

SUMMARY OF THE WEEK'S NEWS.

[WEDNESDAY, MAY 18, TO TUESDAY, MAY 24, 1887,
inclusive.]

DOMESTIC.

THE President issued an order on May 21 changing a number of the internal-revenue districts so that the following districts will be abolished and the collectors thereof retired from the service: The District of Nevada, of Rhode Island, Second and the Fourth of Illinois, Eleventh of Indiana, Fourth of Iowa, of Delaware, Tenth of Massachusetts, of Mississippi, Fourth of Missouri, of Maine, of Vermont, Third of New Jersey, Fifteenth of New York, Sixth of North Carolina, Sixth of Ohio, Nineteenth and Twenty-second of Pennsylvania, First of Texas, Fourth of Virginia, Third and Sixth of Wisconsin, in all 22 districts. The saving to the Government in salaries and expenses will not be less than \$100,000 a year.

A Grand Army post at Wilmington, Del., sent a resolution of thanks to President Cleveland for vetoing the Dependent Pension Bill. In his reply he wrote: "Those of our citizens not holding office, and thus entirely free from the solemn obligation of protecting the interests of the people, often fail to realize that their public servants are to a large extent debarred from official action from the indulgence of those charitable impulses which in private life is not only harmless but commendable." The citizens of St. Louis have invited the President to visit that city late in September, while the Grand Army of the Republic will be in camp there, and he has accepted the invitation.

The President has appointed Major J. L. Rathbone of California to be Consul-General of the United States at Paris. He is a native of Albany, N. Y., was educated at West Point, and served for several years on the staff of Maj-Gen. Schofield.

Secretary Fairchild on May 20 issued a call for all the outstanding 3 per cent. bonds, amounting to about \$17,000,000. The call will mature July 1. The circulars offering to redeem uncalled bonds of the 3 per cent. loan on presentation have been revoked, and no more bonds will be redeemed before maturity.

Lieut. Charles T. Hutchins of the navy, who is now stationed at the Naval Academy, is the winner of the prize given this year for the best essay on "The Naval Brigade, its Organization, Equipment, and Tactics." Ensigns Hewes and Capps, who were sent to Glasgow last year to take the advanced course in construction and marine architecture, have finished the first term and won prizes. Secretary Whitney thinks the way is now clear, with such men, to make the construction corps of our navy second to none.

The Inter-State Commerce Commission has caused a letter to be published which sets forth that the Commissioners do not consider that they have the power permanently to suspend the operation of the long-and-short-haul section of the law, which they believe to be its vital point; that the letter and the spirit of the law are just as binding upon the Commissioners as they are upon the public; and that the Commission, in the exercise of the limited discretion given it to suspend the operation of this section in certain cases, will be governed by the letter of the law, and will order no suspensions except for special reasons and after an examination as to the facts in each case. On May 23 the receiver of the Texas and Pacific Railway Company filed a petition in the United States Circuit Court at New Orleans to secure an interpretation of this clause of the law. The petition sets forth that the receiver is an officer of the court, that duty requires him to keep the court informed of facts affecting the interest and revenues of the road, and that the execution of this clause has been hurtful.

The Supreme Court of the United States on May 23 handed down two decisions which uphold the validity of the patent on driven wells.

This brings to an end a legal fight of fourteen years, and will result in causing the holders of the patent to receive millions of dollars for royalties and infringements. These wells are used to supply several cities with water, among which are Brooklyn, N. Y., and Newark, N. J.

After seven months the Federal Grand Jury has returned thirteen indictments against prominent politicians and election officers at Indianapolis, for forging or mutilating the election returns last fall—eleven Democrats and two Republicans.

On May 19, Samuel Pasco (Dem.) was elected United States Senator from Florida. Mr. Pasco, an Englishman by birth, was graduated from Harvard College in 1858, but he has spent most of his life in Florida. He is Speaker of the House of the present Legislature.

The special session of the Legislature of Virginia adjourned May 23, with the State debt as far from a settlement as when it was convened for the special purpose of settling it. The political campaign will begin early in the summer, and the debt will again be a controlling and vexed issue.

The Legislature of Connecticut adjourned on May 19. The failure to pass the High-License and Grade-Crossing Bills is cause of disappointment to a large proportion of the citizens of the State.

