

clause of the constitution was not intended to be restricted to such territory as the United States then possessed, there is nothing in the constitution to indicate that the power of congress in dealing with them was intended to be restricted by any of the other provisions; and that 'the executive and legislative departments of the government have for more than a century interpreted this silence as precluding the idea that the constitution attached to these territories as soon as acquired.'

ERA OF LEGISLATIVE ABSOLUTISM.

"These are words of mighty import. They involve consequences 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. We will, in that event, pass from the era of constitutional liberty, guarded and protected by a written constitution, into an era of legislative absolutism, in respect of many rights that are dear to all peoples who love freedom."

"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 not necessarily implied from those expressly granted, we are now informed that congress possesses powers outside of the constitution, and may deal with new territory, acquired by treaty or conquest, in the same manner as other nations have been accustomed to act with respect to territories acquired by them. In my opinion, congress has no existence and can exercise no authority outside of the constitution. Still less is it true that congress can deal with new territories just as other nations have done or may do with their new territories. This nation is under the control of a written constitution, which is the supreme law of the land, and the only source of the powers which our government, or any branch or officer of it, may exercise at any time or at any place."

MEANS A COLONIAL SYSTEM.

"Monarchical and despotic governments, unrestrained in their powers by written constitutions, may do with newly acquired territories what this government may not do consistently with our fundamental law. To say otherwise is to concede that congress may, by action taken outside of the constitution, engraft upon our republican institutions a colonial system such as exists under monarchical governments. That result was never contemplated by the fathers of the constitution, and if that instrument had contained a word suggesting the possibility of a result of that character, it would never have been adopted by the people of the United States. The idea that this country may acquire territories anywhere upon the earth, by conquest or treaty, and hold them as mere colonies or provinces—the people inhabiting them to enjoy only such rights as congress chose to accord to them—is wholly inconsistent with the spirit and genius, as well as with the words, of the constitution."

"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 independently of that instrument and exercising powers that belong to the other nations of the earth. It is one thing to give such a latitudinarian construction to the constitution as will bring the exercise of power by congress, upon a particular occasion or upon a particular subject, within its provisions. It is quite a different thing to say that congress may proceed outside of the constitution. The glory of our American system of government is that it was created by a written constitution which protects the people against the exercise of arbitrary, unlimited power, and the limits of which may not be passed by the government it created, or by any branch of it, or even by the people who ordained it, except by amendment or change of its provisions."

INJUSTICE FROM ENGLISH RULERS.

"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.' They well remembered that Anglo-Saxons across the ocean had attempted, in defiance of justice, to trample upon the rights of Anglo-Saxons on this continent, and had sought, by military force, to establish a government that could at will destroy the privileges which inhere in freedom. They resolved that the establishment of a government here that could administer public affairs according to its will only, without regard to the inherent rights of freemen, would be ruinous to the liberties of the people and expose them to

the oppressions of arbitrary power. Hence, the constitution enumerates the powers which congress and the other departments may exercise, leaving unimpaired, to the states or the people, the powers not delegated to the national government nor prohibited to the states. That instrument so expressly declares in the tenth article of amendment. It will be an evil day for American liberty if the theory of a government outside of the supreme law of the land finds lodgment in our constitutional jurisprudence."

In showing how the constitution was framed, Justice Harlan said that the fact that the convention struck out the words "the supreme law of the several states" and inserted "the supreme law of the land," is a fact of great significance. The "land" referred to manifestly embraced all the territory, whether within or without the states, over which the United States could exercise jurisdiction or authority.

ASSIMILATION OF THE RACES.

"If a particular race will not assimilate with our people, and cannot with safety to our institutions be brought within the operation of the constitution, that is a matter to be thought of when it is proposed to acquire their territory by treaty. When the acquisition of territory becomes complete, by cession, the constitution necessarily becomes the supreme law of such new territory, and no power exists in any department of the government to make 'concessions' that are inconsistent with its provisions. The authority to make such concessions implies the existence in congress of power to declare that constitutional provisions may be ignored under particular or embarrassing circumstances. No such dispensing power exists in any branch of our government. The constitution is supreme over every foot of territory, wherever situated, under the jurisdiction of the United States, and its full operation cannot be stayed by any branch of the government in order to meet special or extraordinary emergencies."

"If the constitution is in force in any territory, it is in force there for every purpose embraced by the objects for which the government was ordained. Its authority cannot be displaced by concessions, even if it be true, as asserted in argument in some of these cases, that if the Dingley act took effect in the Philippines of its own force, the inhabitants of Mindanao, who live on imported rice, will starve, because the import duty is many fold more than the ordinary cost of the grain to them. The meaning of the constitution cannot depend upon accidental circumstances. Even this court, with its tremendous power, must heed the mandate of the constitution. No one in official station, to whatever department of the government he belongs, can disobey its commands without violating the obligation of the oath he has taken. By whosoever and wherever power is exercised in the name and under the authority of the United States, or of any branch of its government, the validity or invalidity of that which is done is to be determined by the constitution."

