraw its request after making it; whether congress may refuse to call a convention upon the proper application, and whether the convention may consider other topics besides the ones for which it was specifically summoned. The Record-Herald says that no precedent or decision can be found through which such questions may authoritively be answered since thus far all amendments to the constitution have been made upon the direct initiative of congress. It adds, however, that lawyers highly learned in federal law to whom the questions have been submitted say only that the whole subject is speculative and must remain so until a convention is actually held.

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The wide-spread interest attaching to this question directs particular attention to further interesting comment made upon it by the Record-Herald. That paper says that there are certain analogies which are of value in considering the subject. Such are for instance, the discussions in congress on the power of a state to withdraw its ratification of an amendment. A dispatch of these debates will be found in an article by Charles F. Waite in the Chicago Law Times, October 1, 1887. The Record-Herald says:

"When New York attempted to withdraw her ratification of the fifteenth amendment Senator Conkling argued at length that a state had no such power, even prior to the ratification by three-quarters of the states. He held that the power to ratify was a special limited power, that was exhausted by a single exercise. He was hotly combated on this point, however, by other senators, who held that upon his view the states that had assented to the two proposed amendments that failed to carry immediately after the adoption of the constitution would still be bound by their century-old assent should those amendments ever be proposed again.

"That a state could withdraw its ratification was the view of Colonel George Mason, member of the federal convention from Virginia, who wished ratification to be given by conventions, not by legislatures, because 'succeeding legislatures having equal authority could undo the acts of their predecessors.' (Madison papers, p. 352.)

"In connection with the question of the right of the governor to veto a state legislature's demand for a convention, it seems clear enough that if by the state constitution the governor is made a part of the legislature he may exercise the veto power, but otherwise probably not. In Illinois he has no such power. An interesting decision in this connection is that of Commonwealth ex rel. vs. Griest, 196 Pa. 410, in which a sharp distinction is drawn between the functions of the legislature as a law-making body and as an agent for constitutional revision. In the first case the legislature acts in connection with the governor of the state, who possesses a veto power. In the latter case it is linked up with the 'great mass of the electors of the commonwealth,' and legislature and electors combined 'constitute the body which considers and determines questions of constitutional amendment.' This was, however, a decision concerning the state constitution."

You or I?

Have you thot, dear one, of the time to come,
When you and I must part,
One away to that long, last home,
One left with a broken heart?
Yet all the science of ages run
Does not reveal to us which one,
Nor the day or the hour, sweetheart.

Oh, should I be the one to go, dear heart,
And you would be left alone;
Then would all the peace of heaven depart,
Nor celestial joys atone!
For the thot of your widowed griet would be
Enough to make heaven a hell for me.
When thinking of you, alone.

Or should you, dear one, be the first to go
And I be the one to stay,
The world would be dreary to me, I know;
With never a gladsome day.
And heaven, to you, would be sad and drear,
Rememb'ring my unshared anguish here,
And you so far away.

Did you ever stop and, shudd'ring, think
Of the parting sure to be,
Sometime, dear heart, at the grave's dark brink?
Oh! will it be you or me?
Yet all the wisdom of works untold
Does not the secret to us unfold.
'Tis well that we cannot see.

—A. H. Holmes, in Greensburg (Kas.) Signal.

The high water and floods at St. Louis have occasioned much damage to property. On June 8 it was estimated that the loss of life will be about 20 and the property loss will aggregate $3,000,000.