

question of the constitutionality of an Act of the Legislature is the gravest and most delicate duty the judiciary are commanded to perform. My observation has been that the courts are disposed to indulge the presumption that the Legislature has been faithful to its obligations, as all members of a legislative body are sworn to support the constitution, and all acts of the Legislature are presumed to be adopted pursuant to the constitution. And this presumption must stand, unless the contrary be clearly and unmistakably shown. And I am sure that when the Judicial Department is called upon to declare that the Legislature has invaded the constitution that it cannot shrink from the inquiry, but will approach it with caution, and will examine the question from every possible standpoint; and will not declare the legislative act unconstitutional, or that the Legislature has transcended its powers, unless it be clearly proven that the law and the constitution cannot co-exist.

Under our form of government the legislative branch is supposed to exercise its greatest wisdom and best judgment as to the merit and correctness of its acts, and the courts must construe them so as to carry out the intent of the Legislature, provided they can be so construed as to harmonize with the constitution. All doubt on this point must be resolved in favor of the constitutionality of the Act in question. On page 590, of volume 27, of the Encyclopedia of American and English Law, this language is used: "If the question be doubtful or dubious, it is the duty of the trial judge or court to indulge the presumption of constitutionality in favor of the statutes."

In support of his contention that the law is un-