Commoner Comment.

Extracts From W. J. Bryan's Paper.

PERHAPS.

Justice Brown would be happier if he had contented himself with a decision without attempting to give any reasons for it. There are many vulnerable passages in the decision which he delivered, but there is one passage which shows the uncertainty produced by the court's decision. Heretofore, the people have regarded liberty as an inalincable right, and freedom of speech and freedom of the press have been considered absolutely necessary to its defense. Those who prize liberty and regard freedom of speech as above price will not take kindly to the word "perhaps," used by Justice Brown in discussing the subject. He said:

"To sustain tde judgment in the case under consideration it by no means becomes necessary to show that none of the articles of the constitution applies to the island of Porto Rico. There is a clear distinction between such prohibitions as go to the very root of the power of congress to act at all, irrespective of time or place, and such as are operative 'throughout the United States' or among the several states.

"Thus, when the constitution declares that 'no bill of attainder or ex post facto law shall be passed,' and that 'no title of nobility shall be granted by the United States,' it goes to the competency of congress to pass a bill of that description. Perhaps, the same remark may apply to the first amendment, that 'congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people to peacefully assemble, and to petition the government for a redress of grievances.' We do not wish, however, to be understood as expressing an opinion how far the bill of rights contained in the first eight amendments is of general and how far of the local application."

He is not willing to go at once to the full extent of his logic. He seems to have faith in congress; he does not doubt that it will deal fairly with subject races, and yet he shrinks from the thought of annihilating, at one blow, the whole bill of rights. He boldly declares that "there is a clear distinction between such prohibitions as go to the very root of the power of congress to act at all, irrespective of time or place, and such as are operative only 'throughout the United States,' or among the several states"—not merely a distinction, but a "clear distinction." And yet he becomes perplexed as soon as he begins to draw the "clear distinction." He is quite sure that congress is entirely prohibited from passing a "bill of attainder or ex-post facto law," or from granting "a title of nobility." He thinks that "perhaps the same remark may apply" to laws prohibiting free speech, to laws abridging the freedom of the press, and limiting the right of the people to peaceably assemble and petition or redress. Perhaps! PERHAPS!! PERHAPS!! How soon he becomes entangled in his own web! And this is constitutional law! Justice Brown wants it distinctly understood that the court is not at this time "expressing an opinion how far the bill of rights contained in the first eight amendments is of general and how far of local application." It will be interesting to American patriots to learn that rights for more than a century considered inalienable are now divided into "general" rights and "local" rights; that some belong to everyone, while others belong only to some, and that the some who enjoy all rights are to decide what rights are safe in the keeping of others. The Boston Herald very properly says that imperialism " does not consist in having an emperor, but in governing a country on the well established basis that all men are not free and equal." It is not the form but the essence which controls; it is not the name, emperor, that is hateful. The Herald adds:

"It does not matter whether the form of rule is that of the czar, or that of an imperial parliament which rules over subject people in the name of a conquering and governing nation. The government of England is just as imperialistic as the government of Russia. The inhabitants of Somall Coast Protectorate, an English colony, have no more political rights accorded to them by the British parliament, representing the English people, than the czar accords to the inhabitants of the Crimea. The government of England is imperial, because, while arrogating to themselves the right to do what they please, the English people control the industrial and political existence of hundreds of millions of people, and settle these in such manner as they see fit. The government of the czar is imperialistic because, while arrogating to himself the right to do as he pleases, the czar dictates the political and industrial development of scores of millions of people. But in each instance there is a denial of the democratic theory of government, that the people of a country have a right to regulate their own affairs."

