

President determined that at all hazards riotous acts must be suppressed and law must resume its sway. In ordering United States troops to the scene of the disturbance without an application of the legislature or governor of Illinois he accomplished a fresh extension of executive power without an infraction of the Constitution.

The constitutional observation here is self-contradictory; and the history, besides being erroneous, is not taken from the best available sources.

On the constitutional point, Mr. Rhodes recognizes the truth of what he immediately denies, that President Cleveland did override the Constitution; for he describes Cleveland's act as an "extension of executive power." It is conceivable, of course, that, without an infraction of the Constitution, a President may exercise an executive power never used before; but how can executive power itself be extended without an infraction of the constitution which defines the limits of that power. To extend it is to go beyond the limitation; and to go beyond constitutional limitations under a constitution which confers no powers except such as are expressed or necessarily implied, is a breach of the constitution. Not only does Mr. Rhodes thus join issue with himself, but his very statement of what Cleveland did shows that Cleveland overrode the Constitution. For, according to Mr. Rhodes, Mr. Cleveland invaded the State of Illinois with Federal troops, not to protect the mails nor to enforce the mandates of Federal courts, as some of his apologists contend, but to suppress a local riot; and he did so without any application from the local authorities. Nothing could well be clearer than that this "fresh extension of executive power" was an infraction of section 4 of article iv. of the Constitution.

Mr. Rhodes's history of the event to which he refers is evidently drawn from newspaper reports, irresponsible or worse, and either in inexcusable ignorance or culpable disregard of the documentary evidence. The

proof is abundant and irrefutable that Mr. Rhodes's wanton accusation against Gov. Altgeld, that he "would not preserve order," is false. It is so abundant and so convincing that no writer who cares for his reputation as a historian can afford to allow his name to remain associated with the statement we have quoted.

Criticism is made of our comment of two weeks ago (p. 658) upon the curious action of the Cook Co., Ill., special grand jury in finding that the coal famine was not due to any conspiracy in restraint of trade, and then indicting coal dealers for a conspiracy in restraint of trade. Since the grand jury had said in effect, asks our critic, that "we do not find that the present increase in prices for coal is due to a conspiracy; but we do find that for a long space of time certain dealers have been engaged in a conspiracy intended to produce and actually producing abnormally high prices, for which they are criminally liable under Illinois law, and for this we indict them," is there anything inconsistent in it? Isolated from the circumstances under which the special grand jury sat, there is, indeed, no inconsistency. For the same reason there would have been no inconsistency had the grand jury, though finding that the coal famine was not due to a trade conspiracy, nevertheless indicted one or more persons for sheep stealing. Grand juries may find various indictments for various crimes. But the circumstances make a vast difference in the case referred to. This was a special grand jury. It was called for the special purpose of investigating the causes of the coal famine. Its indictments, therefore, are properly regarded as the result of that investigation. And so it regarded them itself, for it did not indict the Manufacturers' Association nor any other similar conspiracy which "for a long space of time" had defied the laws of Illinois. It confined its indictments to coal dealers, thereby making an im-

pression upon the public mind that it had traced the coal famine to those men. That action of this particular grand jury was inconsistent with its report, in which it found that the famine was not due to any trade conspiracy. The whole thing has the air of an attempt by somebody to divert public attention from the great railroad monopolies, which own both roads and mines, and toward which a well founded suspicion runs in connection with the famine.

A Baptist paper of Cincinnati, the *Journal and Messenger*, comments very sensibly upon the proposed method of settling the land question of Ireland by buying out the landlords at something less than the value of their holdings. "By no hocus pocus can it be made to appear," says that paper, "that when an owner is receiving \$5 per acre rent for his land a sale for an annual payment of \$4 is not confiscation of a considerable part of the property." That is perfectly true. In the forum of morals it is just as clearly an invasion of property rights to confiscate a part as the whole. The real question that inevitably recurs in either case is, Is it an invasion of property rights at all to terminate such tenures as the Irish landlords claim? If it is such an invasion as to full value, it is equally so, morally speaking, as to part of the value; and if it is not so as to part, it is not so as to the whole. Let us ask, then, whether it is so at all with reference to these Irish lands? The answer may be found in the same Baptist paper. It truly says that the fact that the landlords' claims to Irish lands rest upon conquest is of no importance, "since the value at the time they were conquered was trifling;" and then it adds, also with truth and force, that "the real value of all land has been given by the development of civilization, and by the people of the entire country," and "this is as true where land was purchased for a few shillings an acre as where it was taken by a conqueror." Does not that completely answer the