REGARDS IT AS JUGGLING WITH WORDS.

"I reject altogether the theory that congress, 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. I cannot agree that it is a domestic territory of the United States for the purpose of preventing the application of the Dingley tariff act imposing duties upon imports from foreign countries, but not a domestic territory and part of the United States for the purpose of enforcing the constitutional requirement that 'all duties, imposts, and excises' imposed by congress 'shall be uniform throughout the United States.' I do not understand how Porto Rico can be a domestic territory of the United States, as we have distinctly held in *De Lima vs. Bidwell*, and yet that it is not, as is now held, embraced by the words 'throughout the United States.' The 'expanding future of our country,' justifying the belief that the United States is to become what is called a 'world power'—of which so much was heard at the argument—does not justify any such juggling with the words of the constitution as would authorize the courts to hold that the words 'throughout the United States,' in the taxing clause of the constitution, do not embrace a 'territory of the United States.' This is a distinction which I am unable to make, and which I do not think ought to be made when we are endeavoring to ascertain the meaning of a great instrument of government."

"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. Of course, no such territory can become a

state without the consent of the legislative branch of the government, for only congress is given power by the constitution to admit new states. But it is an entirely different question whether a territory, without becoming a state, may not, for all purposes of government by the nation, come under the complete jurisdiction of the United States, and therefore a part of the United States, subject to all the authority which the government may exert over any territory or people. If Porto Rico, whose officers are appointed as if it were not a part of the United States, then New Mexico, Arizona, and Alaska, may be treated as not parts of the United States, and subject to such legislation as congress may choose to enact without reference to the restrictions imposed by the constitution."

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. What will it be but judicial legislation for this court to say that the express requirement of the constitution that all duties, imposts, and excises prescribed by congress 'shall be uniform throughout the United States,' shall not apply to a territory which this court holds to be a part of the United States? The concession, therefore, that no power can be exercised under and by authority of the United States except in accordance with the constitution is of no practical value to constitutional liberty if, as soon as the concession is made, the constitution is so interpreted as to produce the same results as those which flow from the theory that congress may go outside of the constitution in dealing with newly acquired territories, and give them the benefit of that instrument only when and as congress shall direct."

"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. If Porto Rico did not by such action become a part of the United States, it did become such at least when congress passed the Foraker act. I cannot believe that congress may impose any duty, impost, or excise with respect to that territory and its people which is not consistent with the constitutional requirement that all duties, imposts, and excises shall be uniform throughout the United States."

While the sweet girl graduate's dress is being fixed up by the dressmaker, her essay is having the flourishes put upon it by the teacher.—Kansas City Times.

Judge—"You are charged with stealing six turkeys from Colonel Smilax. Have you any witnesses?"

Rastus—"No, sah; you bet I ain't. I doan' steal turkeys befo' witnesses, sah."—Judge.

"I'll speak my mind!" This was the threat
From chapple that we heard.
And then the dear boy sat and sat
And never said a word. —Pick-Me-Up.

WHERE'S THE USE?

Drugging with Coffee and Keeping Sick all the Time.

A coffee drinker is liable to a smash almost any time and without much warning. A New York man, C. W. Bedford, 1065 Lex. Ave., says that when he was in apparently perfect health, weighing about 185 pounds, with good appetite, he suddenly had a severe attack of gastritis. He lost his appetite and the doctor put him on a rigid diet and gave him remedies, but all to no purpose. He says, "Everybody I met had a cure, and I tried a lot of them. I lost weight until I reached 144 pounds. I had those nasty gastric staggers."

About the middle of summer, when on a vacation, a friend asked whether I drank coffee or not. Being told that I did, he suggested that I quit it and take Postum Food Coffee and Grape-Nuts breakfast food. I laughed at him and told him that I was through with special articles of diet.

One day the nerves had another bad smash and I concluded to quit coffee and see if that was really the cause of the trouble.

Next morning I had Postum for breakfast and it was well made, and tasted good. I also had Grape-Nuts for breakfast, and from that day my troubles began to fade away.

I am steadily gaining in flesh, can sleep naturally, and can eat whatever I want. What is the use of a man's drinking an article like coffee that poisons him, and causes such troubles as I have had when you can have a delicious Food Coffee like Postum that builds up instead of tearing down. Health is worth more than all the coffee on earth.