Duma falls far short of even moderate expectations. It moves at snail's pace and busies itself with the veriest trifles. Having worked seventeen days out of seventy before Christmas, it adjourned for a three weeks' rest. Yet, when legislative business was resumed on January 21st, there was hardly a quorum of a third of the members present. The Speaker, M. Khomiakoff, complained to a journalist lately that many deputies appear to have forgotten the existence of the Duma and of the Tavrida Palace, seeing that they have not once put in an appearance there since their arrival in the capital. He looks with disfavor on the practice of choosing for treatment petty questions that are devoid of interest and unlikely to arouse discussion — such as whether a certain sum should be given for the rent of a house for the guardians of the orphans of noblemen in the city of Perm, or whether the nuns of a certain convent in the south of Russia shall have their coughs and colds cured at the expense of the Crown or at their own. The result is that whereas the first Duma, which existed only for seventy days, drew up house rules for itself and also passed a public administrative law, the third Duma did less during the seventy days of its existence. Speaker further explained that it is not in his power to expedite matters or even to sift the important from the unimportant bills -only the Chairmen of the Committees can do this. At present, he said, there are no urgent bills ready. No project can yet be laid before the upper chamber, although the Duma has dealt with eleven, "because the drafting committee has not once come together. And the very same thing is happening with other Thus there committees. . . . In Russia everything is fleeting. was a time when the zemstvos aroused intense interest; afterwards they were clean forgotten. . . . In the community no real genuine interest for anything is noticeable. If there be any it is artificial; this is true even of the interest shown in the Duma."

When the Speaker himself passes such a severe judgment on the Duma there must be something very defective somewhere.

But turn to whatever institution you may and you will find that the defects, not the qualities, are making themselves felt, and painfully felt, just now. The railway departments, the general staff of the Army, the Admiralty, the Ministry of Public Instruction, even the Most Holy Synod itself, are all sinning, or said to be sinning, against the interests of the nation. Take

the Most Holy Synod. That is a body of high ecclesiastical dignitaries, including the several Metropolitan Archbishops, which governs the Church instead of the patriarch, whose office was abolished by Peter the Great. This year the Emperor, exercising his legal right, himself appointed the several members of the higher elergy who are to take part in the labors of this session. And they have begun by disapproving those legislative bills which are grounded upon the scheme of religious toleration that was unfolded in the Imperial ukase of Easter, 1905. For example, it used to be a punishable offence in Russia for the members of any creed, except the established Orthodox Church, to seek to make proselytes. This law was then modified, and nobody was liable to punishment for converting or perverting a member of the Orthodox faith unless it could be shown that among the means employed there was an abuse of authority, compulsion, guile or a promise of recompense. Now the Most Holy Synod has given utterance to the view that the right of freely spreading its tenets belongs only to the Orthodox Church. As a corollary of this theory, the Synod asks that the prohibitions which formerly kept the members of rival creeds from enticing away sheep of the true fold shall be left in vigor. The liberal press is greatly indignant at this refusal of the prelates of the Church to dance to the piping of the latter-day tunes. But to the mere onlooker the danger seems unreal. For, after all, the Most Holy Synod represents one of the oldest Christian Churches in ex-It boasts that it has not changed since the death of Christ, and that it possesses the only true saving doctrine. Consequently, it would be unfair to upbraid the Most Holy Synod for wishing to spread the only true doctrine and for not altering with the times. Change may be good, desirable, urgent. it is not in the Orthodox Church that one would naturally look Another tranquillizing consideration is that the Most Holy Synod has the right of expostulating and recommending, but not of giving, laws to the Russian Empire. And until the principle of intolerance has been embodied in the penal code it is too early to complain.

There can be no doubt that the Orthodox Church has been sorely tried since the revolutionary movement began. Scores, nay, hundreds, of thousands of her nominal children have quitted the fold and gone over to the adversary, while many of those

who remain behind are openly fighting against the dogmas or the traditions of Orthodoxy. And now, whenever a prominent ecclesiastic is about to be severely punished, he generally escapes to the enemy's camp. It was thus that quite recently the Archimandrite, Michael, when on the point of being rigorously dealt with, announced that he had, as a Hibernian once put it, abandoned the errors of the Orthodox and embraced those of the Old Believers' Church. And now another ecclesiastical light has become a firebrand. Father Petroff, an esteemed popular preacher, falsely denounced by a brother clergyman, was recently called to account by his ecclesiastical superiors. Refusing to answer their questions, he has now written a letter to the Metropolitan Archbishop of St. Petersburg expounding his politico-religious views. And in this confession he reveals himself as a Socialist, a Utopist and a severe judge of Russian Autocracy and Orthodoxy.

