A Conditional Acceptance.

The Cuban Convention has by a vote of fifteen to fourteen accepted the Platt amendment, but in doing so it took occasion to add what the members of the convention understood to be the construction placed upon the amendment by the administration. When the Cuban Commission visited Washington it consulted Secretary Root and was assured that the Platt amendment was a very innocent and harmless document, and it was not only natural but proper that the convention should place on record its understanding of the amendment as explained by the authorities at Washington. This construction, which may be described as an amendment to the amendment, reads as follows:

"Clause 3, relating to intervention, does not, it is stated, imply intermeddling and interference in matters of Cuban government, and will last only long enough to restore normal conditions. Formal diplomatic action will be exercised, first, to preserve the independence of Cuba when menaced by an exterior act; second, to establish, according to the Cuban constitution, a government adequate to discharge internal and international obligations; third, in case there exists a state of anarchy.

"The convention understands clause 3 on the extension of the Monroe doctrine to mean that the United States has no more rights than in the recent intervention, and exercises no protectorate or suzerainty over Cuba, which will make its own treaties with foreign powers without the intervention of the United States.

"Although the Isle of Pines is included in the limits of Cuba, and is regulated by the same government and administration, the two governments in future will adjust the title by special treaty, without prejudice to any rights which Cuba now has over the same.

"The future Cuban government is empowered to negotiate with the United States a treaty which may concede sites for coaling stations upon terms to be mutually agreed upon. These stations, if established, will be used solely to defend America upon the seas, to preserve the independence of Cuba in case of exterior aggression, and for the defense of the United States."

Strange to say, the administration seems inclined to deny the right of the Cubans to vary the terms of the Platt Amendment by parole testimony. It may become necessary for the administration, in dealing with "subject races," to insert a clause like that found in subscription blanks declaring that verbal changes in the contract are not binding.

A Revolutionary Decision.

With respect to territories of the United States the supreme court holds substantially as follows:

First, the president, as civil chief magistrate in dealing with territory acquired by treaty, is bound to apply not only the constitution, but the laws to such territory as far as they are applicable from the moment the treaty is ratified and proclaimed until congress makes provision for its government.

Second, congress can make such provision as it pleases for the government of such territory, and its power to do so is wholly independent of and superior to the constitution.

In other words, our government is one of limited powers so far as the executive is concerned, but one of unlimited and arbitrary powers so far as the legislative branch is concerned.

It is true that in the opinion of the court Justice Brown intimates that the personal rights of the people of a territory may be protected by the provisions of the constitution. But this is in reality no part of the decision. The thing which is really decided is that "the constitution is applicable to territories acquired by purchase or consent only when and so far as congress shall so direct," and that the power to acquire territory implies not only the power to govern it, "but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be in what Chief Justice Marshall termed the 'American empire.'"

These are the points really decided, and they completely negative the suggestion that the people of such territories have any rights under the constitution. They can have no rights under an instrument which is applicable to them "only when and so far as congress shall so direct." The court emphasizes its assertion that the power of congress is unlimited when it seeks to allay fears "lest an unrestrained possession of power on the part of congress may lead to unjust and oppressive legislation."

This doctrine of unlimited power in congress is in violent conflict with the doctrine which has always been held by the court down to the present time that our government in all its branches—not the executive branch—is one of powers strictly limited by the constitution. It negatives the distinctively American doctrine that sovereignty resides in the political people, and that the government is merely the agent of the sovereign. It sets up in place of that the doctrine of absolutism and divine right, that the government is sovereign and the people subject.—Chicago Chronicle.

Constitution Confined to States.

In the most important of the insular cases decided yesterday and the most momentous opinion rendered since the foundation of the government the United States supreme court by a bare majority of one holds that the constitution is supreme only in the states, and that a million square miles, or one-fourth of the national domain, and ten million people are subject to no law but the will of congress.

This is the broad sweep of the decision in the Downes case, against which Chief Justice Fuller and Justices Harlan, Brewer and Peckham dissented, while the majority justices themselves, though coinciding in the conclusion, do not agree in the reasoning by which it was reached.

