to England's story its majestic splendor.

A big fight against certain extortions of the ice trust has been going on in New York, in which the Journal has vigorously taken a leading part. The excitement has, of course, stimulated all sorts of suggestions for relief, and as usual most of them are frivolous propositions intended to regulate the trust by restricting it superficially. It is noticeable, however, that sentiment in favor of public ownership and operation of trusts has been expanded by the agitation. But public ownership and operation would be as undesirable and unscientific—to correctly use a very much abused term—as regulation would be futile. There is a radical difference between supplying ice and supplying water, gas or electricity, etc., to the inhabitants of a city. Water, for instance, can be supplied only through a species of highway, which makes the supplying of water of necessity a monopoly. In that case, no choice remains to the people between monopoly and competition. Their only choice being between monopolists, the common agents of the city government are preferable. These may be bad, but no city government was ever yet as bad in its indifference to public wants as private monopolists. Regarding the delivery of ice, however, the choice is not between monopolists; it is between monopoly and competition. For this business is not a monopoly necessarily. It may be as well controlled automatically by competition as the tailor's trade. What makes it a monopoly now is not the necessity of the case, as with city water supplies, but special privilege. In the case of the New York ice trust, the peculiar special privilege which makes it possible is monopoly of the docks. But for that privilege, there would be no ice trust in New York, and competition or the possibility of competition would secure the best possible and most economical service.

It is evidently intended by the administration republicans to make the trust issue turn upon the question of a constitutional amendment giving congress full power over trusts. With that object in view the republican majority of the judiciary committee in the lower house of congress has caused the committee to adopt a proposed amendment for submission to congress and the states. Their amendment would give congress—

power to define, regulate, control, prohibit, or dissolve trusts, monopolies or combinations, whether existing in the form of a corporation or otherwise.

If there could be any doubt as to the purpose of this move the Chicago Tribune would dispel it when it comments in this wise:

The report of the judiciary committee deserves consideration from a political rather than a legislative point of view. If the republican national convention inserts in its platform an anti-trust plank which indorses the recommendations of that committee it will be impossible for the democrats when they hold their convention two weeks later to adopt a more radical programme regarding combines. If they are willing to go so far as to amend the constitution to give congress more power their plank will be a mere echo of that of the republicans. If they are not, then their plank will be the weaker one.

With one more "if," the Tribune's comment would be faultless. If, besides the other "ifs," the democrats should decide to follow Mr. Bryan's lead on the trust question, the republicans would, indeed, have a clear advantage. But they would have no advantage, on the contrary they would be put at a great disadvantage, should the democrats decide to fight trusts by attacking their causes.

There are two ways of meeting the trust issue. One is the way to which the republicans are now about to commit themselves. It is to put all power in the hands of congress, and then induce congress to adopt repressive legislation. This policy would yield no beneficial results. It would leave the trust evil worse than it found it. And instead of a benefit such an amendment as that proposed would be an everlasting curse. All the private business of the country would be at the mercy of congress and under the control of the federal politician. We can think of only two classes of people to whom such an amendment would appeal. One is the republican politician who, without caring whether it passed or not, would find it a ready means of allaying trust agitation. The other is the socialist, who would rightly see in such an amendment the possibilities of an early nationalization of all industries. It is an amendment upon which national socialism as an evolution from trusts, could be established. Should the republicans completely commit themselves to that policy it is quite true that the democrats, if they favored the same policy, would merely echo the republicans. But it is not true that they need take a weaker position. They could adopt the second way of meeting the trust issue, which is to oppose this centralization of power utterly, to oppose all tinkering with trusts, and to demand that the monopolistic laws which make trusts possible be repealed. Let the democrats offer that kind of fight, in terms that leave no room to doubt their sincerity, and they will win the election.

Take the tin trust for an illustration of the fact that trusts rest upon monopoly. According to the staid old Journal of Commerce it controls 35 establishments in this country. There are but five independent manufacturers and 16 independent dippers, and they have to go to the trust to get their untinned plates. For the federal steel trust, the national steel trust and the tin plate trust control the billets from which untinned plates are made. This control is secured by means of the tariff on foreign plates. Precisely in that way—by a tariff to prevent foreign competition,—or by special railroad rates, or by control of natural resources, the trusts maintain their power. To leave them these advantages while trying to curb them by restrictive legislation, is like trying to prevent

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