Father Petroff attirms that, after nineteen centuries of Gospel preaching, there is no Christian form of government; that there is neither a Christian society nor a Christian State. "Kings take their realms for their estates, and look upon their people as their herds. In lieu of serving the nation, they want the nation to serve them. . . . 'Sacred property' the highest classes term what they have wrested by violence or acquired by guile. When they owned slaves they bestowed upon them, too, the name of 'sacred property.' . . . If the well-to-do could but seize the sky, the air, the ocean and the stars, they would declare all this their sacred property. They would let them at exorbitant rents and turn them into a source of unearned income."

Father Petroff stigmatizes war as scientifically arranged massacre, condemns capital punishment which is now an every-day occurrence in Russia, and makes the Monarch and his Ministers personally responsible for it. Nay, he bestows on them the name and the attributes of executioners. "The hangman is just such an instrument of punishment as are the gallows and the noose. It is a higher executioner who strangulates—viz., the judge who utters the death sentence. Aye, he who executes is the administrator who ratifies the sentence. He who strangulates is the Minister who erects gallows all over the country, and looks upon the gallows as his mainstay and his force. The hangman of the condemned is that supreme authority that sanctions the introduction of the gallows by the Minister."

The view taken by Father Petroff of the Church, of which until a few weeks back he was regarded as an ornament, is gloomy in the extreme, and will probably provoke his suspension as a clergyman and possibly his excommunication as well. The following passage from his unpublished letter to the Metropolitan Archbishop contains the gist of it: "The governing monks with their cold, lifeless, bony fingers have throttled the whole Russian Church, stifling its creative spirit; they have manacled the very Gospel and sold the Church as a mercenary to serve the ruling power. Pobiedonostseff's synodal department has made the Church, this bride of Christ's, the concubine of the State. There is no manner of violence, no sort of crime, no misdeed of the State-governing power which the Church-governing monks have not covered with their ecclesiastical mantle, have not hallowed."

Probably by the time this letter is in the hands of the readers of the Review Father Gregory Petroff will have ceased to be a clergyman of the Russian Orthodox Church.

One of the gravest mistakes made by the present Cabinet is the postponement of departmental reform. Almost every Ministry is an Augean stable abounding in abuses which have done more to discredit the régime than all the arbitrary acts of the administration. The corruption of certain classes of officials, especially those who come in contact with foreign joint-stock companies and those who take the delivery of war-ships, etc., is proverbial. It might, of course, be equally great if Russia were a republic. But, as a matter of habit, everybody associates the régime with these abuses and makes the monarchy responsible for them. It is thus that the régime suffers from the odium that attaches to the Minister of Marine, although if it depended on the court these abuses would probably be swept away in a few It would, therefore, be a clear gain if the Cabinet purged the departments, raised salaries, penalized bribery and took efficacious means to have the law observed.

The law court at which the defenders of Port Arthur are being tried is another mud volcano. Daily it bespatters men who theretofore stood fairly well with their fellow citizens; General Kuropatkin is one of these. He deposed at the trial that Port Arthur was not, and could not be, a first-class fortress because it was built in two years, and no formidable stronghold could be constructed in that time. Moreover, the city of Dalny, which was "erected

by Witte unknown to Kuropatkin," annihilated the value of Port Arthur as a citadel. Kuropatkin swore to this deliberately. Then it was proven that his memory had played him false, that he had known all along of the scheme to build Dalny, approved it orally and in writing, and even proposed three names for the new city, none of which the Emperor accepted. It has also been shown that, when the Tsar sent him as War Minister to examine the state of Port Arthur about six months before the outbreak of the war, he reported to the monarch that "we may now be easy in mind about the fortress of Port Arthur. The fortifications of Port Arthur are coming to an end, and will render it, when adequately governed and victualled, impregnable by sea and by land. . . . At present there is no ground for alarm even if the greatest part of the Japanese army should attack Port Arthur. We have the force and the means of defending it alone against ten to fifteen enemies. . . . Now, therefore, we need not be anxious." As these two statements are contradictory, say the organs of the liberal press, it is fair to ask whether Kuropatkin was telling an untruth when he assured the Tsar before the war that Port Arthur was impregnable, or lately at Stoessel's trial when he informed the court that Port Arthur was a wretched makeshift of a stronghold and could not be otherwise. And the newspapers are now clamoring for his trial.