The Governor of Massachusetts has signed the Employers' Liability Bill, which will go into effect on September 1. An employee who is injured by the negligence of a fellow-employee exercising superintending authority as part of his duty, may recover of the employer or corporation just as if the injured person had not been in the service of such employer or corporation, damages not greater than \$5,000.

The Saturday-Half-Holiday Law in this State went into effect last Saturday. The offices of the municipal government in this city and in most of the other cities of the State were closed at noon. Most of the commercial exchanges shortened the day's work, and the banks closed as early in the afternoon as they could. The tendency was for wholesale commercial houses to shut up, and a very few retail merchants took a half holiday. The factories and the workers in the country did not, on the first day of the law's operation, show that they were aware of it.

At Morristown, N. J., C. B. Reynolds, who was tried for blasphemy under an old statute and defended by Col. R. G. Ingersoll, was convicted on May 20, and fined \$25 and costs.

On account of the ill-feeling provoked by Mr. G. W. Cable's criticisms of the Southern race prejudice, his engagement to deliver a lecture in the Columbia (S. C.) Opera-house this week, for the benefit of the public school library fund, has been cancelled.

A scientific expedition from Princeton College will go to Russia to observe the total eclipse of the sun on August 19, made up of Profs. Young, Libbey, and McNeill. They will sail on June 25, and on the way back will attend the meeting of the British Association for the Advancement of Science at Manchester. Mr. Charles Green of Trenton, an alumnus of Princeton, will furnish most of the funds for the expedition.

Archbishop Corrigan of this city has received a letter from the Pope, dated May 4, in which the Pope approves the "firmness, joined with signal charity," of his course in regard to "the contumacious disobedience of a priest" (Dr. McGlynn), and "the false doctrines concerning the right of property disseminated by him among the people in newspapers and public assemblies."

The strike and lockout of workmen of the building trades at Chicago are not yet formally ended, but not only are the employees beaten, but the employers have perfected an organization with a determination to exclude from em-

ployment all who will not pledge themselves not to force other men to quit work. At a meeting of one organization of employees on Sunday a resolution was adopted asking men out of employment not to go to Chicago. At Haverhill, Mass., 3,500 operatives in the shoe shops were locked out forty-eight hours. They returned to work May 19, when an agreement was made by committees representing both sides. At Everson, Pa., a mob of 300 striking miners on May 20 attacked a few men who were at work at the coke ovens, and beat them severely. The mob did injury also to property.

Nearly the whole town of Lake Linden, in the Keweenaw Peninsula, Mich., where the Calumet and Hecla's stamp mills are situated, has been burned, causing a loss of perhaps \$2,000,000. The forest fires which have been burning in nearly every county in the State have destroyed much other property, and endangered many towns.

Two persons, a man and his wife, have died of yellow fever at Key West, Fla., and a sister of the dead woman was stricken with it May 23. The disease has been traced to bedding which was brought from Havana. The Board of Health at Key West and the Marine Hospital service are expected to deal successfully with the disease. Although these cases have caused great local alarm, there is little reason to fear that the fever will spread.

The transatlantic steamship *Britannic* of the White Star Line, which sailed from this port May 18, on the afternoon of the next day, in a dense fog 350 miles out at sea, came into collision with the *Celtic* of the same line. Several steerage passengers on the *Britannic* were killed and a number badly hurt. The White Star vessels were accompanied to this port by the *Marengo* and the *British Queen*, which fell in with them on the next day, and kept near so as to render assistance if needed. Both steamships were considerably damaged.

A monument to Schuyler Colfax set up by the Odd Fellows was unveiled at Indianapolis May 18.

Among the noteworthy persons who have died since the last number of the *Nation* was issued are ex-Gov. William Smith of Virginia, in his ninetieth year, who had twice been Governor and had filled many other public positions; Charles E. Stuart, once United States Senator from Michigan, who was one of Stephen A. Douglas's ablest supporters; Timothy Coop, a rich Englishman, who had identified himself with educational advancement in Kansas, and endowed the University at Wichita, which he named Garfield University because of his admiration of the ex-President; William H. Macy, President of the Seamen's Bank for Savings in this city; Albert Palmer, formerly Mayor of Boston.

FOREIGN.