The decisions of the Supreme Court in the Downes case places the inhabitants of Porto Rico at the mercy of congress and the executive. There is not a vital right that they can claim as theirs. They must bow before the American flag; they must swear allegiance to it; they must follow where it leads; their property and their lives may be demanded for its maintenance and defense, and yet what is there in that flag which represents right or hope for them? Heretofore, a territory has looked forward to the time and condition of statehood; its embarassments have been considered temporary and during its period of waiting its people have been protected in the enjoyment of all the rights guaranteed to citizens by the constitution. If its delegate in congress has had no vote its people have been reasonably safe from harm because the general laws made for the territories were also operative in the states. Now comes a new order of things; the nation has caught the spirit of conquest; it has stained its hands with the blood of subject races. The people of Porto Rico are notified that they are to be with us, but not of us. They are to have neither our government nor their own government, but such a government as we think good enough for them. We shall buy of them what we please upon our own terms; we shall make their laws for them; we shall tax them; we shall govern them, and if they dare to quote our declaration of independence against us we shall shoot them. "Perhaps," we shall allow them freedom of religion—five judges in a court of nine speaking for us, say that we are not sure about this. "Perhaps," we may allow them freedom of speech—the question is not settled; "perhaps," their newspapers may be allowed to criticize carpet-bag officials—but it is not yet determined whether this is a general right to be enjoyed by the Porto Ricans or a local one to be enjoyed only by the people of the United States. "Perhaps," they may be allowed to peaceably assemble—this is a matter for future consideration; "perhaps," they will be permitted to petition for redress of grievances, we shsll see about this later.

The Porto Ricans had heard of our revolutionary war; they had read our state papers; they had been inspired by our patriotic songs, and so, when General Miles landed upon the island, the people of Porto Rico met him with music and spread flowers in his path. Theirs is a rude awakening! While they dreamed of American liberty the Republican leaders were calculating the trade value of eight hundred thousand Porto Ricans.

"Perhaps," Justice Brown's opinion will convince the rank and file of the republican party that our institutions are in danger and that the republican party should be repudiated. If liberty becomes a "perhaps" in Porto Rico how long will it be a certainty in the United States?

Some of the republican papers take exceptions to the statement in last week's Commoner to the effect that the decision in the Downes case made the president an emperor. They contend that the arbitrary and absolute power conferred by the court is to be exercised by congress, but they forgot that the president must join congress in making laws for the nation's subjects. As the colonial system increases the President will become a more and more powerful factor in legislation. Under the late decision the president is an emperor—the chief executive of an empire. Outside of the states he is not bound by the constitution and can exercise whatever power he can persuade congress to grant.

The gold democrats seem anxious to find a presidential candidate who is not "tainted with the silver heresy" and insist that that was their main objection to the ticket nominated in 1896 and in 1900.

Why do they not urge the nomination of Justice Harlan? Of course, Mr. Harlan is not a democrat, but that objection ought not to weigh with the gold democrats who voted for Mr. McKinley. Mr. Harlan has not only placed himself on record against imperialism, but he also wrote a dissenting opinion in the income tax case, and opposed the position taken by the supreme court in the sugar trust case. He has a splendid record on three prominent questions, but this the very reason why the gold democrats would object to him. They prefer a democrat who endorses republican policies to a republican who supports democratic policies.

"We want to make the people of distant lands familiar with our products," says President McKinley. This is another sample of protection logic. The protectionist says: "Give us protection against the foreigners because we cannot compete with them; while we cannot undersell the foreigner in our own market, we can undersell him in his own." The strange part of this logic is that so many people accept it as correct.

Violation of plain duty is perfectly constitutional.

Clear the track for conquering Uncle Sam. Consent of the governed is a myth, taxation without representation has become a vested right, and a republic may have citizens, subjects and slaves. When the constitution threatens to curtail the privileges of exploiters and adventurers it must be kept at home. Truly we have "progressed" during the past three or four years.

Democrats will not be slow to note that the administration organs and leaders are unanimous in their support of McLaurin.

Some of the republican newspapers suggest that democratic editors should apologize to Judge Harlan for the criticism made against the appointment of his son. Not at all, but the republican editors ought to condole with the president because the appointment of Justice Harlan's son did not have any effect on the father.

The American people should bear in mind the extraordinary powers conferred upon congress by the supreme court and be more careful in the election of congressmen.

FACTS ABOUT THE COUNTIES.

I the Shortest Name—Custer County Mont., the Biggest in Area.

