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There is something suggestive about the report from Indianapolis of a combination on the part of the window glass trust to corner skilled labor.

Judge Tarvin, of Kentucky, has made a sound decision on the question of government by injunction. Applied to to grant an injunction restraining strikers from committing criminal acts, he refused the injunction on the ground that these offenses should be brought before a criminal court, where the accused could have the benefit of a jury trial. It is not generally understood, but nevertheless it is true, that the prime object and effect of injunctions in labor cases is to give employers an opportunity to try strikers before a judge, upon affidavits, for offenses within the province of criminal courts. In this way strikers charged with crimes are denied jury trials.

The internal struggle in the democratic party in the south is brought to the surface by the return, almost British fashion, of Tillman and McLaurin to the people for a verdict on their democracy. McLaurin represents a large southern element that would be republican but for the traditional bitterness of southern prejudice against the republican party. Almost from the beginning of his term in the senate he has assisted Mr. McKinley against the democracy; and Mr. McKinley has assisted him in turn. In the contest now pending between him and Tillman, Mr. McKinley is reported to be arranging to give him the benefit of federal patronage in the state, as if he were a republican leader. When Tillman threw down the gauntlet to McLaurin he said what is exactly true: "If you are a democrat, I am not." This is the question on trial in the fight which the resignation of these two senators has opened. Plutocratic and imperialistic South Carolina is measuring strength with democratic South Carolina.

The supreme court of Texas is reported to have decided that the franchise of a corporation, without its real estate, is lifeless; and that the taxation of both franchise and real estate is therefore double taxation. As reported in the newspapers, the decision is not stated with sufficient clearness to serve as a basis for economic criticism, either favorable or unfavorable; but it has the ring of a true decision. What gives peculiar value to a corporate franchise are the privileges it confers. These privileges are usually in the nature of powers to assert to some extent the sovereignty of the state over real estate; and substantial and permanent value attaches only when that power is asserted. The relation, therefore, between the real estate and the franchise of a corporation is very close. It is not unlike the relation between a deed and the lot of land it conveys. To tax the lot and also the deed, would be absurd. If this is the drift of the Texas decision with reference to corporations, it is a welcome drift.

On account of a recent decision of the supreme court of Colorado, Leadville is reported to be in a fair way of paying dividends to her citizens instead of taxing them. The decision in question was a determination of street rights. A mining company had been extracting valuable ore from underneath streets and alleys. The city brought suit, claiming that mining rights under public highways are municipal property. In the lower court this contention was defeated. But the supreme court decides that under the original conveyance of streets and alleys to Leadville, the mining company is a trespasser upon public rights. It is estimated that this decision assures the city of Leadville an annual royalty from mining rights in the streets of $2,000,000, and that it will be able not only to furnish free light, free water, free paving and free government, but to declare a public dividend besides of from a quarter to half a million a year. There is something exhilarating about that prospect. Yet Chicago also has silver mines beneath her streets. They are not so valuable, perhaps, as those of Leadville; but they would go a long way toward reducing Chicago taxes if Chicago had a Tom L. Johnson, or any other law-enforcing kind of man, for mayor. We refer to the valuable business places beneath the sidewalks of Chicago. Abutting lot owners who extend their cellars out under the sidewalks are trespassers upon Chicago public property, just as that mining company was a trespasser upon Leadville public property. If they paid their rent, the city treasury would not be so nearly empty.

It is little wonder that the people, and even able lawyers, were perplexed by the supreme court decisions in the Puerto Rico cases. Apparently the second decision reversed the first. Yet it is possible to make the two hang together. The conflict is not so much in the conclusions as in the reasoning by which they were reached. Taking the opinion of Judge Brown as stating the basis of the court's decisions—and this would seem to be the proper thing to do, since he carried the decision by a vote

of 5 to 4 in one direction in one of the cases, and by 5 to 4 in the other direction in another case—the two decisions together seem to establish this principle regarding the acquisition of new territory by the United States: (1) Instantly upon the ratification of a treaty of cession, the ceded territory ceases to be foreign territory; and consequently American revenue statutes which levy duties upon goods imported from foreign countries, cease to operate as to the territory ceded. (2) Yet the ceded territory does not become American territory to such extent as to entitle its inhabitants to the benefit of constitutional safeguards with reference to uniformity of taxation, until congress by affirmative action extends those safeguards to it; but is, meanwhile, with respect to the revenue clauses of the constitution, "a territory appurtenant and belonging to the United States, but not a part of the United States." (3) This unrestrained power of congress over ceded territory with reference to revenue legislation applies to all the territories — New Mexico, Arizona, Alaska and the Philippines, as well as Puerto Rico — and to the withdrawal of revenue privileges as well as to the withholding of them; for the revenue clauses of the constitution are held by the court to relate only to the several states of the union, and not to "the American empire" as a whole.

