

and jubilantly exclaim that whereas once monopolies were controlled by a few trusts, they are now controlled by only one! The portentous thing about this matter is that fundamental monopolies are in fact steadily coming within the control of fewer and fewer trusts. Conditions have even now reached a point where trusts themselves, with all their advantages of organization, must go to the wall unless they are either among the few that possess or share in fundamental monopolies.

Examples of revolt by party men against the dictation of party leaders and caucuses for reasons of high principle are too rare to be passed with scant notice. Especially rare are such instances in the republican party as now organized. Hoar of Massachusetts and Mason of Illinois are great exceptions. Another name has been recently added, that of Wellington of Maryland. A member of the republican party from boyhood, a representative man in the party from early manhood, and the acknowledged head of the party in his state, to him a revolt against the authority of its national leaders could have been no light matter. So far as he or anyone else can now well judge it involves the termination of his long career in politics. But the reasons he gave in his senate speech for breaking away, voting against his party associates and turning the party in his state over to other leadership, mark him as one of the few men in public life who have the courage to bring new questions to the test of ideals instead of caucuses.

Senator Wellington's crisis was on the occasion of the Puerto Rican debate. Explaining his position, he said:

My ideas of the principles upon which our government is founded; my desire to preserve from blot or stain the national escutcheon; my remembrance of the solemn and oft-repeated promise of the American authority to the inhabitants of Puerto Rico; my devotion to the constitution as I understand it; my purpose to act justly, benevolently, and, if need

be, charitably toward my new fellow-citizens, each and all rebel and rise up in outraged indignation at the attempted injustice of this bill. I cannot support it. I refuse to give my adherence to it. No influence shall persuade, no authority shall control, me or cause me to favor it. I oppose it with all the vehemence of a positive nature. I have been a republican ever since I can remember. The years of my youth and manhood have been dedicated to the service of the republican party. In company with a determined band of fraters of my political faith I labored unceasingly until my beloved state was redeemed from democratic domination. I gave the best years of my life to this endeavor, which was crowned with superb success. I have loved and served the republican party because I believed in the warp and woof of its victory were bound up the advancement and progress of my country, the elevation of men, and the perpetuity of self-government. But, sir, I am not charmed by a name when the principle be lost. The republican party by its name cannot lead me against my conviction to do that which I believe to be unrighteous and unjust. I will not follow upon the new adventure which would compel me to discard at the first step the noble sentiment which I have ever held to be the strongest reason for the existence of the republican party. Sir, I oppose this bill for the reason that it seeks to impose a tax upon citizens of the United States in Puerto Rico in defiance of the principles upon which our government is founded.

It is not altogether clear that the admirable opinion of Judge Lochren, of the United States circuit court at St. Paul, in the case of the imprisoned Puerto Rican who murdered an American soldier in that island, is more than what the lawyers would call obiter dictum. As the trial had taken place before a military tribunal after peace had been declared, it was therefore claimed in behalf of the prisoner that his conviction was illegal. But Judge Lochren holds that military law was at the time the sole authority in Puerto Rico, and consequently that the conviction by a military court was legal. It would appear that this decision might rest quite as securely upon the imperialistic theory as upon any other. But Judge Lochren rests it in his opinion upon the theory that Puerto Rico became with the ratification of the treaty of cession a part of American territory and that its in-

habitants fell within the full protection of the American constitution. Taking the opinion and the decision together, it looks very much as if the distinguished judge had patterned after that illustrious judicial example which before our civil war gave "the law to the north and the nigger to the south." For while he says that—

all the provisions of the constitution in respect to personal and property rights, including the right to trial by jury in criminal prosecutions, became at once, when the cession was completed, a part of the supreme law of the land—

of Puerto Rico, he nevertheless sends the prisoner back to prison, although there had certainly been no trial by jury in that case. There is something about the decision which suggests the possibility of making it an authority for trying Filipinos by American military commission.

Whether the foregoing is a fair interpretation of Judge Lochren's decision or not, a clear note is sounded by his opinion. After referring to the fact that the men who founded our general government established it upon the asserted theory that all just powers of government come from the consent of the governed, he deals this blow at Mr. McKinley's colonial policy:

It will be, indeed, marvelous if it is made to appear that these men who then founded our national government so constructed it that it is capable of ruling with unlimited power a subject people who have neither guaranties to protect them nor any voice in the government. This is foreign absolutism—the worst form of tyranny.

He goes on in the same strain:

The argument much repeated that if the national government of the United States has not the power to deal with these new territories untrammelled by the constitution its power is less than that possessed by other governments of the civilized world is admitted. It proves nothing. The national government of the United States is one of limited powers. . . . The novel doctrine that the power of congress to govern territory ceded to the United States may be confessed by a foreign sovereign, by and through the terms of the treaty of cession, and that the general government can exercise powers thus granted by a foreign sovereign