Some peculiar facts are being brought out by the twelfth census concerning the counties, says the New York Sun. For instance, the shortest name of a county is I, in Oklahoma, while the longest is Saint John the Baptist, a parish in Louisiana. Nebraska had a county named L'Eau qui Court, but the people had it changed to plain Knox in 1873, since which time it has grown from 78 to 14,343. Vernon county, Wisconsin, was formerly known as Bad Axe. Minnesota once named a county Toombs, then changed it to Andy Johnson, and now it appears as Wilkins. North Dakota boasted a county called Gin Grass, but it was changed to Wells. Twenty-six states have honored Washington with a county bearing his name; twenty-one states have a Jefferson and a Jackson county; Lincoln appears in sixteen states. Montana has the county with the largest area, Custer, which covers 20,490 square miles; the second largest is San Bernardina county, California, with 19,947 square miles. Both counties are larger than either Maryland, Massachusetts, Connecticut, Delaware, New Hampshire, New Jersey, Rhode Island or Vermont. The smallest county is Bristol, Rhode Island, which has only twenty-five square miles, and Alexandria county, Virginia, is next, with thirty-two square miles. Texas has 245 counties, the largest number. Delaware has three counties, and Rhode Island five. Wyoming and Arizona have the unlucky number of thirteen each. Texas covers 265,780 square miles, and is not half so large as Alaska, which has 590,884 square miles. Montana comes next to Texas in size and has 146,080 square miles. The District of Columbia covers the smallest area of any division—seventy square miles. There are several counties lost, strayed or stolen. Nothing has been heard from Mankanta county, Minnesota, since 1850, when it had a population of 1558. Wahnata county, in the same state, disappeared about the same time with a population of two more than the other. Carson county, Nevada, has been missing since 1860. Among the other counties which have disappeared are one of the Dawson counties, in Texas; Cedar county, Utah, and Lyons county, Nebraska.

THE BOER AND THE BRITON.

The Former Excels as a Marksman, but the Latter Takes Chances.

I have often been asked as to what I thought of the relative merits of the Boers and British as soldiers, says Adelbert S. Hay, United States consul at Pretoria, in Collier's Weekly. My opinion is worth very little, but from what I have seen I can form an estimate. Of the British, both men and officers too much cannot be said. The British officer, it seems to me, is at times foolishly brave. That is to say, he is impressed with the necessity of inspiring his men and showng a contempt for death or danger. It has often been said that this is magnificent, but it is not war. I am not quite sure that I agree as to that. When the man in the ranks knows that his officer is not shirking and that he has no fear of consequences, it makes him courageous and inspires him to do his best. The English soldier is plucky, dogged and usually contented. I do not think he has the adaptability of the American soldier, but he impresses me very favorably. The Boer, of course, has the advantage over the Britisher—as I think he would have over the soldiers of any nation in the world—of being a natural born shot. From infancy the Boer has been hunting big game and has been accustomed to the use of firearms. Distances on the veldt are extremely deceptive owing to the atmospheric conditions, and it is difficult for a man not trained to that form of outdoor life to be able to accurately determine the range. The Boer, on the other hand, having always led the life of a hunter with a keenly trained eye, has his adversary at a disadvantage. That explains why in the principal engagements the loss of life on the British side was so heavy and the casualties among the Boers comparatively few. The British infantryman is probably as good a marksman as can be found in any other army, but he is hopelessly outclassed as against the Boer.

Hight of Pine Trees.

According to Professor Spalding, the white pine tree seldom attains a hight greater than 160 feet of a diameter of more than forty inches. tree of this variety once measured by the division of forestry of the department of agriculture was 170 feet tall and forty-eight inches thick. The tree was 460 years old. It was a little sapling fifty years before Columbus sailed from Palos.

Militarism vs. the Mosquito.

Surgeon General Sternberg has formally notified his subordinates that hereafter the existence of malaria at any army post will prove that his previous orders for the destruction of mosquitoes have been disobeyed. New Jersey ought to be put under martial law.—New York Judge.

Portable Steel Houses.

A New York bridge company has taken contracts for about 100 portable steel houses for shipment to Venezuela, where such structures, it is said find a ready market in view of the frequent earthquakes. These steel houses which are one story, weigh about 2(tons each.

A bill has recently been introduced in the Minnesota legislature to prohibit the chewing of gum by a member while delivering a public speech in the legislative halls of Minnesota.

If beauty is the first gift Nature gives to woman, it is also the first she takes away.

Long Live the King! The King is Wizard Oil; pain his enemies, whom he conquers.

A singer must have a pretty good compass before he ventures on high C's.

The crab may not be as good eating as the lobster, but he'll do in a pinch.

The shorter the ice crop is in winter the longer the bill in summer.

The author's train of thought is a construction train.

As there are no perfect men, so there are no perfect manners.

250, and Chris is the feather weight of this remarkable quartet, being slightly lighter than Lars.