In the strictly legal sense, these decisions determine nothing more than the power of congress over territories with reference to the regulation of revenues. They establish nothing further, as matter of legal precedent, than that whereas congress must make its revenue laws uniform in so far as they apply to the states, it may make as many different kinds of revenue laws as it pleases for territories. By saying that this is the full scope of the decisions as legal precedents, we mean that in future cases the court would be under no obligation, even upon the strictest rules of deciding in accordance with past decisions, to extend the force of the decisions to any other clauses of the constitution than the revenue clauses, nor to any other question than revenue questions. It can be truly said, therefore, that these decisions do not sanction a crown colony system, except as to revenue legislation. But the spirit of the decisions goes much further than that. And it is hardly to be hoped that the court as at present constituted, or as likely to be affected by new appointments in the case of vacancies, would be governed by a different spirit in deciding such other constitutional questions as the crown colony policy may give rise to. Very distinctly a majority of the court, 5 to 4, stands for the doctrine that congress may govern the inhabitants of any part of the "empire," except the states, without other restraint than such as is affirmatively imposed by express constitutional inhibition upon that body. So far as territories are concerned, these cases reverse the long cherished American doctrine that congress has no power except what the constitution confers upon it. The new doctrine is that congress has unlimited power with reference to the territories and their inhabitants, except as the constitution expressly denies it. This is no longer a government of powers limited to the powers conferred; it is now, as to territories, a government of powers limited only by the powers denied.

The supreme court, therefore, has in effect decided by a majority of one judge, that the federal government may enter into competition with autocratic governments of Europe in maintaining crown colonies in different parts of the world, and that scattered over the earth it may have bodies of subjects of whom it demands a dumb allegiance. At this turning point in the history of our "government of the people, by the people, and for the people," one looks back instinctively, and not without encouragement, to the Dred Scott case. With what vividness that musty decision recalls how a majority of this same court, bowing obsequiously then to the slave power as a majority of it bows obsequiously to-day to the power of an imperial plutocracy, brought ruin unconsciously upon the very cause they consciously sought to protect.

The respect which a decision of the highest court of the country should command is necessarily weakened in this case by the fact that two republican and two democratic judges sturdily dissent. These four, moreover, are all men upon whom no suspicion rests. One of the majority judges—the only democrat among them—is chiefly distinguished as a representative of the protected sugar interests of Louisiana, which might have been injured by a different decision; and another fell under a cloud, a few years ago, by his sudden conversion to the plutocratic side of the income tax cases just when one vote on that side was needed. It is, indeed, a remarkable thing that in the two great supreme court decisions of this generation which bear upon the gathering conflict between democracy and plutocracy, the cause of the latter should have been sustained by a vote of 5 to 4; that in one case an act of congress was nullified, while in the other it is sanctioned; and that in each, the majority overruled long settled precedents of the court in order to reach their conclusions. Yet such is the fact. The income tax law was held to be unconstitutional by a vote of 5 to 4, the majority overruling a series of contrary decisions; and now the crown colony act is held, on the other hand, to be constitutional, by a vote of 5 to 4, the majority overruling a decision of the court which had been undisturbed for more than three-quarters of a century.

Were it not for this readiness to juggle with precedents, one might find in the Puerto Rico decision cause for great satisfaction, by inferring that in leaving the question of territorial government so completely under the control of congress, the court curtails its own earlier assumption of power to override the legislative department. But this might prove to be a poor

source of satisfaction. There is no assurance that when congress legislates less to the liking of the majority of the judges they will not again sway the court, and by thin "distinctions" overrule the democratic principle of this later precedent. Therein lies the danger of the judicial system that Marshall built up. Since the court sits in review of the legislative department upon the constitutionality of legislation, congress is less careful to legislate constitutionally than if the responsibility rested wholly with it. Thus it comes about that unconstitutional legislation is frequent, and the court picks and chooses, holding that to be unconstitutional which a majority of the judges dislike, and sanctioning that which they like. As to some of the most vital questions of public policy, therefore, the court may, as in the income tax law and the crown colony law they actually did, become final legislators. This crown colony decision makes it clearer than ever that the principle of the judicial plank of the Chicago platform of 1896 was sound. If we are to have a democratic as distinguished from a plutocratic and imperialistic government, we must have a democratic as distinguished from a plutocratic and imperialistic supreme court.

The fight between Mayor Johnson, of Cleveland, and the Ohio railroads, which is stirring public sentiment throughout the state and attracting marked attention all over the country, becomes fiercer every day, and of greater general interest. The fight turns, as we have already explained, upon the refusal of the county auditors to assess railroad property at as large a proportion of market value as residence and farm property is assessed at. The usual assessment of the latter is 60 per cent. of actual value, whereas railroad property is kept down to the neighborhood of 10 or 15 per cent. Mayor Johnson has proved by the market value of railroad stock and bonds that the railroad property they represent is worth many times the amount for which it is assessed, but the county auditors have stolidly ignored this proof. He has demanded that they bring in the railroad officials to disclose the real value of their respective roads, but the auditors stolidly ignore the demands. Finally he has instituted mandamus proceedings to compel them to examine the railroad officials. We told briefly of the first of these legal proceedings last week, but our information on that point was limited to what had come over the wires in press dispatches, which was somewhat defective. Quoting now from the full reports of the Cleveland Plain Dealer, we are able to explain the matter more correctly.

