

be exercised by the several states individually. In yet others it has become increasingly evident that no efficient state action is possible, and that we need, through executive action, through legislation and through judicial interpretation and construction of law, to increase the power of the Federal government. If we fail thus to increase it, we shew our impotence."

Mr. Root, on December 12, 1906, at New York, remarked upon the gradual passing of control into the hands of the national government and stated that there were other projects tending more and more to obliterate state lines, and that it may be that such control would better be exercised in particular instances by the government of the states, but the people will have the control they need either from the states or from the national government, and if the states fail to furnish it 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.

The clauses of the constitution relating to interstate commerce have been construed out of their original meaning to give supreme authority to Congress in matters not contemplated by the fathers of the constitution. This construction was first asserted in the *Lottery Case* (1903) 188 U.S. 321, arising out of the enforcement of the statute of 1895, which made it illegal to transport lottery tickets from one state to another. The statute was passed to cover police regulations where the states were too corrupt or too weak to preserve their own law and order. It has been extended by the pure food laws and seems to have exhausted itself in the statute regulating the liability of employers of labour on interstate railways which was declared unconstitutional.

In the recent message of the President to Congress of March 24, 1908, he recommends the measure again, subject to the changes required to bring it within the constitution. The limit to which it may go is indicated in a letter of April 2, 1907, from Judge Edward H. Farrer, of New Orleans, to the President, wherein he shewed that a complete control of the railway sys-