a tree from growing by tying it with kite strings. Cut the roots if you want to kill the tree. The roots in the case of trusts are legal monopolies.

Our consul at Birmingham, England, reports the formation of a wall paper trust over there, and later of a bleaching trust, calling attention to the fact that these trusts excite no alarm in England. His report appears at pages 92 and 93 of the consular reports for May. The reason that English trusts excite no alarm is evident from the consul's report. They are not trusts at all in the American understanding of the term. They are combinations or associations of producers, made for the purpose and with the effect of securing the economies that come from more perfect organization. There is no indication that they are in any wise helped by tariff regulation or railway discrimination. Trusts of that kind no one need fear. If they attempt to dictate arbitrarily they will collapse. And knowing this they do not attempt it. Another consul, reporting in the same consular report at page 94, says of the wall paper organization that "prices have not been materially advanced (perhaps five to fifteen per cent.) except on low grade goods, which were sold so cheaply that there was loss on every roll."

Though there be no existing law under which Neeley, the Cuban postal defaulter, may be extradited to Cuba for trial, it is a mistake to suppose that none may be passed to reach his case. Extradition to foreign countries is usually made pursuant to treaties. There is of course no treaty covering this case. But a sovereign power may extradite without treaty. It may deliver up a fugitive as pure matter of international comity. The president would have no right to do this, for he alone does not represent the sovereignty of the nation. Nor does any other one person or department of the federal government. It could be done only under a law passed by congress and signed by the president. As there is no such law now in force, however, the question arises whether one could be enacted and made retroactive. On that question there can hardly be any doubt. Retroactive treaties of extradition are known to be valid and effective. Such treaties have been made by this country, and under them fugitives have been extradited for trial in foreign countries upon charges of crime committed before the treaty. If a retroactive treaty may be made, a retroactive statute authorizing surrender as matter of comity would doubtless be valid. The same principle applies in this respect to both treaties and acts. It is, moreover, a very simple principle of general application, and one quite familiar to lawyers, namely, that a retroactive statute is valid if it affects only remedies and proceedings and not essential rights. While congress, therefore, cannot pass a statute creating a new crime or changing the elements of a crime so as to apply to an act already done, for that would be an ex post facto law, it can pass a statute altering the mode or conditions of trials upon charge of crime already committed. If Neeley be not sent back to Cuba for trial it will not be for lack of constitutional power to send him.

Judging from the dissenting opinion of Judge Harlan in the Goebel case, just decided by the federal supreme court, that decision would have been dangerously revolutionary had he been supported by a majority of the judges. According to his view, not only is the right to a state office a property right, but it is such a property right as comes within the protection of the fourteenth amendment. In other words, Judge Harlan believes that the federal courts have, by virtue of the fourteenth amendment, acquired jurisdiction over titles to state offices. Happily the court has decided otherwise. But with a dissenting opinion from so able a member as Judge Harlan, it is not safe to regard that decision as final. With the marked disposition toward federal centralization, it is not at all unlikely that in some future case a majority of the judges may come around to Harlan's view. The fourteenth amendment seems capable of accomplishing almost anything except the one thing its authors intended it to accomplish—obliteration of race distinction under the law.

At last Gen. Otis officially denies that Aguinaldo applied for a cessation of hostilities after the outbreak at Manila in February, 1899. This is in reply to a demand by congress for information. In consequence of that demand, the adjutant general at Washington telegraphed on April 30, 1900, as follows to Gen. Otis:

> Cable whether Gen. Torres came to you under flag of truce February 5, 1899, and stated Aguinaldo declared fighting had begun accidentally and not authorized by him; that Aguinaldo wished it stopped, and to end hostilities proposed establishment of neutral zone between the two armies, of width agreeable to you, so during peace negotiations there might be no further danger of conflict. Whether you replied fighting having begun must go on to grim end.

To this Gen. Otis replied May 1, 1900:

> Judge Torres, citizen resident of Manila, who had served as member insurgent commission, reported evening February 5 asking if something could not be done to stop the fighting, as establishment of neutral zone. I replied Aguinaldo had commenced the fighting and must apply for cessation; I had nothing to request from insurgent government. He asked permission to send Col. Arguellez to Malolos, and Arguellez was passed through lines near Caloocan next morning. He went direct to Malolos, told Gen. Aguinaldo and Mabini that Gen. Otis would permit suspension of hostilities upon their request. They replied declaration of war had been made, a copy of which they furnished him. They said they had no objection to suspension of hostilities, but beyond this general remark made no response, but directed him to return with that message. Arguellez reported that he conveyed my statement; that they had commenced the war and it must go on, since they had chosen that course of action, but did not attempt to induce them to make any proposition, as he feared accusation of cowardice.