The case of the Cleveland, Lorain & Wheeling railroad was before the board of county auditors for assessment. The mayor tried to examine the auditor of the road with reference to the accuracy of his tax return. The railroad auditor would not answer, and the board refused to grant the mayor's demand that they compel him to. The railroad auditor finally explained that he could not testify as to his return, because he had to rely upon figures given him by others. The mayor then demanded the names of those others, and that they be required to appear and testify. The board of county auditors ignored the demand. At this point the director of law of the city applied to one of the judges for a mandamus to compel the board of auditors to investigate the truth of the railroad's return. While he was gone, Prof. Bemis and the mayor argued the matter with the board until the latter, apparently suspecting that these speeches were made to secure delay for some purpose, abruptly refused to listen any longer, and were about to fix the assessment, when a messenger informed the mayor that the mandamus had been granted. We quote now from the Plain Dealer:

The mayor jumped to his feet.

"Gentlemen," he cried, "a writ of mandamus has just been granted ordering you to call in the auditors of the road and examine them as to the true value of this property."

For a moment the auditors sat as though stunned, and then Auditor Laws, of Harrison county, growled: "Let's go ahead with the assessment."

"This notice I have given you, before you have taken a vote, is as binding on you as though the sheriff had served the writ," the mayor interposed. "It has the effect of nullifying any action you may take."

No answer was made and the auditors proceeded. They finished before Deputy Sheriff Jack Maney arrived. He served the writ on Auditor Craig as chairman of the board. Craig said he would consult with County Solicitor Kaiser before certifying the appraisement to the state board. The auditors—George H. Lewis, of Lorain; W. H. Hobart, of Medina; A. B. Peckinbaugh, of Wayne; L. E. Sisler, of Summit; W. M. Reed, of Stark; C. C. Fernsell, of Tuscarawas; H. B. Laws, of Harrison; M. Aldredge, of Belmont, and W. E. Craig, of Cuyahoga—raised the appraisement of the road from $2,203,149, the company's return, to $2,367,000. This was equal to an increase of 11.6 per cent. over the return of last year, or from 15.5 per cent. of the true value of the road to 17 per cent.

The mayor claimed that the real market value of the road was $13,000,000 as shown by its bonds and stocks. The physical property of the road, he said, applying the rule observed by the railroad company in making its return, was several times more valuable than given by the road. Much of its property was omitted, he said.

According to the mayor's figures the road should be assessed at $71,058 a mile instead of $11,028 a mile, which was the figure it returned. The auditor of the road and its general counsel, J. M. Lessick, refused to make any attempt to refute the mayor's statements.

"We stand on our return," they said.

One of the criticisms that Johnson makes of the county auditors is that they not only grossly discriminate in favor of the railroads and against farmers, city home owners and other small tax payers, but that they do this while receiving favors from the railroad companies. He brought this matter pointedly before the board, when, in defiance of notice of the mandamus mentioned above, it proceeded to appraise arbitrarily. He asked the railroad's auditor whether his road issued passes to county auditors. The railroad auditor blushingly said

that he personally had not issued any. He might have said more, but that the county auditors interrupted him. We quote again from the Plain Dealer:

"The road does issue passes," spoke up Auditor Craig.

"Have you got one?" asked the mayor.

"I have."

"And so have I," "and so have I," answered other auditors.

"I want to know if Johnson charges that because we may have accepted passes from the railroad that such fact influences our votes or is the reason why we do not appraise the roads as he would have us do?" demanded Auditor Laws, of Harrison county.

"I do not charge that."

"You had better not."

The doughty auditor from Harrison evidently supposed he had scored a point. But he had only made an opening for the mayor to read him a lesson on judicial morality, the soundness of which will be appreciated by the people, even if the official consciences of these auditors were not sensitive to its rebuke:

"But I do charge," cried the mayor, "that you men who sit here with passes in your pockets are not fit either legally or morally to participate in the appraisement of this road. And I want to say to you further that I am going to attack this and every appraisement made by auditors possessing passes issued by the railroads. Every such appraisement is illegal and I will prove it in the courts, even before a judge who himself may have a railroad pass in his pocket. Do I make myself clear?"

The county auditors made their devotion to railroad interests more obvious, if possible, when appraising the Wheeling & Lake Erie railroad on the 23d. By long distance telephone they had arranged among themselves the day before to refuse Mayor Johnson a hearing in this case altogether. As soon as they assembled they proceeded, accordingly, upon motion of Auditor Godfrey, to make the appraisement without any inquiry into the value of the road beyond its own formal tax return. Mayor Johnson interrupted:

"Will you give us an opportunity to make a statement as to the value of the road?" inquired the mayor. "I charge that the return as made is untrue and I ask that you call in the auditor and the other officials from whom he got his information and examine them under oath. I will defray all the expenses in connection with this work and I here tender $100 as an evidence of good faith." The mayor drew out his fat wallet and stripped off two $50 bills. A cry of protest went around the table where the auditors sat. "Keep your money," they chorused.

"All right," and the mayor laughingly returned the bills to his pocket. "I have made the tender and you have refused it," he continued.

"We do not doubt that the gentleman has $100," said Godfrey, rising. "I am not now," he continued, "and I never have been in favor of the suppression of free speech. I believe it is our duty to get all the information we can as to the value of the property of this road, but I do object and I will prevent it if I can, having anyone come in here whose motives I question, to harass and annoy us. Especially do I object when that gentleman's reputation as a taxpayer is notorious in Ohio. I don't propose that he shall use me as his catspaw to pull political irons out of the fire. I insist, Mr. Chairman, that the motion to proceed with the appraisement of the road be put at once."