Berlin, February, 1908.

ALTHOUGH the effects of the great financial crisis in America last November are gradually being overcome in Germany, as elsewhere, there are various more or less permanent factors in German and Prussian finance which, in view of the susceptibility of the Berlin Bourse to Wall Street influence, possess a more than purely Continental interest. Financial and commercial developments in the United States are followed with close attention in this country, and recent events in this sphere in America have been made the subject of repeated discussion in the Reichstag, as well as in the reports of Chambers of Commerce and other trade associations.

With regard to the crisis itself there is a wide-spread popular disposition to ascribe its origin to President Roosevelt's campaign against the Trusts, and it is felt that any attempt to impair the financial activity of the Trusts must, of necessity, react upon the whole economic life of America. Due importance is attached to the President's view that the greater the crisis the sooner it will be overcome; but, in agreement with opinions which have already been expressed in the American Senate, it is held that the challenge to the Trusts has come too late. In other quarters it has been suggested that the whole crisis has been the result of a speculative attempt to influence prices on the international stock and money market. But, whatever the cause of the crisis may have been, its effects, as far as Germany is concerned, have been unmistakable. According to the official estimates of the Statistical Department, the fight for gold in America resulted in the export, during November alone, of nearly \$40,000,000 of German gold, and the withdrawal of close upon \$8,000,000 worth of gold from the Imperial Bank during the first week of that fateful month resulted in an increase of the official discount rate to seven and one-half per cent. It is not without a certain uneasiness that in agrarian circles, for example, it has been noted that on an average American exports to this country annually exceed in value German exports to the United States by some \$125,000,000. In 1906 the excess was estimated at as much as The American returns, it is true, estimate this \$150,000,000. excess at under \$100,000,000. The discrepancy is admitted in this country, but it is maintained that for practical purposes there is no reason why raw materials, such as copper and cotton, which are destined for re-export in the form of manufactured goods, should not be included. But, whichever estimate is accepted, there undoubtedly remains a wide margin against Germany which is not covered by the earnings of the large shipping companies, like the North German Lloyd and the Hamburg American Line, or by the interest on American securities in German hands. In addition, there is the enormous sum of \$75,000,000 for which German insurance companies have admitted liability in connection with the San Francisco earthquake.

In the mean time Germany is continually liable to have to submit to the withdrawal of large quantities of gold with calamitous results. The makeshift weapon of defence at the disposal of the Imperial Bank is an increase of the official discount rate to a prohibitive figure. A bank rate of seven per cent. at the beginning of 1907 and one of seven and one-half per cent. at the beginning of this year is a phenomenon which calls for remark,

and it is well to remember that, as far as Germany is concerned, quite apart from recent American requirements, these increases have been due to the overwhelming excess of demand over supply on the capital-market rather than to developments on the money Thus, according to the estimates of the "Cologne market. Gazette," at the close of the year 1906 the thirteen largest German banks had granted credits to the amount of considerably over \$1,000,000,000; and although the figures for 1907 are not yet available, it is probable that this sum has been increased by anything from \$200,000,000 to \$250,000,000. This enormous increase in the demand for capital in its turn has been the result of a universal rise of prices and of the extraordinary growth of production. Side by side with these developments there has been an appreciable lessening of consumption and demand. Dearer credit has reacted upon the building industry, and the partial paralysis of this trade has in turn reacted upon the iron and steel industry, with the result that in a number of important centres production has been reduced or temporarily suspended. In January there were 30,000 unemployed in Berlin alone.

And yet, notwithstanding this array of eminently unfavorable factors, the recent crisis has shown the essential solidity of the foundations upon which German commerce and industry are based. The crisis came to a head at a moment when over-production and over-speculation had tied down large sums of capital in industrial undertakings. But thanks to the effective resistance of German industry and to the process of amalgamation which has been going on in an increasing number of its branches, the force of the blow was broken, and the German financial system has emerged from the ordeal shaken, but not discredited. If conditions in America exhibit any genuine signs of permanently settling down there is likely to be a corresponding return of confidence in this country.