Since the resignation of the Goblet Cabinet President Grévy has summoned MM. Clémenceau, Ferry, Devès, Freycinet, Raynal, Rouvier, and other prominent party leaders, and had interviews with them in relation to the formation of a new Cabinet. M. Freycinet declined to undertake the task after consulting his friends, and Rouvier undertook it and gave it up. The centre of interest and of disturbance is Gen. Boulanger, in favor of whose retention in the War Office a considerable demonstration has been made. An election was held on Sunday for a Deputy for the Seine. M. Mesurier, who is a Socialist, received 198,297 votes, and Gen. Boulanger 33,038. Gen. Boulanger's candidacy was illegal, and his friends voted for him simply to show his popularity.

The French State Council has rejected the appeals of the Orleans Princes for a reversal of the decree expelling them from the army, but the appeal of Prince Murat for restoration has been admitted.

The total amount realized from the sale of the French crown jewels is 6,864,000 francs. More than one-third of this was paid by Tiffany & Co. of New York, who were the largest purchasers.

Dr Edme Félix Alfred Vulpian, Dean of the Faculty of the French Academy of Medicine, died May 18, aged sixty-one; on May 21 Francisque Xavier Michel, the French archaeologist and translator, died in his seventy-ninth year; and on May 23 died Sir Horace Jones, the English architect who designed Caversham Hall, the Royal Surrey Music Hall, the oak roof of the Guildhall, London, and the principal modern London markets.

The work of Germanizing Alsace-Lorraine continues. An official census has been published showing that during the five years since 1880, 37,000 Germans have displaced 49,254 natives. It is estimated that if the native emigration continues in the same ratio, the provinces will be completely German within a quarter of a century.

Crown Prince Frederick William of Germany on May 23 underwent a serious operation for cancer in the throat.

Prince Bismarck is said to desire the appointment of a Papal Nuncio at Berlin so that Dr. Windthorst may be deposed from the dictatorship of the Centre party.

It is reported that Prince Luitpold, the Regent of Bavaria, will receive Emperor Francis Joseph's sanction to assume the Bavarian throne, and that Emperor William's consent has already been obtained.

In the Reichstag May 21 the Supplementary Budget and Loan Bill passed the third reading.

The Westphalian Manufacturing Company has closed its works in Russia, because of the heavy duties imposed by the new tariff on the material used.

The Tzesarevitch was on May 18 installed with great ceremony at Novo-Tcherkask as Hetman of the Don Cossacks. The reception of the Russian royal family is reported to have been enthusiastic. There were processions and exchanges of presents and compliments. Although the whole route of more than 1,000 miles from St. Petersburg was guarded with soldiers, an effort was made to kill the Czar.

Five more persons were executed at St. Petersburg on May 20 for complicity in one of the recent efforts to kill the Czar. During their trial the details of a well-laid plan were made known. It has been reported that another effort was made to kill him before he returned from the Don Cossack country.

The Porte has asked the consent of the Powers to the issue of a loan of £5,000,000, to be guaranteed by the Egypt and Cyprus tributes.

The convention between England and Turkey provides that the British shall evacuate Egypt three years hence. If, after that time, internal troubles arise in Egypt, British and Turkish troops shall reoccupy the country jointly or separately, as the two Governments may agree. No other Power shall be allowed to intervene in Egyptian affairs.

A representative of Lord Salisbury's Government has begun negotiations with the Vatican, in a semi-official capacity, for the resumption of official relations between the Vatican and England.

The House of Commons in committee on May 18 began the consideration of the second clause of the Irish Coercion Bill. This clause proposes to extend summary jurisdiction to conspiracy, boycotting, resistance to eviction, and the offences designated in the Whiteboy acts. An amendment limiting the operation of the clause to the offences committed after the passage of the act was rejected on the first evening. After the rejection of many other amendments and the limiting of the debate by frequent application of the closure rule, the

second clause of the bill was adopted May 23 by a vote of 235 to 103.

Among the noteworthy political incidents of the week in England were a discussion in the Commons of the causes of emigration from Ireland, when Mr. Macdonald (Parnellite) asked: "Isn't the increase of emigration partly due to the introduction by the Government of the Crimes Bill and the desire of the Irish people to escape its tyranny?" and the Speaker called for order; an amendment offered by Mr. Chance (Nationalist), altering the title of the Crimes Bill to "A bill for the suppression of free speech and trial by jury"; an appeal by Sir George O. Trevelyan, in a speech at Manchester to the Unionists, to refuse to support a Government which struck at its Liberal rivals through the reputation of the Parnellites; and the votes of 143 members of the Eighty Club in approval of home rule and against coercion, against the votes of 55 in favor of coercion and against home rule.