"Good, good," the other auditors cried. "Question! Question!"

"Will the gentleman give me a chance to answer the personal attack he has made on me?" inquired the mayor as he rose, smiling, but with a dangerous glitter in his eyes.

"Question! Question!" the auditors cried.

"You have heard the motion, gentlemen," shouted Auditor Craig. "All you in favor say aye as—"

"Aye," roared the other members, cutting him off.

"The motion is carried," cried Craig.

"Will you let us see a copy of the road's return?" demanded the mayor, making his voice heard above the hubbub.

"Go on with the appraisement," growled a dozen voices, and the secretary began to read the figures submitted by the company. When he came to the point where box cars were put in at $94 each the mayor came again to the front.

"Did you say $94?" he began.

"Mr. Chairman," cried Godfrey. "I object to this—"

"Go on, go on," commanded the others and the secretary continued.

"This gentleman said I would have an opportunity to answer his charge," interrupted the mayor, while the auditors about the table were scowling furiously and jumping up and down in their anger.

"I want to know when I am to be given a chance," he continued.

"After we get through," growled Auditor Laws.

"Oh! You mean I am not to be given a chance."

"Not by the board. We don't care what Godfrey may do personally."

The secretary finished reading and Godfrey inquired:

"Who signed that report?"

"J. H. Dowling, secretary and auditor."

"Well, he ought to know his business," concluded Godfrey.

"I shouldn't wonder," laughed Mayor Johnson. "Were any sleeping cars returned?" he continued.

Craig repeated the question and C. C. Needham, claim agent for the road, answered no.

"What are you about?" demanded Sisler, of Summit, turning on Craig.

"Are you going to give Johnson a chance to break in here?"

"Any rented freight cars?" continued the mayor, addressing Craig.

The latter started to repeat this question but his voice was drowned in a storm of protests from the other auditors. The rolling stock was returned for less than $2,300 per mile and Smith, of Portage, moved to make it $2,500. Lewis, of Lorain, amended to make it $3,500.

"A bluff, a bluff," cried Sisler.

Just at this point a deputy sheriff served the second writ of mandamus. It commanded the board to show why it refused to examine railroad officials as to the true value of their property. When the writ had been explained, one of the auditors exclaimed: "Some of Johnson's work, I suppose."

"Right you are," cried the mayor, shaking with laughter. "This is the first vote I have had to-day."

"It will be the last," said Sisler, his face aflame with rage.

"All right. The gaff seems to hurt."

"You are getting mighty spectacular," yelled Sisler, of Summit, as the mayor was putting on his hat.

"I think myself you people are making a most ridiculous spectacle of yourselves," the mayor retorted.

"It's a long way from the president's chair, just the same," interposed Godfrey, of Lucas county. The mayor grinned exasperatingly.

"That's all right. We'll get you yet," continued Sisler. "I am getting mighty tired of this nonesnse."

"So am I. Why don't you stop it?" inquired the mayor, as he made his exit. Then those remaining took sides and the argument waxed hot and loud.

Sisler stormed about, denouncing Johnson for writing letters to the papers in different counties inquiring for information as to the auditors.

"And he has detectives shadow us about," he yelled. "We are not criminals."

"Why do you complain then?" inquired Attorney Newton Baker, who represents the Municipal association.

"Wouldn't you?"

"Certainly not, if I were a public official. If my acts were clean I would not complain."

"And what have his sleuths found out—nothing," sneered Auditor Smith, of Portage.

"Don't be so sure," retorted George A. Robertson. "We have found out some things about you in particular."

"Is that so?"

"Yes. We know all about that little dinner at the Colonial with railroad officials."

"I am not ashamed of anything I have done."

"Glad to hear it."

Smith drew back into the crowd and Sisler and M. A. Fanning got into a hot discussion, Fanning upholding the mayor. "I thought Johnson was a bluffer during the campaign," said Fanning, "but I have changed my mind. The man is sincere and he is doing a great work."

"The people throughout the state are onto him," cried Sisler. "He is a bluffer and they know it."

"That's not so," roared Fanning. "I have been all over this state and I say the whole state is aflame for Johnson."

After a recess, having been advised by the county solicitor that, as no injunction accompanied the mandamus, an appraisement might be made subject to the final decision of the court in the mandamus proceedings, the board appraised the road. It took the precaution, however, to examine as witnesses two railroad employes; but it had also taken the precaution to prevent any cross-examination by the mayor, who asserts that the appraisement finally made is less than one-fifth of the true value of the property, or hardly one-third as high, in proportion to value, as the tax assessments of farmers and home owners.

The mandamus proceedings were decided in the lower court on the 28th adversely to Mayor Johnson. The court held that the power of the board of auditors to examine railroad officials as to the value of railroad property for taxation is only permissible, and not mandatory. This decision is, of course, only an incident in Johnson's fight. He had calculated on being obliged to carry these cases to the highest court, and upon the possible necessity of appealing from even the highest court to the people. Temporarily, the decision of the Cleveland court is a victory for the auditors. But even temporarily it is only a technical legal victory. The court merely holds that it cannot compel the auditors to find out the true value of railroad property. It doesn't decide that they must not find it out. On the contrary, it holds that they have the power to do so. As a public matter, therefore, apart from the bare legal obligation, the question still remains, Why do the auditors refuse to ascertain the true value of the railroads and assess them as high as other property? Is it because the railroads give them the passes which they admit possessing, or is there something occult in their protestations that passes are not up to their price?

