REDUCING LEGISLATION.

THE constitutional amendment providing for biennial Legislatures in this State has attracted little attention, because there does not appear to be much difference of opinion with regard to it. The press is in favor of it, and if there is any deep or widespread hostility to it in the Legislature, there have been no indications as yet of such a feeling. This fact is of itself of considerable interest. The approval by so important a State as New York of an amendment cutting down the period of active legislation by one-half would furnish a striking indication of the direction which modern constitutional reform is taking.

A glance at the Constitution of any State as it stands to-day, will show that the most important changes introduced into it within the past forty years have been for the purpose of cutting down the powers of the Legislature. Most of them are, as the subjects to which they relate show, intended to guard against the invasion of fundamental popular rights by the arbitrary or corrupt use of legislative power, to prevent inequality, or the granting of special privileges. In this State, for instance, the Legislature is forbidden to change anybody's name, to lay out a road, to incorporate a village, to change the place of trial for a lawsuit, to increase or decrease any officer's salary during his term of office, to charter a railroad, or to grant any corporation any exclusive franchise or privilege whatever. It may pass laws on these subjects, to be sure, but they must be general laws, establishing universal rules, and not granting special privileges.

Nor can the Legislature audit or allow any private claim or account against the State, nor grant any extra compensation to any officer or employee of the State; nor can it loan or pledge the credit of the State to any individual, association, or corporation; nor can it in general contract any debt on behalf of the State, unless the law which provides for it imposes at the same time a direct annual tax sufficient to pay the debt in full in eighteen years; nor without a direct submission of the law after its passage to the people at a general election.

The constitutions of many other States contain similar provisions, as well as others relating to the passage of bills, and the formalities to be observed in their passage to guard against any legislative fraud, which are all inspired by the same distrust of the once wide authority exercised by the Legislature.

Such constitutional amendments show very clearly that the Legislature is looked upon in

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modern times with much the same jealousy that the Executive once was. When most of our Constitutions were drawn up, it was the Crown, or that branch of the Government which corresponded to the Crown in this country, that was dreaded. It was the Executive that showed a tendency to exercise its powers unfairly, corruptly, and tyrannously, while the Legislature was generally looked upon as the ally and representative of the people in its struggle against the executive. From the time, indeed, of Magna Charta down to the opening of what may be called the modern constitutional period, in the middle of which we now are, the efforts of constitutional reformers have always been to limit the rights of the Executive—to prevent it from oppressing the subject or citizen. Beginning with the denial of the once-established right of the Crown to "sell justice," or, in other words, to sell the writs through which redress in court was obtained, all prerogative was gradually taken away, until the English King had, in the modern American Constitution, been transformed into the American Governor, shorn of every vestige of authority which could make the office an instrument of oppression or wrong. But the very body through which most of these reforms had been accomplished, which had insisted on popular rights against the Executive, was in its turn to afford a refuge in a new form for the tyranny and corruption and favoritism and injustice which it had helped to destroy, and when this had been made plain, a new popular movement was required to throw around the Legislature restrictions analogous to those which were first found necessary in the case of the Crown. The effect that this modern constitutional movement has had in the reduction of legislation may be best seen by a comparison of the two annual bulky volumes of acts which were turned out at Albany only a few years ago with the thin octavo which now contains all that the Legislature finds it necessary to do every year. That the reduction in the subjects of legislation may be supplemented with advantage by a reduction of the time given to legislation, and the substitution of biennial for annual meetings, as has been already done in several other States, does not seem to be disputed even in the body most interested in preserving the present system—the Legislature itself.

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