Father Keller, the Irish priest who was imprisoned in Dublin several months ago for refusing to tell what he knew about the plan of campaign and the part he took in furthering it, was released on Saturday. When he arrived at Youghal he was met by a great crowd, which cheered and blessed him.

By an election in the St. Austell division of Cornwall, May 19, to fill a vacant Parliamentary seat, Mr. MacArthur, the Gladstonian candidate, was elected by a majority of 211.

Four hundred members of the House of Commons attended a jubilee service at St. Margaret's Church, Westminster, on Sunday. At the head of the procession were the Speaker, Mr. Gladstone, Mr. W. H. Smith, Lord Hartington, and Mr. Goschen, who were given the seats of honor. The service was conducted by the Archbishop of Canterbury, the Archbishop of York, the Dean of Westminster, and Archdeacon Farrar, the hymns being composed especially for the occasion. The Bishop of Ripon preached the sermon.

The London Times continues to publish articles on "Parnellism and Crime," which relate to the work of Irishmen in America. The article of May 20 was about the League Conventions in Chicago and Philadelphia, and the Clan-na-Gael Society's share therein.

A committee of English iron manufacturers have asked Sir Henry Holland, Colonial Secretary, to urge the Government to protest against the proposed increase of Canadian import duties on metals.

After September 30 all protective customs duties will be abolished in New South Wales, and the new duties will all be specific, and they will be levied on twenty-three classes of articles. There is an increase in the excise on tobacco, and an imposition of an excise duty of 4d. per gallon on all kinds of ale and beer and porter manufactured in the colony.

The committee appointed some time ago by the House of Commons to inquire into the charges of misconduct against the London Corporation has reported that there has been much reckless expenditure, but that there is not sufficient evidence to establish the charge of corruption.

Thirteen thousand workmen have struck in Belgium. The strikers in the district of Borinage have intimidated the employees of factories where there was no strike and stopped their work. The houses of a number of workmen who would not strike have been blown up with dynamite. In consequence of nightly Socialist demonstrations in Brussels, processions and gatherings in the public streets have been prohibited, and a number of persons have been arrested.

The first anniversary of the birth of Alfonso XIII, King of Spain, was celebrated at Madrid May 17, with elaborate ceremonies. The Queen Regent remitted one-half the sentence of every soldier imprisoned for participation in the revolt of last September,

A rather violent shock of earthquake was felt at Monte Carlo on the morning of May 20.

When Mr. William O'Brien, carrying on his agitation in Canada against Lord Lansdowne for evicting tenants from his Irish estates, spoke at Toronto he was mobbed. While he was walking on the street with several companions, a mob formed around him groaning and hissing, and shouting "Away, traitor!" "Down with the dynamiter!" and "God save the Queen!" The policemen were overpowered, and the mob pursued him, throwing stones and eggs. Mr. O'Brien made his escape, with a few bruises, by entering a bicycle shop, and returned to the hotel by another street. When he went to Kingston, he began a speech in the evening without the least hostile demonstration. But a mob gathered on the outside of the building, and responded with groans to every cheer from the inside. When he came out of the hall the mob shouted, "There he is!" "Kill him!" and threw stones and bricks. Mr. O'Brien escaped, with wounds, into the residence of an Irish citizen. The mob broke the windows of the hotel where they supposed he had found shelter, and they wrecked the office of the *Canadian Freeman*, an Irish paper. The mob was made up of men who were aroused to a murderous pitch, and Mr. O'Brien no doubt saved his life by eluding them. He went to Niagara Falls and spent Sunday, and he was so badly bruised that a physician advised him not to travel or to exert himself for a time. But on Monday he went to Hamilton, where he had an engagement to speak. While he was returning at night from the hall where he spoke, several shots were fired from a disorderly crowd, one of which wounded the driver of the cab next to the one Mr. O'Brien occupied. At Toronto and Kingston two of the correspondents of New York newspapers who were with Mr. O'Brien were hurt. The conduct of the mobs has been condemned by the Canadian papers of all parties.