Besides the pending mandamus proceedings, Mayor Johnson is said to be contemplating legal action to compel the auditors to assess railroad property at values proportionate to the valuation of other property. He appears to be under the impression, doubtless derived from legal advice, that decisions of the auditors cannot be reviewed if the auditors were competent to act. This appears to be the theory, also, upon which the auditors are defending the pending mandamus proceedings. That identical question was raised in Illinois, and decided otherwise by the lower court. We refer to the action of the school teachers' federation, under the lead of Miss Goggin and Miss Haley, to compel the state auditors to increase their appraisement of the franchise values of the Chicago public service corporations. Able counsel objected that the auditors could not be dictated to by the court; but the court held the appraisement to be grossly inadequate and sustained the writ of mandamus.

As the time for the Ohio state convention approaches, it becomes evident that Mayor Johnson's fight against the railroads for legal taxation will have to be dealt with by the democratic party of the state. There are other questions, too, which Johnson seems inclined to force upon its consideration. He is taking no part in making nominations, beyond frankly declaring unyielding opposition to further domination of the party by John R. McLean, and intimating that John J. Lentz would make a popular candidate for senator. As to his personal ambitions, indeed, the people of Cleveland appear to be satisfied that he intends to keep his contract with them to remain mayor of Cleveland for the next two years, and give them the benefit of all his skill and energy. But he is trying to make the Ohio democratic party democratic. When interviewed about the platform he said:

First, I would have a plank providing that railroad property should be assessed the same as other property throughout the state. Measured by the percentage other people—particularly the farmer and the small home owner—are paying on the true value of their property, the railroads in Ohio are evading payment of taxes on over $500,000,000 worth of property.

The claim is made that the railroads have real estate not used in the daily operation of their roads on which they pay taxes in addition to what they pay on the appraisement made by the auditors of the counties, through which the road operates, in joint session. I understand this and I except that kind of railroad property when I say they are evading payment on $500,000,000 worth. I refer only to that kind of property assessed by the mile—that includes roadbed, rails, ties, bridges, rolling stock, moneys and credits and buildings. While the cities lose the most by reason of the arbitrary and unfair rule by which county auditors now assess railroads, the agricultural districts are proportionately just as heavy losers.

The law says property shall be taxed at its true value in money and the farmer and the small home owner pay on pretty nearly that basis. But the railroads pay on from 5 to 20 per cent. of their real value. One mile of right of way of an average width of 70 feet contains about 12 acres of land. The railroads make the claim that these 12 acres should not be taxed any higher than the adjacent farm land, and they get away with the claim. Every farmer knows that is not true and not fair. The right of way is val-

uable for just what it can be used for—just what it will sell for.

The value of a right of way is in the fact that it is a continuous, unbroken stretch of land over which trains run 40 miles or more an hour—from ocean to ocean.

Farmers from New York to Chicago decide to build a railroad, we will say. Not possesing that right of eminent domain granted to railway corporations, they would be compelled to break their line at every highway, dismount their passengers and unload and reload their freight. Such a railroad, of course, would be of no value. So it is plain that the value of a railroad is not in its rolling stock, rails, ties, bridges, buildings, etc., but in that continuous strip of land on which are its tracks.

Now that land must be infinitely more valuable than broken parcels of land adjoining it. How are we going to find out what its value is? Why, by what it will sell for. How do we know what it will sell for? That is the easiest thing in the world to find out. There are several methods which we can adopt, but the simplest, and that which any person may understand, is to find out what its bonds and stocks sell for.

How do we find out what is the value of a farmer's land when we assess it for tax purposes? We first learn what it will sell for or what adjoining farms sell for.

I do not know of anything that concerns the people so much as this subject, and for that reason my first plank would be—tax railroad property the same as other property.

The second plank should declare for publicity and continuity in our tax boards of equalization. Instead of sending appraisers out to guess at values and then having some temporary body, in a hurried, jumbling way, attempt to equalize these values, we should have a body that would be in session continuously. It should sit as a court, listening to the arguments and complaints, and then fix values according to the evidence adduced. There should be a public prosecutor to prosecute before this board all cases of unfair valuation.

My third plank would have to do with franchises. No franchise granted by a city council and approved by a mayor should be effective until it had been submitted to the people and voted on by them. No man or body of men should have the power to give away or sell away the rights of the people. Ordinances of a specific character—such a one, for instance, as that by which it was sought to give the steam railroads undisputed ownership of the lake front—should not be valid until voted on by the people.

Fourth, I should say the convention should indorse a man for United States senator. That would give the people a chance to vote on the senatorship. It would be the people and not the legislators who would elect him, for if the people did not want him they would not vote for the legislative candidates of the party which indorsed him.

United States senators are elected to represent the people, not legislatures, and for that reason the people should have a voice in their selection. If any legislator refused to vote for the man indorsed by his party the people would know that he had been bribed, and would know what to do with him. As we have no law providing for the selection of United States senators by a direct vote of the people, let us make their selection as direct as we can.

