motives respecting China, to demand a suspension of judgment.

It would require the humor of a Mark Twain to do justice to the decision of that federal judge in New York who holds that as to foreigners Puerto Rico is an integral part of the United States, while as to the United States it is a foreign country. Nevertheless, this is the first decision directly upon the point. A Minnesota judge has delivered an able opinion, sustaining the opposite view as to our relations to Puerto Rico. He held that it is an integral part of the United States as to everybody and for all purposes. But as the point was not directly involved in the particular case before him his opinion is without judicial authority. Until the New York judge is overruled, then, Puerto Rico must be regarded as the pea in a political thimblerig—now in one place and now in another, so that now you see it and now you don't.

One of the New York judge's arguments in support of his decision that the United States has constitutional power to govern alien territory as Rome governed her colonies—in other words, to be an empire—he puts in these words: "It could not have been intended by those who framed our constitution that we should be born a cripple among the nations." But that is precisely what the framers of the constitution did intend. All constitutional governments are cripples. The very object of a constitution is to cripple arbitrary power. It was especially and emphatically the object of the reservations in our constitution. And so well has this always been understood that the United States government has been heretofore held by the courts to have been so completely crippled by the constitution as to be incompetent to do anything whatever unless expressly or by necessary implication empowered by the constituion. Not until this era of imperialism which the Hanna-McKinley coterie is inaugurating has it ever been hinted that the government of the United States has the national powers that England, Germany or Russia possesses. Compared with those nations ours has always been what this judge, with his imperialistic instinct, would call "a cripple among the nations."

A newspaper contributor of the name of Ambrose Bierce phrases in the New York Journal a very common opinion regarding "government by injunction." It is an opinion which, more than anything else,, makes the possibility of "government by injunction" something to be feared. Premising that he does not understand the clamor against it, he proceeds with this explanation of his lack of understanding:

> The argument is that if the law forbids something to be done and sets a penalty for doing it, that is enough. By forbidding it himself a judge may make the doing it a crime with a different name and differently punishable. But consider: he cannot forbid what was not already forbidden; he cannot make a crime of what was not already a crime. How, then, can his injunction harm one who obeys the law? Of what importance is it to a good citizen what would happen to him if he were a bad citizen? If I am not intending to commit a crime I do not care how many times I am warned not to commit it, nor how many kinds of penalties attach to its commission.

That quotation is an excellent example of popular thoughtlessness. If Mr. Bierce were not intending to commit a crime, he might not, indeed, care how many times he was warned not to commit it, nor how many kinds of penalties might attach to its commission. But if he were falsely charged with a crime he would care very much about the kind of trial he was to have. If, being charged with a crime falsely, he were to be tried by a judge without a jury, upon affidavits drawn by a hostile lawyer, and sworn to out of court by witnesses whom he was not allowed to see or cross-examine, we suspect that he would begin to understand the clamor against "government by injunction."

The evil of "government by injunction" centers in the mode of trial. It is an established Anglo-Saxon doctrine with reference to the preservation of human liberty that men charged with crime shall be tried by a jury; that they shall be confronted with their accusers face to face; that every witness against them shall be subject to cross-examination; and that the jury shall judge the law and the facts. These safeguards are not for the benefit of the guilty. They are established for the purpose of protecting the innocent from unmerited penalties. The guilty are protected by them because even they are supposed to be innocent until guilt has been proved. And it has been the theory of Anglo-Saxon law for centuries that without such safeguards liberty is endangered. Now "government by injunction" does away with all these bulwarks of liberty. It begins with a presumption, like that of Mr. Bierce, that the accused is guilty. It denies a trial by jury. It substitutes affidavits for living witnessess. And it leaves the question of crime, the question of guilt, and the extent of punishment to the discretion of a single judge. With such a system in full operation liberty would be doomed. Yet there are Ambrose Bierces by the hundred thousand who cannot understand the clamor against "government by injunction"! And they through their ignorance may contribute, having votes, to making the doom of liberty certain.

Apropos of this subject a remarkable article—most remarkable, considering its source—appeared editorially not long ago in the New York Nation. It was a discussion of Senator Bate's bill for the regulation of trials for contempt of the federal courts, and in the course of the article the writer took occasion to say that when a man commits a breach of the peace he should be dealt with by the sheriff or a policeman and not by a court of equity in injunction proceedings. For that reason the writer of the article in question condemned the injunction proceedings of the federal courts at the time of the Chicago riots.