The Toronto Board of Trade on May 19 engaged in an animated debate on reciprocity with the United States. The dominant sentiment is expressed in the following clauses of the resolution adopted: "That this Board believes that a commercial treaty creditable and advantageous alike to both parties can be framed in such a spirit of fairness as will afford the best guarantee for its perpetuity"; but "that it disapproves of any proposal to discriminate against Great Britain, whose protection we enjoy." On the same evening Mr. Butterworth of Ohio, the author of a measure introduced in the last Congress looking towards the removal of customs duties by each country on goods imported from the other, addressed the Canadian Club of this city on that proposition. Talking on the same subject in this city on May 23, Sir Charles Tupper, Canadian Minister of Finance, said: "It would be impossible for the United States to consent to a customs union or free trade between Canada and the United States, as that would really mean free trade between the United States and England. A complete customs union is simply impracticable. It would be quite impossible for Canada to adopt a tariff so hostile to the mother country."

The Mayor of Nanaimo, B. C., has sent an appeal to the Mayors of several of the larger cities in the United States for money to relieve the suffering caused by the recent mining disaster. Thirty-nine widows and more than 100 children are destitute.

Mr. Manning, United States Minister to Mexico, has presented to President Diaz the request of the American Government for the remission of the death sentence of the three Mexican officers condemned by court-martial to be shot for their violation of American territory and judicial jurisdiction at Nogales.

A Chinese railway, from Taku to Tien-tsin, was opened May 20. The first railway in China was a short line from Woosung to Shanghai, forty miles, half of which was finished and opened for traffic in 1876. It was purchased by the Chinese Government and closed in 1877;

PARTIES AND THE SUPREME COURT.

A REPUBLICAN organ in Chicago, commenting upon the vacancy in the Supreme Court and the suggestion that a Southern man will be appointed to fill it, says: "The South looks to the ultimate reconstruction of the Supreme Court as the means of unsettling all the results, and destroying all the fruits, of the loyal victory in the war. With five rebel jurists on the bench of that court this could easily be accomplished. It is no wonder that they demand the first vacancy. If it is filled as they desire, it will require but three more such appointments, including Justice Field, to give them a majority of the bench." The organ is of the opinion that "the honest people and the loyal people of the country will hold their breath, metaphorically speaking, until President Cleveland shall make an appointment to fill this vacancy," and it declares that "if a rebel successor to Judge Woods should be appointed, it would be a cause for both dismay and shame."

We have already pointed out that the time for talking about the danger of appointing a "rebel" on the Federal bench has passed, since there has sat for several years upon such a bench, as United States District Judge in Tennessee by the appointment of a Republican President, David M. Key, who "entered the Confederate Army in 1861, and served through the entire war as Lieutenant-Colonel of the Forty-third Tennessee Infantry," and who in 1868 supported Seymour and Blair upon a platform declaring that "we regard the reconstruction acts, so called, of Congress as a usurpation, and unconstitutional, revolutionary, and void."

The criticism of the Chicago paper, however, goes beyond this question of appointing a man who fought for four years, like Mr. Key, to overthrow the Government. It involves the theory that there is a sharp line of division between Republican jurists and "rebel jurists"—meaning by the latter term Southern Democrats appointed to the bench—and that a bench containing a majority of Southern men would interpret the Constitutional amendments and the reconstruction legislation in such a way as to "unsettle all the results, and destroy all the fruits, of the loyal victory in the war."

It ought to be sufficient answer to this antiquated sort of rant that, outside of a few hopeless Bourbons, nobody in the South has any desire to unsettle all the results of the war. Except by such Bourbons, it is frankly confessed by everybody that it is most fortunate for the South that the war resulted as it did. But the Chicago paper doubtless means that a Supreme Court with several Southern members would reverse the attitude of that tribunal toward the legislation of Congress regarding the South, and especially regarding the negroes, and toward the relation of the States to the Federal Government. Only the most cursory acquaintance with the recent tendency of the Supreme Court while all of its nine members but one were Republicans (and he, too, a Republican when Lincoln appointed him) is required to show that this old theory of the Republican party has already been largely overthrown.

One of the reconstruction acts which Judge

Key, like other "rebels," regarded as "unconstitutional, revolutionary, and void" was the act "to enforce the right of citizens of the United States to vote in the several States of the Union and for other purposes," popularly known as "the Kuklux Act." Four years ago the Republican Supreme Court, without a dissenting voice, pronounced this act unconstitutional. Another law, which was regarded as the cap-sheaf of reconstruction legislation, was the Civil-Rights Act passed in 1875. In 1883 the Republican Supreme Court, with but a single dissenting voice, decided that the vital sections of this act were "unconstitutional and void." The theory upon which that famous act was based, the Court held, "would make Congress take the place of the State Legislatures and supersede them," and it characterized as "absurd" the pretence that, under the Constitution, such a theory could be maintained.