These views of democratic policy were incorporated on the 25th in the party platform by the convention of Cuyahoga county, the county in which Cleveland is situated. An exceptionally strong delegation was elected to the state convention. During intervals in the proceedings at the Cuyahoga convention Senator James W. Bucklin, of Colorado, author of "the Bucklin bill," for the introduction of the Australasian system of land value taxation, and ex-Senator Charles A. Towne, of Minnesota, who were guests of Mayor Johnson, addressed the convention.

The mayor of Cleveland is by no means confining his attention to state politics, nor yet to railroad taxation. He has been preparing ever since his election to secure a fair equalization of tax values in general in his city. The city board of equalization is the chief instrument to which he has turned for that purpose. It has been a dead-and-alive body, more dead than alive, for years. Among other things, it has been supposed to have no jurisdiction over real estate values. But this is found to be a mistake; and Mayor Johnson has waked up the board by filling vacancies with men who sympathize with his views on taxation. At last he has a majority of that kind of men upon the board, and now this once moribund body is ready for an active and useful career. When asked about the power of the board, it having been reported that a number of leading lawyers of Cleveland were of the opinion that it could carry out the mayor's tax reform ideas in Cleveland almost without limit, Mr. Johnson said:

I don't pretend to run the lawyers' end of this business. I understand that there is a probability that the board can take up all kinds of real as well as personal property. I presume, however, that it will have enough to do with personal property and that the decennial board will take care of the real. I do not see any reason why the two boards should not work in harmony. The members of the decennial board have shown every disposition, thus far, to cooperate with us in securing a fair and equal valuation of all real property in Cleveland. Another matter which I am considering just now, and which I regard of vast importance, relates to the land under water in Cleveland that is not taxed a cent. The railroads claim to own the lake front and all the land under water out to the harbor line. They are engaged in filling out to that point so as to make this land available for side tracks and the like, but they are not paying any taxes on it. All along the water front either the railroads, other corporations or individuals own land under water out to the harbor line, which in some instances is 2,000 feet from shore. None of them are paying any taxes on it, though it is mighty valuable for dockage purposes and the like. If any one knows any reason why this land should escape taxes I would like to hear it. If this land can be made to bear its share of the tax burden several million dollars will be added to the duplicate.

Criminal proceedings have been instituted in Chicago against John Alexander Dowie, the head of the so-called Dowieites. He is charged with criminal neglect, resulting in the death in childbirth of a member of his congregation, the neglect consisting in his offering prayer instead of sending for a physician. This is an entirely legitimate proceeding. If the law regards such neglect as a crime, it is to the law that appeal should be made. But some conduct in connection with the matter is not legitimate. The local newspapers are working up a fictitious public sentiment against Dowie. Petty persecutions, also, are indulged in by public officials. The whole thing is suggestive, not of orderly processes of justice, but of lynch law applied by a mob, with officers of the

law at its head and sensational newspapers pushing it along from behind. The probability is, if Dowie is the fakir he is charged with being, that he will get more out of this prosecution than his enemies will. It savors too much of persecution to do him any harm.

Perhaps the worst form this persecution has taken is the withdrawal of clearing house facilities from the large banking establishment which is part of the Dowie ecclesiastical and economic outfit. There is no pretense that Dowie's bank is unsafe. On the contrary, the president of the bank through which it has "cleared" testifies that "it has always promptly fulfilled its obligations in a thoroughly business-like way, and even now has a very substantial balance to its credit." The reason assigned for cutting it off from exchange facilities is that the president of the "clearing" bank does not wish to be placed in the position of being in any way connected with an establishment of Dowie's, in view of the present public sentiment! That is not a financial reason. It raises nothing but a question of the unpopularity of a depositor. It is a reason which might as well justify the financial wrecking of any other depositor who became unpopular, or against whom a hue and cry was raised; and it introduces into commercial life a new element of danger to business men of independent habits of thought.

Mr. Edison having discovered how to make "Portland cement" at extremely low cost, expects to drive quarried stone and brick out of use as building materials. It will consequently cost comparatively little to build houses, or rather to "pour" them, for when houses are made of cement, they will be "poured," instead of built. Since it will thus cost so little to make a house, Mr. Edison thinks "rents will be very low." Evidently Mr. Edison is a better inventor than political economist. The cost of house building has been very much reduced in the past by many labor-saving inventions, but rents are higher than ever.

RESPONSIBILITY FOR SLAUGHTER.

". . . . From the time that Bryan made his first speech of acceptance to the week of the election, any war on the Filipinos was a useless slaughter. . . . . Every one of the outrages followed closely on some demonstration in favor of the insurgents' cause in the United States.

The above is plucked from a reported statement by Gen. F. D. Grant, regarding much death and devastation in the Philippines, consequent upon the effort of our government to subjugate the people of those islands, in connection with the candidacy for the presidency of Mr. Bryan, who received 6,374,397 votes in the late presidential election—46 per cent. of the total cast. The argument of Gen. Grant's statement is that the opposition to McKinley's reelection is responsible for all the slaughter and outrage which the horror-struck general portrays as going on during the presidential campaign.

Queer logic!

A single inquiry would seem to knock it badly in the head. Who are responsible for the bloodshed and misery of an unjust and unholy war—they who begin or those who object to it?