The court first held in the De Lima case that with its cession to the United States Porto Rico ceased to be a foreign country and became an American territory. For that reason no duties could be lawfully levied upon it under the Dingley tariff law. Then in the Downes case the majority sustained the constitutionality of the Foraker act imposing duties, which brought from one of the dissenting justices the comment that the court had reversed itself by holding that "after the Foraker act Porto Rico ceased to be a part of the United States as it had been before the enactment of that law."

The majority opinion is based on the theory that the uniform tariff clause of the constitution, which Marshall declared "extends to all places over which the government extends," applies only to the states and does not limit the power of congress elsewhere. Consequently that body is free to impose such duties upon or make such tariff discrimination against Porto Rico, Hawaii, Alaska or the Philippines as it may see fit.

The decision goes further and asserts the broad principle that the constitution does not follow the flag to newly acquired possessions or apply to American territory until expressly extended by congress.

It can hardly be said that either the court or the country is to be congratulated on a decision which four of its members say "overthrows the basis of our constitutional law and asserts that the states, and not the people, created the government." As Chief Justice Fuller declares in the dissenting opinion of the minority, "The source of national power in this country is the constitution of the United States, and the government as to our internal affairs possesses no inherent sovereign power not derived from that instrument and inconsistent with its letter and spirit." That was the view of Marshall, the greatest expounder of the constitution, and it must be the view of all those who believe that the constitution was intended by its framers to be supreme and govern president and congress wherever the flag floats and the sovereignty of the United States extends.—New York Herald.

Justice Brown's Great Day.

Monday was a great day for Mr. Justice Brown of the supreme court. Speaking in theatrical parlance, he had the center of the stage during a long act, and his performance was the talk of the country the next day, and, in fact, has been talked about ever since. But we doubt whether there are many wise lawyers in the country who are envious of the estimation in which he will be held after the novelty and excitement of the present moment have ceased to affect men's minds. If he had formulated either the De Lima judgment or the Downes judgment, and not the other, he would have stood much better; although the opinion in the Downes case would hardly have made him seem great, in view of the fact that those who agreed with him in his conclusion thought it necessary to their credit to disavow and repudiate the argument by which he reached it. We cannot say that Justice Brown's reputation as a jurist is enhanced, though he is sure of a unique distinction.—Boston Herald.

Only an Abuse of Privileges.

William E. Curtis, who explains things for this administration, says that the frauds in Manila were much exaggerated in the newspaper dispatches and seem to have been nothing more than an abuse of the privilege allowed the officers and enlisted men of purchasing luxuries from the commissary stores. The prices at which flour, coffee, canned goods, hams and bacon and other groceries are furnished them are less than half those charged by the regular dealers because the commissaries buy by contract and pay neither duty nor transportation. There was therefore a great temptation, he says, for private citizens, hotel keepers and others to secure the privilege through friendly officers and men and some of them have been paying for that privilege. According to Mr. Curtis, then, the duties and cost of transportation of provisions for the benefit of bribe-giving merchants and hotel keepers is merely an "abuse of privileges." Guileless Mr. Curtis.—Jacksonville (Ill.) Courier.

He Got His Papers.

An applicant for naturalization was asked by Judge Savidge of Northumberland county, to name the president of the United States. He promptly answered "Mark Hanna." The court was at first disposed to deny the application, but when the ingenuous foreigner produced a newspaper and quoted from its columns a statement to the effect that in spite of outward semblance it was Hanna who after all was the real thing, the presiding judge concluded that the man's perceptive faculties were sufficiently keen to entitle him to citizenship, and the papers were granted.

This incident may strike most readers as humorous, and the natural comment from such a viewpoint would be that the conferring of the right of franchise upon so clever an alien was in the nature of just reward. As a matter of fact, the answer of the would-be citizen simply illustrates a condition of mind into which a large part of the population of the country has been brought by the existing order of things in the federal administration. The overshadowing figure of Mr. Hanna in dictating the policy of the government and shaping the course of presidential action has impressed millions of well-informed citizens who keep in touch with the trend of public events.

In view of this, the reply of the applicant for "citizen papers" to the query of the Northumberland judge must be regarded as entirely logical. He answered according to his light, and the illumination was furnished by the radiance of Hanna, the high priest of the party of the trusts.—Philadelphia Times.