

public opinion, than is the Supreme Court. Congress, as is well known, possesses one instrument of control over the Supreme Court—its power to increase the number of judges in that court to any extent and thereby “pack” the bench; and, as is also well known, there is good ground for believing that the act of 1870, increasing the number of judges from eight to nine, was passed for that purpose. The suggestion I here make is along the same line, but offers immeasurably greater possibilities of control.

I need hardly add, perhaps, that, in consideration of the existing situation, my suggestion is to be regarded rather as an interesting wrinkle in our Constitutional system than as a practical proposal.

LOUIS MAYERS.



Newport, R. I.

I have been much interested in what has been said from time to time in *The Public* under the head of “Pulling the Teeth of the Supreme Court.”

The question of whether or not the Constitution gives judges the power to set aside laws might be argued forever. It might be urged that if the framers intended that judges should have the power it would have been conferred in express terms, rather than by implication. To this it may be replied that the framers did not dare to confer the power in that manner, but that they meant that the judges should have it, just the same.

But what real difference does it make to us what the framers intended? The fact remains that judges are setting aside laws and have been doing so for a good many years. Do we want the practice to continue? If we do not, what is the best way to put an end to it?

By amendment of the Constitution, would be the obvious answer but for the fact that amendment is so extremely difficult. By appending to acts a clause forbidding judicial annulment has been suggested; by electing Executives who will enforce the laws despite their being pronounced unconstitutional, etc.

I should like to have the following proposition criticised: Let Congress pass a joint resolution to the effect that its Acts and Resolves shall stand until repeal or expiration. If it be necessary, let successive Congresses pursue this course until it becomes thoroughly established that judges are to confine themselves to trying cases under the laws.

It should be remembered that the Legislative Department is fundamental; that Executive and Judicial functions are, or at any rate should be, entirely derivative. Why should it be necessary for us to go round and round Robin Hood's barn, so to speak, in order to put an end to a practice that prevails nowhere else in the civilized world, unless it be in Australia? I have heard that the courts of that country pass upon the constitutionality of laws. Is it true?

H. J. CHASE.



Mrs. Grogan: “Ol hear Kelly was in an automobile accident.”

Mrs. Dooley: “Yis. Little Timmy Riley across th’ way threw a brick at wan, and it landed on Kelly’s face!”—Puck.

NEWS NARRATIVE

The figures in brackets at the ends of paragraphs refer to volumes and pages of *The Public* for earlier information on the same subject.

Week ending Tuesday, February 13, 1912.

The Manchu Dynasty Abdicates the Chinese Throne.

Three edicts were issued from the Chinese Throne on the 12th. The first proclaimed abdication, the second dealt with the establishment of the Republic, and the third urged the maintenance of peace, and approved of the conditions mutually agreed upon during the late weeks of negotiation by the Imperial Premier, Yuan Shi Kai, and the Republicans. The first edict, whereby the Manchus abdicate a throne they have occupied since 1644, is issued in the names of the little Emperor, P'u-yi, whose “reign title” is Hsuan-tung, and who was just six years and one day old on the date of his abdication, and of the Empress Dowager who is his aunt. It runs as follows:

We, the Emperor of China, have respectfully received today the following edict from the hands of her Majesty, the Dowager Empress: In consequence of the uprising of the Republican army to which the people of the Provinces of China have responded, the Empire is seething like a boiling caldron and the people are plunged into misery. Yuan Shi Kai was therefore commanded to dispatch commissioners in order to confer with the Republicans with a view to the calling of a National Assembly to decide on the future form of government. Months have elapsed and no settlement is now evident. The majority of the people are in favor of a republic. From the preference of the people's hearts the will of heaven is discernible. How could we oppose the desires of millions for the glory of one family? Therefore we, the Dowager Empress and the Emperor, hereby vest the sovereignty of the Chinese Empire in the people. Let Yuan Shi Kai organize to the full the powers of the Provisional Republican government and confer with the Republicans as to the methods of union, assuring peace in the Empire, and forming a great Republic with the union of Manchus, Chinese, Mongols, Mohammedans and Tibetans. We, the Empress Dowager and the Emperor, will thus be enabled to live in retirement, free of responsibilities and cares, and enjoying without interruption the nation's courteous treatment.

In return for his abdication the Republicans make the following pledges to the Emperor:

First—The Emperor shall retain his title and shall be respected as a foreign monarch.

Second—The Emperor shall receive an annual grant of 4,000,000 taels until the currency is reformed, after which he shall receive \$4,000,000 Mexican.

Third—A temporary residence shall be provided