Of course this argumentation of the son of Gen. Grant, of Appomattox, is nothing new. We heard it over and over from the republican stump in the campaign of the "full dinner pail." But what better could illustrate the wrong-headedness of this whole Philippine crusade of the government, in violence, not alone of every republican principle we ever professed as a people, but in flagrant defiance of the decalogue, the golden rule and the sermon on the mount? No matter what a government may do—whatever enormities it may undertake, criticism and protest must be withheld, lest as a result of the government's determination to push ahead in its evil course there may be bloodshed and desolation!

Could unreason go further? Could meanness itself?

So the wolf upbraided the lamb for defiling the stream. So the burglar should indict the householder for defending his home. So the tyrant excuses his tyranny, for who would be tyrannized if everybody submitted cheerfully to the tyrant's will in advance? Such logic is not only medieval darkness, it is too brutal for toleration among pirates. Barbarism of the lowest grade contemns it.

But there is another thing to be said. It may be repetition, but repetition is necessary in these times. It was in the time of the revolution; it was in the time of the rebellion; it was in the time of the Man of Nazareth; it was in the time of Martin Luther, and in the time of many a reformer before and since Luther, who "resolved to enter Worms in the name of the Lord Jesus Christ, although as many devils should set at him as there were tiles on the housetops." It has been said, and it is here repeated, that before the advent of Dewey or Merritt in the orient, or any other official there, under the star-spangled banner, to carry on the work of "benevolent assimilation," the Filipinos were heroically contending for their independence, inspired by the declaration of independence proclaimed at Philadelphia 125 years ago.

As Senator Hoar, with a voice of flame, said in the senate, it was not the speech or the literature of anti-imperialists, or the cry of any others speaking in similar strain, that instigated the Filipinos to resist our arms, but our own example, our own teachings, line upon line, from the days of Sam Adams down to the hour when, through congress, we unanimously resolved "that the people of the island of Cuba were and of right ought to be free and independent."

What chaff, then, is all this talk about Bryan and Hoar, Boutwell and Schurz, and the host that say amen to their righteous protests, this talk about encouraging the Filipinos in their "rebellion!" Is it possible that anybody who litters the press with such rot supposes that the voice of liberty is to be thereby silenced in this land of Henry and Hancock, Sumner and Giddings, Channing and Lovejoy, and the great Emancipator who said: "They who deny freedom to others deserve it not themselves, and

under a just God cannot long retain it."

Nor would we pause without one other word. Gen. Grant—there is but one Gen. Grant whose voice we need heed nowadays—in the centennial year of 1875 made one of his little, but great speeches. It was made that year at Des Moines, Ia. In it he said: "Now, in this centennial year of our existence, I believe it a good time to begin to strengthen the foundations of the house commenced by our fathers 100 years ago at Concord and Lexington. Let us all labor to add all needful guarantees for the more perfect security of free thought, free speech and free press, of pure minds, unfettered religious sentiments, and of equal rights and privileges to all men, irrespective of nationality, color or religion."

Mighty words those!

Is there anything from first to last in our onslaught upon the inhabitants of the Philippine islands that tends to "strengthen the foundations of the house," to encourage "free thought, free speech and free press," or to promote "equal rights and privileges to all men irrespective of nationality, color or religion?" Will the son of the Gen. Grant, who so spoke, please ponder and answer.

A. A. P.

Uxbridge, Mass.

NEWS

President McKinley's colonial policy has been sustained by the supreme court of the United States. The decision was rendered on the 27th, in one of the Puerto Rico cases (see vol. iii., pp. 132, 152, 501, 578, 132, 162, 488, 501, 578, 628, 633, 641, 643, 647), which were argued last winter; and it definitely holds that the constitutional limitations upon the imposition of tariff duties do not control congress when legislating with reference to any part of the United States which is not a sovereign state in the union. This decision of the court was made by a majority of one judge. Those who held in that way were Justices Brown (republican), of Michigan, Gray (republican), of Massachusetts, Shiras (republican), of Pennsylvania, White (democrat), of Louisiana, and McKenna (republican), of California. The dissenting judges were Chief Justice Fuller (democrat), of Illinois, and Justices Harlan (republican), of Kentucky, Brewer (republican), of Kansas, and Peckham (democrat), of New York.

The true nature of this decision was not understood when the first news of the action of the court went over the wires. That news seemed to indicate clearly that the court had condemned the whole colonial policy by holding that immediately upon the ratification of the Spanish treaty Puerto Rico ceased to be foreign territory and became part of the United States. Further news was for a time confusing. It has since transpired that even the lawyers who were in the court, listening to the decisions as they were rendered, were perplexed. The explanation is that two of the decisions are in apparent conflict. One of them holds that the Dingley tariff did not apply to Puerto Rico after the treaty, because the Dingley tariff is a tariff on imports from foreign countries and immediately upon ratification of the treaty Puerto Rico ceased to be a foreign country. The other holds that congress may apply any tariff to Puerto Rico that it pleases, because, though Puerto Rico is not a foreign country, neither is it United States territory. The principal opinion in each of these apparently conflicting decisions was rendered by Justice Brown.