The relation of the States to the Federal Government is a question upon which it might be expected that partisan lines would be drawn upon the Supreme bench, and especially in the interpretation of a provision like the Eleventh Amendment to the Constitution, which declares that "the judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State." But when the question of the right of the holders of Virginia coupons receivable for taxes to pay them in as such, and compel the State to receive them, was brought before the Supreme Court, the eight Republican judges divided evenly on the point whether the eleventh amendment protected the State from being sued; and, oddly enough, Judge Field, the Democratic member, who thus held the casting vote, threw it against the States-rights doctrine.

It is thus evident that there is no "rebel" or Democratic interpretation of the Constitution, in contradistinction to a "loyal" or Republican interpretation. The decision of the Supreme Court on such a fundamental issue as that involved in the Civil-Rights Act would not have been different if every judge had been a Democrat, like Judge Field, or a "rebel," like Judge Key. Moreover, when one considers questions of constitutional interpretation liable to arise in the future, it becomes still more manifest that there is no dividing line between parties. Take the broad issue of paternalism in government, which underlies the question of Federal aid to education in the States, for example. The stoutest opponent of this scheme on constitutional grounds has been Senator Morgan of Alabama, a "rebel." But nobody more vigorously sustains the Southern Democrat in this stand than Senator Hawley, the Union soldier and possible Republican candidate for President in 1888, who holds that propositions like the Blair bill are "fatal to the very fundamental theory of the Government," and declares that "the tendency towards a consolidation of the entire powers of government is one of the strongest to-day, and one of those most dangerous to the republican experiment, as our fathers understood it." There can be no doubt that, if any measure based upon this paternal

theory of government were to become a law, and to be submitted to a Supreme Court of which Morgan and Hawley were members, the "loyal" man and the "rebel" would unite in declaring it unconstitutional. And while there are many Northern Republicans who do not agree with Senator Hawley, just as there are many Southern Democrats who do not agree with Senator Morgan, there are so many who agree with him in the hearty praise which he has bestowed upon Mr. Cleveland for resisting the tendency to paternalism by the Texas Seed Bill veto, that his party standing and his availability as a Presidential candidate are not injured by his agreement upon this vital point with "a copperhead President" and a "rebel" Senator.

It is fortunate for the country that neither in the legislative, nor in the judicial department of the Government, nor among the voters themselves, is there any longer a dividing line between "rebels" and "loyal" men. In the Louisiana slaughter-house cases, which involved the question of the scope of the Thirteenth and Fourteenth Amendments, Justice Miller, in concluding the unanimous decision of the court against the broad interpretation which had been asked, in 1871, used this striking language:

"In the early history of the organization of the Government, its statesmen seem to have divided on the line which should separate the powers of the national Government from those of the State Governments; and though this line has never been very well defined in public opinion, such a division has continued from that day to this.

"The adoption of the first eleven amendments to the Constitution so soon after the original instrument was accepted shows a prevailing sense of danger at that time from the Federal power. And it cannot be denied that such a jealousy continued to exist with many patriotic men until the breaking out of the late civil war. It was then discovered that the true danger to the perpetuity of the Union was in the capacity of the State organizations to combine and concentrate all the powers of the State, and of contiguous States, for a determined resistance to the general Government.

"Unquestionably this has given great force to the argument, and added largely to the number of those who believe in the necessity of a strong national Government.

"But, however pervading this sentiment, and however it may have contributed to the adoption of the amendments we have been considering, we do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States with powers for domestic and local government, including the regulation of civil rights—the rights of person and of property—was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States, and to confer additional power on that of the nation.

"But whatever fluctuations may be seen in the history of public opinion on this subject during the period of our national existence, we think it will be found that this court, so far as its functions required, has always held with a steady and an even hand the balance between State and Federal power; and we trust that such may continue to be the history of its relation to that subject so long as it shall have duties to perform which demand of it a construction of the Constitution or any of its parts."

The course of the court since this decision, was rendered fifteen years ago has justified the confidence which Judge Miller expressed, and the same hope for the future may now be entertained, whether Mr. Cleveland follows the example of Mr. Hayes in appointing a "rebel," like Mr. Key, or a "loyal" man who holds to the Hawley creed.