

is held, whether of land or chattels, is by its permission and under its regulation. The State grants, confiscates, and determines the tenure or conditions of holding as it pleases. It prescribes how property shall be obtained, transmitted, inherited, or devised. It determines what shall be money. It has unlimited power of taxation. It demands the sacrifice of individual convenience for the sake of what it deems, rightly or wrongly, to be the general good. It makes war and peace with other nations. It suppresses rebellions at whatever cost of treasure and blood. It claims the life of every man for the public defence, and, for that matter, in every conflict it may choose to wage, whether aggressive or defensive, whether right or wrong.

The State determines ultimately all political rights as they are commonly called : all political duties, as I would prefer to call them. It prescribes the age, sex, and qualification for the exercise of the franchise. As its most important power, and one inseparable from its action for good or ill, it regulates all social relations. It declares and must declare what shall constitute marriage and what shall cause its dissolution ; whether it shall be an invincible bond, or a mere contract to be terminated at the convenience or whim of the parties.

The State educates, prescribing both who shall teach and what shall be taught. It takes possession of us at our birth, keeps us under control during our whole life, and when we die it marks the time, and place, and cause of our departure, and the place of our burial.

All these sovereign attributes are inherent in the State and have their times of practical exhibition. In short, there may be predicated of every such ultimate political organization what has been said of the British Parliament, as the represen-

tative of the British nation, "It is omnipotent. There is no earthly power that can touch its hand or say unto it, 'What doest thou.'"

And all these powers or prerogatives belong to every State irrespective of form. They inhere in a republic as truly as in an absolute despotism.

People sometimes talk of the State as if it were the creature of the constitution, whereas the very framing of a constitution is one of the highest exercises of sovereignty. The limitations woven into the constitution are self-imposed, and, being thus imposed at pleasure, may, at pleasure, be repealed.

Forms of procedure cannot ultimately restrict the State in this respect, for the simple reason that it makes the forms themselves. The State can be what it pleases to be, either through formal proceedings which it calls constitutional amendment, or through a steady tendency of judicial and political constructions always moulded by the popular tendencies lying behind them, or, if these be considered too slow, or some real or fancied exigency demands it, by falling back upon the absolute sovereignty as something never lost, and from which constitutions emanate, as being, even in their restrictions, an expression of ultimate unlimited power.

Whence comes this marvellous entity, the State?

Does it come from the consent of the parts? No ; for the simple reason that it claims and exercises powers which no social compact can possibly confer. This is a case in which the whole is greater than all its parts. As the temple was more than the stone and timber and brass and iron and gold and silver and jewels of which it was composed ; as the human body is more than the simple aggregation of all its particles, so the