But, as has already been indicated, there are unmistakable symptoms of the imminence of an industrial crisis in Germany, and although it is not yet possible to predict the proportions which it will assume, there is reason to fear that a second trying ordeal is in store. There can be no reasonable doubt that German industry, commerce and finance will survive this fresh trial, but the prospect of a repetition even on a small scale of the industrial collapse of 1900 has a depressing influence on trade.

The depression of trade, the increased cost of living and the prospect of still more unfavorable economic developments have been followed by a wave of political discontent. Quite apart from these factors, the period of comparative tranquillity in German foreign affairs which has succeeded the alarms of the last two or three years has given the German people leisure to inquire into their domestic affairs, and dissatisfaction with prevailing economic conditions has been transferred to the political sphere at home. In observant quarters it has long been felt that the artificiality of certain aspects of German Weltpolitik was, perhaps, not altogether unconnected with a desire to distract public attention from various domestic problems which the Government felt it inconvenient to approach. This policy of procrastination will now have to contend with an opposition which, once popular feelings have been aroused, it will be difficult to silence.

Engendered by discontent, and encouraged by the example of Austria last year, the agitation for a reform of the Prussian franchise, with its class system of suffrage, which even Bismarck was wont to describe as the worst in Europe, is in full swing, and although it would be hazardous to predict its chances of success, the Radicals and some of the Liberal elements, as well as the Social Democrats, have adopted this question as one of the integral planks in their platform. Like the Socialists, the Radicals have long made the Prussian franchise the subject of criticism in season and out of season. But while the former have elected to make street demonstrations their chief means of propaganda, the Radicals are minded to pursue the end in view in a more Parliamentary fashion. For the present, moreover, the Radicals are still sufficiently jealous of their position in the Bloc not to renounce their allegiance to Prince von Bülow, notwithstanding the fact that the Imperial Chancellor in his capacity as Prussian Minister-President is the strongest pillar of the conservative and reactionary régime in Prussia. The forthcoming campaign in connection with the elections to the Prussian Chamber is likely to make it plain what attitude the rank and file of the Radical party throughout the country are likely to compel their representatives to adopt. Theoretically and practically the course which the Social Democrats have chosen in transferring their agitation to the streets, and in trying the patience of the authorities by a series of more or less violent

To render the principal demonstrations, is to be condemned. thoroughfares of Berlin and other large towns unsafe for ordinary traffic is a proceeding which no political motives, however pardonable and natural in themselves, can excuse. Morally, however, the Socialists may claim in justification of their action that, debarred as they are for want of Parliamentary representation from stating their grievances in the Chamber, they have no other means of calling attention to the disabilities of the Prussian working-classes. And, indeed, it is a curious anomaly that, although in Prussia the Socialists poll almost as many votes as the Conservatives, who constitute nearly one-half of the whole Prussian Chamber, they have not a single representative in that House. The same voters, moreover, who as Prussians are debarred by the indirect suffrage system from returning a single deputy to the Lower House of the Prussian Diet, in their capacity as Germans, and under the universal, equal and direct suffrage which governs elections to the Reichstag, have been able to return as many as eighty members to the Diet of the Empire. The Conservatives alone feel it to be in their interest to maintain this Gilbertian situation which ascribes to one and the same person a higher or lower degree of political intelligence according as he is a German or a Prussian. The Prussian franchise as now constituted is the cornerstone of the whole reactionary edifice. But street demonstrations are worse than useless against Prussian Conservatism fighting with its back to the wall. The Government has already proclaimed its intention of dealing more severely with each successive demonstration as it takes place. The Socialist leaders would be ill-advised if they allowed the masses to get out of hand and to provoke the intervention of the military. conditions of street warfare have changed since 1848, and the mob which should try to stand up to barricade itself against modern weapons of precision would soon be reduced to reason. The Government has accordingly shifted all responsibility for future developments in this direction on to the shoulders of the Social Democracy. As a matter of fact, the association of the Socialists with the franchise agitation is likely to make it unpopular, and to retard reform. A striking illustration of this political antipathy is to be found in the ultimate failure of the Socialists to defeat the Tariff in 1902-3, when their tactics ranged the opponents of the Tariff on the Government's side.

