

## THE NEXT NATIONAL ISSUE IN POLITICS:

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To those who watch the phenomena of a nation of rapid development, nothing can be more interesting than the consideration of the growth of national customs and ideas compared with the development of the laws bearing upon them. The customs are the wisdom of the present time, the laws usually the wisdom of a past age; and in nothing is this more apparent than in the affairs of commerce in the United States. Commercial operations are conducted regardless of state boundaries, great systems of trade carry their debits and credits into every state in the Union, but they do so almost without national protection, or indeed any adequate protection of law. No single state can govern beyond its boundaries, and the powers of the national government are so limited that any attempt on its part to afford an adequate legal protection to the commercial interests of the country are but half way measures, which often seem to do more harm than good. The United States stands alone as an example of a great commercial community operating with a wonderful degree of success, without adequate protection of law.

When, in 1789, the wisest men in America drew up the national constitution, they dealt with the conditions before them, the country was then composed of thirteen small separate communities, the people were poor, the country thinly populated, and each colony was jealous of all the others. Commerce, as now understood, manufactures as now carried on, mining as at present conducted, the present methods of transit of merchandise, men and ideas were absolutely unknown. Each state was unwilling to surrender its independence except so far as the needs of the moment seemed to demand.

They established a central agency for limited purposes and reserved all powers not thus granted to each state respectively. The central agency might legislate only upon the subjects so given to its care: the states legislated, each for itself on all other points, and each state remained sovereign.

The convention, recognizing that their work was but a compromise to supply the needs before them, and foreseeing the confusion which would result from the operation of such a system as the country developed, wisely inserted into the document the invaluable power of amendment by the people themselves.

Since the date of its adoption changes have taken place which could not have been contemplated by the men who drew up that instrument.

By purchase and conquest the area of the country has become enormously extended, and from the survival of the systems of law which prevailed before such annexation, the doctrines of French, Spanish and even of Russian laws have become to a certain extent prevalent in different localities, while the admission of new states into the Union, each one with its own legal and judicial system, has greatly increased the confusion and conflict of law. At the same time the growth of the commercial interests has bound the country more firmly together than it was originally, and the United States are now far more truly united—more truly one country in their interests—than they have ever been before: meanwhile the growth of a system of rapid transit has made it easy for any man who wishes to take advantage of any particular local legislation, to change his habitat, or shift his assets according to the legal requirements of any scheme—wrongful or otherwise—that he may desire to pursue. The present system—or rather lack of system—of law in the United States by reason of its diversity, uncertainty and change, is hindering the development of the legitimate business interests of the country and serves to protect those who are pursuing dishonest schemes; the practical operation of the law, as it now stands, is really less honest than the average citizen.

The above statements are confined to the law bearing on commercial relations, but they are nearly as true considered as to other chapters of the law; and the great demand, the pressing need, of the American people to-day is a uniform system of law for the whole country on all matters of general interest to the citizen, and this should be a national system.

And, as the laws, if made uniform, could not remain so, if the courts enforcing these laws failed to act in unison, a national law could only be properly administered by a national system of courts.

The next great political issue should be upon the abolition of state laws and state courts. All laws within the country should be national, and every court of record should be a court of the United States. But in this connection it is of the first importance to define the meaning of the word "law."

Law is said to be the command of the supreme power in the state relating to the civil conduct of those who are subject to its control, and the national law should deal with all those subjects, the regulation of which is of general interest to the citizens of the country and for these purposes, both for legislative enactment and for judicial and executive enforcement, the fullest and most sovereign power should be vested in the Federal government.

But there are many important subjects of legislation which are not of general interest. It would be impossible for a national government to regulate the details as to the government of cities, the local systems of public education and many other matters of local concern, which are the subjects of regulation in all civilized countries.

These should be the subject of local legislation by ordinance; for ordinance is that which is locally ordained, as distinguished from law, which is supremely commanded; so in a well-established legal system there should be national laws and state, rural and municipal ordinances; but all should be under the protection of, and enforced by a national judicial system.