Under the circumstances Gen. Otis's reply is not satisfactory. Congress

should subject him to cross-examination, and make further inquiry in other quarters. For it should be remembered that in this denial Otis is contradicting both Gen. Reeves and himself. Gen. Reeves reported nearly a year ago that Aguinaldo did apply for a cessation of hostilities and the establishment of a neutral zone, and that Otis replied that as the fighting had begun it must go on to the grim end. That report by Gen. Reeves has been widely published and never before denied. It was confirmed by an official dispatch which Otis himself had sent to Washington on the 8th of February, 1899, in which he said:

Night of 4th Aguinaldo issued flying proclamation charging Americans with initiative and declared war. Sunday issued another calling all to resist foreign invasion. His influence throughout this section destroyed. Now applies for cessation of hostilities and conference. Have declined answer.

This report of Otis is so directly at variance with the explanation he now gives that it cannot be brushed aside by his remark that it was so hastily written as to be "misleading." No degree of haste, if the facts are as he now relates them, could have led him to say that Aguinaldo had applied to him for a cessation of hostilities and that he had declined to answer. We do not say that there is prevarication or falsehood here; but we do say, as every unbiased reader must, that there is flat self-contradiction. That being so, the matter ought to be investigated by congress, at least to the extent of a cross-examination of Otis.

Whether the Philadelphia North American is controlled by John Wanamaker or his son, it is earning a right to the gratitude of a ring be-deviled city. And John Wanamaker himself, quite on his own account, has proved his right to share in that gratitude. The North American was purchased about a year ago by Wanamaker's son Thomas, who put at the head of its editorial staff that sterling journalist, Arthur McEwen, who long before had made his name a household word on the Pacific slope and whose work contributed so notably to the editorial power of the New York Journal four years ago. The paper at once started upon a straightforward career in the interest of civic righteousness. This brought it in conflict with the corrupt politicians of Philadelphia, who not unnaturally held John Wanamaker accountable; and a few days ago two of them waited upon him at his store and tried to intimidate him by threats of personal exposures. But they had mistaken their man. Telling his visitors that his son owned the North American and that he himself would not interfere, Mr. Wanamaker defied them to do their worst by ordering them out of his office. There could be no more convincing testimony to the excellent work the North American is doing than this effort to intimidate its proprietor by threatening his father; and Mr. Wanamaker has won a host of new friends by his behavior in the matter.

THE SUFFRAGE A NATURAL RIGHT.

Fundamentally, government is of two kinds—government by all the governed, and government by superior force.

Government by all the governed, which is commonly designated self-government, can be administered only by universal suffrage. All the people do not govern unless all have a potential voice in the government. Universal suffrage may indeed fail to secure government by all, but there is no such thing as government by all without it. The question, then, of whether or not suffrage is a natural right is determined by the question of whether government by all or government by superior force is the natural kind of government.

As a term in social philosophy, "natural" does not mean either brutal or primitive, though professors of social science have used it in both senses. While some have gone, with ludicrous complacency, to the brute instincts of the lower animals for examples of what is natural in the social life of man, others have in an equally absurd way assumed that primitive social life and natural social life are the same. Francis A. Walker, the famous university economist and author, is on record for the latter blunder. With astounding composure he confessed his inability to understand what is natural to man because he had never seen man in the natural state! These are inexcusable confusions. Whether a form of government be natural or not, is not to be solved by reference to the habits of the lower animals or the customs of primitive man. It is to be solved by reference to natural moral laws.

Many learned men deny that there is any natural moral law. It is fashionable in some quarters to do so. They contend that questions of righteousness are questions of expediency; and that in nature, including human nature, there is no such thing as a right to be claimed or a duty to be performed. They profess to recognize no absolute moral standards, holding only that to be right which from experience appears to them to be wise. Such men are atheists. Though they preach from pulpits or teach in the class rooms of pious universities, they are atheists nevertheless. To deny the eternal sway of invariable moral law is to deny God.

It is impossible, consistently with sincere recognition of a supreme ruler of the moral as well as material universe, to regard problems of right and wrong as mere questions of experience. Though moral laws may be discovered by experience, it is not out of experience that they take their rise, nor do they vary with its variations. Just as the physical laws of gravitation existed and operated with unvarying constancy during all the time before Newton's experiments, so the moral law must be coeval with that personification of infinite justice whom men call God, and be as immutable. It was as truly a violation of moral law to steal before Moses promulgated the eighth commandment as after some social experimenter had discovered that honesty is the best policy.

But it is not to atheists, either of the pious or the impious sort, that we address these considerations regarding universal suffrage. Since they do not believe in natural rights at all, they are in no mental condition to reflect upon any argument for suffrage as a natural right. That universal