THE EDITOR'S DIARY.

We Make Reply to a Critic.

WE have received the following letter from Grand Rapids, Michigan:

"To the Editor of The North American Review:

"SIR,—I have been for more than a score of years a regular reader of The North American Review. There have been in the Review from time to time through all of these years articles which I have felt to be more or less incorrect, but I have had no fault to find with the Review because I have not approved of all that was in it. Its policy of neutrality, or of presenting both sides, in some of the most important matters of political and religious opinion I have held in high respect, although there have been times when the neutrality has seemed to be poorly maintained. But the Review has been characterized by its very many valuable and able articles on a wide range of topics secured from many of the ablest men of this country and of other lands. I have generally looked to its coming with much interest and anticipation and have not often been much disappointed.

"For the last year or more I have found my appreciation of the REVIEW very much changed. It has indeed contained valuable articles,the last number, that for December, 1907-notably so. But with these valuable articles there have been so many of so little value to very many, and I believe the large majority, of its readers, and with those so much of editorial misstatement and misrepresentation, that the perusal of the REVIEW has given me more of dissatisfaction than satisfaction. Without mentioning much of which I have disapproved, I wish to say that the personal attacks in the early part of the year upon President Roosevelt and Secretary Root in the Editor's Diary were, as it seemed to me, so unfair and misleading as to be outrageous. Nobody unless a very few extremists for 'States' rights,' such as the editor of The North American Review has shown himself to be, has had at any time any fears or thoughts that the Constitutional rights of the States were in danger of being subverted by the President or his Cabinet. The animus of the editor's persistent misrepresentations was shown in the statement in the Review for December, 1906, page 1325; 'In spite of the fact that the Union was and is no more than a compact for mutual protection and helpfulness of sovereign bodies politic.' That statement is an anachronism—unworthy of a place

in any respectable publication of this century. It is the doctrine of Calhoun restated. It was precisely that doctrine that was responsible for secession and the terrible and prolonged civil war.

"The war finally settled forever that pernicious fallacy, and it is not creditable to the intelligence, much less to the patriotism, of any man in this century to exhume and attempt to revive that long buried political heresy. According to that doctrine, this country is not now a nation, but only a union by compact of sovereign States, notwithstanding that the Constitution of the United States begins: 'We the people of the United States'—not we the several sovereign States of the United States—'do ordain and establish this Constitution for the United States of America.'

"I looked for months for an article in the Review replying to the false position and misrepresentations of its Editor's Diary, but I have seen nothing. In the absence of any such reply, I regard it as only fair to a representative reader of the Review and to its publishers and to the truth of history and the sentiment of the country—not to say to the President of the United States and his Secretary of State—that this dissent and protest shall be sent to you.

"I will add to the above that the screed in the Editor's Diary of the last number of the Review, 'A Plea on Behalf of Satan,' is a piece of tomfoolery barren of humor as well as of sense, unworthy of the Review.

"THE NORTH AMERICAN REVIEW has an honored history and prestige. It has been a medium of the discussion of great themes. Its readers have been people who could appreciate mature thoughts of the best minds on the great questions of the passing years. As a reader of the Review I appeal to the publishers to maintain its prestige and increase rather than fritter away its value. Keep it worth the reading of the thoughtful and intelligent people, and it will not lack for readers. Fill it with worthless articles and let its editorial space be occupied with nonsense and with extinct or false political theories, and its influence will rapidly dwindle and its years be few.

" (Sgd.) THEO. D. MARSH.

The reverend gentleman who writes this letter is professionally, and doubtless personally, concerned in furthering the moral welfare of men, including, as it seems, our own. That we have some virtues he has attested, and thanks are due to him for his generous recognition of them; for, when a man is angry with his neighbor, it costs him usually an added pain to pause in his denunciatory speech, and to admit that the object of what he deems his righteous wrath is not wholly worthy of condemnation. It is true that our stern judge does not extend his mercy promiscuously, for he excludes from it the Diary; but such is his apparent love of justice that we are tempted to make an effort to show him that he is not warranted in his feeling.

