

not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

NO SLAVERY IN TERRITORIES.

The thirteenth amendment says that neither slavery nor involuntary servitude shall exist within the United States or any place subject to their jurisdiction.

From Marbury vs. Madison to the present day no utterance of this court has intimated a doubt that in its operation on the people, by whom and for whom it was established, the national government is a government of enumerated powers.

The powers delegated by the people to their agents are not enlarged by the expansion of the domain within which they are exercised.

To hold otherwise is to overthrow the basis of our constitutional law, and moreover, in effect, to reassert the proposition that the states and not the people created the government.

The power of the United States to acquire territory by conquest, by treaty, or by discovery, and occupation, is not in dispute, nor is the proposition that in all international relations, interests, and responsibilities, the United States is a separate, independent, and sovereign nation.

MAY PROHIBIT COMMERCE ENTIRELY.

The logical result is that congress may prohibit commerce altogether between the states and territories, and may prescribe one rule of taxation in one territory, and a different rule in another.

That theory assumes that the constitution created a government empowered to acquire countries throughout the world, to be governed by different rules than those obtaining in the original states and territories, and substitutes for the present system of republican government, a system of domination over distant provinces in the exercise of unrestricted power.

In our judgment, so much of the Porto Rican act as authorized the imposition of these duties is invalid, and plaintiffs were entitled to recover.

Some argument was made as to the general consequences apprehended to flow from this result, but the language of the constitution is too plain and unambiguous to permit its meaning to be thus influenced.

Briefs have been presented at this bar, purporting to be on behalf of certain industries, and eloquently setting forth the desirability that our government should possess the power to impose a tariff on the products of newly acquired territories so as to diminish or remove competition.

Again, it is objected on behalf of the government that the possession of absolute power is essential to the acquisition of vast and distant territories, and that we should regard the situation as it is today rather than as it was a century ago.

FRAMED FOR ALL AGES.

But it must be remembered that, as Marshall and Story declared, the constitution was framed for ages to come, and that the sagacious men who framed it were well aware that a mighty future waited on their work.

This cannot be said, and, on the contrary, in order to the successful extension of our institutions, the reasonable presumption is that the limitations and restrictions of arbitrary power would have been made more rigorous.

After all, these arguments are merely political, and political reasons have not the requisite certainty to afford rules of judicial interpretation.

POWER TO EXECUTE ALL LAWS.

Congress has power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof.

The grave duty of determining whether an act of congress does or does not comply with these requirements is only to be discharged by applying the well-settled rules which govern the interpretation of fundamental law, unaffected by the theoretical opinions of individuals.

Justice Harlan's Opinion.

Although the states are constituent parts of the United States, the government rests upon the authority of the people of the United States, and not on that of the states.

CONSTITUTION FOR THE TERRITORIES.

In view of these utterances by this court, I cannot assent to the proposition, whether it be announced in express words or by implication, that the national government is government by the states in union, and that the prohibitions and limitations of the constitution are addressed only to the states.

In the opinion to which I am referring it is also said that 'practical interpretation put by congress upon the constitution has been long continued and uniform to the effect that the constitution is applicable to territories acquired by purchase or conquest only when and so far as congress shall direct.'

These are words of mighty import, and of the most momentous character. I take leave to say that if the principles now announced should ever receive the sanction of a majority of this court, the result will be a radical and mischievous change in our system of government.

Although from the foundation of the government this court has held steadily to the view that the government of the United States was one of enumerated powers, and that no one of its branches, nor all of its branches combined, could constitutionally exercise powers not granted, or which were reserved to the states.

Monarchical and despotic governments, unrestrained in their powers by written constitutions, may do with newly acquired territories what this government does not consistently with our fundamental law.

MEANS A COLONIAL SYSTEM.

The idea prevails with some—indeed, has found expression in public speeches and addresses—that we have here in this country substantially two national governments; one, to be maintained under the constitution, with all its restrictions; the other, to be maintained by congress outside and independent of that instrument, and exercising powers that belong to the other nations of the earth.

The wise men who framed the constitution, and the patriotic people who decreed its adoption, were unwilling to depend for their safety upon what, in the opinion referred to, is described as 'certain principles of natural justice inherent in Anglo-Saxon character.'

INJUSTICE FROM ENGLISH RULERS.

The dissenting opinions bristle with precedents and burn with patriotism; they ought to awaken conscientious republicans to a realization of the meaning of imperialism.

This decision, like the Dred Scott decision, raises a political issue which must be settled by the people. The Supreme Court has joined with the President and Congress in an attempt to change the form of our government, but there yet remains an appeal to the people.

REGARDS IT AS JUGGLING WITH WORDS.

In its discretion, can exclude the constitution from a territory which we have held to be a domestic territory of the United States, acquired, and which could only have been acquired, in virtue of the constitution.

Conceding that the national government is one of enumerated powers, to be exerted only for the limited objects defined in the constitution, and that congress has no power except as given by that instrument, expressly or by necessary implication, it is said that a new territory, acquired by treaty or conquest, cannot become incorporated into the United States without the consent of congress.

NO VALUE TO CONSTITUTIONAL LIBERTY.

This court has distinctly held that the people of the organized territories of the United States, and the people of this district, are entitled to the benefit of those provisions of the constitution which protect life, liberty, and property against the arbitrary power of government.

The addition of Porto Rico to the territory of the United States has been recognized by direct action upon the part of congress. It has legislated in recognition of the treaty with Spain.

Mr. Bryan's Criticism.

By a vote of five to four the Supreme Court has declared President McKinley emperor of Porto Rico, and according to the press dispatches the emperor has gladly and gratefully accepted the title and authority thus conferred upon him by the highest judicial tribunal of the land.

As the last issue of THE COMMONER was going to press, Justice Brown began reading the opinion of the court in the De Lima case and as the decision was against the government in that case it was at first thought that the inhabitants of Porto Rico had been brought under the protection of the constitution.

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Rockefeller absolutely dominates the Wall street stock market and any man who puts his money in there is a bigger fool than Thompson's colt.

It will take a good deal of hypocrisy for a man to get up on the next Fourth of July and begin reading the document that solemnly declares that all men are created equal and that all governments derive their just powers from the consent of the governed.

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LINCOLN Business College. A HIGH GRADE BUSINESS COLLEGE. With competent instructors in every branch, teachers of LIFE and ENERGY as well as ability and education.

REGARDS IT AS JUGGLING WITH WORDS.

I reject altogether the theory that congress,

can exclude the constitution from a territory which we have held to be a domestic territory of the United States,

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