What is this world anathema against the playful "plea in behalf of Satan"? The subject is not taboo; indeed, better men than we have sported with it. Of course, there was no sense in the little piece if it was, indeed, "a piece of tomfoolery," nor yet could any man of wholesome sense be rid of his occasional fooleries without injury to his own nature. "Foolery, sir," said the clown to Viola, "does walk about the orb like the sun; it shines everywhere." And Horatius Flaccus sang his conviction that it is wholesome on occasion to indulge in foolery. So Shakespeare and Horace, who could be grave enough, possessed also their humor and were grateful for it. Neither they nor we admit that "tomfoolery" is necessarily without humor. We would be sorry to offend any of the cherished prejudices or wound the sensibilities of an admirer of our grave contributors, but it is clear from the context of this letter that its writer was in no mood to enjoy humor or even to recognize its presence. That, however, is a matter of slight importance compared with our correspondent's animadversions upon our criticism of the President and some of his policies.

If we may be permitted to say so without being accused of undue irreverence, those who are partisans of our present President are, like him, almost inevitably the victims of desultory tempests of passion whenever he, or his "policies," are criticised. These victims of wrath seem to lose their hold upon the "vantageground of truth." They deny what is. They assert what is not. They will contradict the evidence of their senses. example, is our correspondent asserting that we are guilty of "editorial misstatement and misrepresentation," and charging us with making "personal attacks" upon the President and Secretary Root that are "so unfair and misleading as to be outrageous," his specification being that we have pretended to fear that the "constitutional rights of the States were in danger of being subverted by the President or his Cabinet." What can such sweeping assertions indicate but that, in the imaginations of some men, one cannot differ with Mr. Roosevelt without making a "personal attack" upon him? If Mr. Roosevelt should contend that the markings upon Mars were lines of troops eager to pounce upon this unready earth, and if the gentle Lowell should insist that they were merely peaceable canals, such persons would condemn the astronomer, and hector him for his "personal abuse" of the

President. It should not be necessary to remind any of our readers that there is no "personal attack" involved in merely differing with the President, but we fear it would be useless to attempt to explain the matter to those who think that there is.

For the rest, there is set forth in the very article for which the Rev. Dr. Marsh condemns us abundant proof, in Secretary Root's own quoted words, that it has been, and is, the purpose of the President-his purpose having been expressed by the Secretary of State and by himself—that the Federal Government shall hold itself ready in certain contingencies to usurp, by the indirect and indefensible method of "constructions" of the Constitution, powers that constitutionally belong to the States. Here is one of the Secretary's pronouncements, quoted in the condemned article, on the occasion of the celebrated Pennsylvania dinner: "New projects of national control are mooted; control of insurance, uniform divorce laws, child-labor laws, and many others affecting matters formerly entirely within the cognizance of the States are proposed." And then this direful threat is made: "If the States fail to provide it [the control which they have the power to exercise] in due measure, sooner or later constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government."

That, in our criticism of Mr. Roosevelt, we did not "misstate and misrepresent" his belief—to the effect that many of the most important, the vital, powers of the States should be taken from them by the Federal Government for its own use, and that by unlawful constructions, or by usurpation, and not by orderly legal amendment—there is proof to be found in this speech of Mr. Root's and in a number of speeches by the President himself: as we have said, there was, indeed, proof of it in the very article in his strictures upon which Dr. Marsh denies, with explanatory heat, the truth of our criticism.

As to the remarks upon the constitutional propriety of the phrase touching the character of the Federal Government ("the Union was and is no more than a compact for mutual protection and helpfulness of sovereign bodies politic") there is need to say little. The phrase had no such meaning as is attributed to it in this letter. The fallacy in the old "compact" theory which, as Dr. Marsh says, the "war finally settled" was that the compact between the States was dissoluble, but that theory

is now so long obsolete that no one refers to it even by indirection. The war certainly, however, did not destroy the sovereignty of the States. All government is an agent for the general welfare, while our Federal Union is also an agent for the States, which, in their spheres, as all the judges of the Supreme Court have always said, are as completely sovereign as is the Federal Government in its sphere. Dr. Marsh is led a good way by his feelings—as is illustrated by his apparent condemnation of the notion that ours is a union of sovereign States. He cannot mean this—although he seems to; for the Union is, indeed, a union of this character, as the Supreme Court has again declared in two cases decided within the year. And one word more; he who insists most strongly upon the rights of the States is he, as a rule, who will also insist most soundly, for he will discriminate accurately, upon the powers of the Federal Government.