The former of the two cases is known as "the De Lima case." Duties under the Dingley tariff act had been levied on goods imported from Puerto Rico into the United States after the treaty with Spain, but before the Foraker act for the creation of a Puerto Rican government (see vol. iii., 9, 11, pp. 17, 21, 26, 27, 28, 35, 49, 57, 59, 268); and the importers, having paid these duties under protest, brought this suit to recover them, on the ground that Puerto Rico is not a foreign country. The government maintained, on the contrary, that the island was a foreign country for tariff purposes and must so remain until congress admits it into the American customs union. In this contention the government was defeated in this particular case. Justice Brown wrote the opinion of the court. In his opinion he rejected the government's theory, saying it "presupposes that a country may be domestic for one purpose and foreign for another;" that "territory may be held indefinitely by the United States; that it may be treated in every particular, except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries, and yet that the territory may still remain a foreign country; that this state of things may continue for years, for a century even, but that until congress enacts otherwise it still remains a foreign country." Concluding that it would be "pure judicial legislation" to hold that this can be so, Justice Brown announced the decision of the court in these terms:

We are, therefore, of the opinion that at the time these duties were levied Puerto Rico was not a foreign country within the meaning of the tariff laws, but a territory of the United States, that the duties were illegally exacted, and that the plaintiffs are entitled to recover them back.

In that decision, Justice Brown was supported by Chief Justice Fuller, and by Justices Harlan, Brewer and Peckham. Justices McKenna, Shiras, White and Gray dissented. The objections of the first three dissenters, as stated by Justice McKenna, rested upon the proposition that the court is not driven to decide that Puerto Rico is either foreign or domestic territory; that a middle ground is open to it, and it may hold Puerto Rico to bear a relation to the United States as acquired territory which would justify the tariff duties involved in the case; but Justice Gray rested his dissent briefly upon a judicial precedent which he cited, and also upon a decision of the court agreed to by a majority of the justices and yet to be delivered.

The decision to which Justice Gray referred as yet to be delivered was made on the same day, soon after the decision in the "De Lima case." The case in which it was made is known as "the Downes case." In this case Justice Brown came over to the minority of the previous case, thereby raising it to the level of a majority, and apparently, and as some of the judges themselves said, reversing his previous decision. He also wrote the leading opinion in the second case. The second case, "the Downes case," was likewise to recover tariff duties

paid under protest upon imports from Puerto Rico. But in this instance the duties had been imposed under the Foraker act mentioned above—the Puerto Rico government act. The constitutionality of that act was involved; because the act imposes different tariff duties on trade between Puerto Rico and the states from those which are imposed on trade between the states and foreign countries, whereas the constitution requires that "all duties, imposts and excises shall be uniform throughout the United States." The constitutional point depended, therefore, upon whether Puerto Rico is or is not part of the United States within the meaning of that requirement. Justice Brown, in delivering the leading opinion of the court, holds that it is not, saying:

We are of opinion that the island of Puerto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clause of the constitution; that the Foraker act is constitutional so far as it imposes duties upon imports from such island, and that the plaintiff cannot recover back the duties exacted in this case.

In explanation of the apparent discrepancy between his opinion in "the De Lima case" and his opinion in "the Downes case," he said:

In the case of De Lima vs. Bidwell we hold that, upon the ratification of the treaty of peace with Spain, Puerto Rico ceased to be a foreign country, and that the duties were no longer collectible upon merchandise brought from that island. We are now asked to hold that it became a part of the United States within that provision of the constitution which declares that "all duties, imposts and excises shall be uniform throughout the United States." If Puerto Rico be a part of the United States, the Foraker act imposing duties upon its products is unconstitutional, not only by reason of a violation of the uniformity clause, but because by section 9, "vessels bound to or from one state" cannot "be obliged to enter clear or pay duties in another."

The case also involves the broader question whether the revenue clauses of the constitution extend of their own force to our newly-acquired territories.

As to the requirement that duties shall be uniform, Justice Brown held that the constitution refers not to territories but to states. As to the broader question, the extension, "of their own force," of the revenue clauses of the constitution to newly-acquired territories, he concluded that—

the practical interpretation put by congress upon the constitution has been long continued and uniform to the effect that the constitution is applicable to territories acquired by purchase or conquest only when and so far as congress shall so direct. Notwithstanding its duty to "guarantee to every state in this union a republican form of government," congress did not hesitate in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois and Wisconsin, and still more recently in the case of Alaska, to establish a form of government bearing a much greater analogy to a British crown colony than a republican state of America, and to vest the legislative power either in a governor or council or a governor and judges, to be appointed by the president.

We are also of opinion that power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be in what Chief Justice Marshall termed the "American empire."

While Justices White, Shiras and McKenna (who had dissented in "the De Lima case") concurred in the judgment in "the Downes case," they were at pains to announce that they did so upon grounds which not only differed from but were in conflict with those set forth by Justice Brown. This announcement was made in an opinion by Justice White. He argued that the crucial question is not whether constitutional limitations apply to the whole country. He conceded that the government of the United States is created by the constitution and that any limitations in that instrument upon the power of the government anywhere are limitations upon its power wherever its authority is exerted. There is, therefore, he said, "no room in this case to contend that congress can destroy the liberties of the people of Puerto Rico by exercising in their regard powers against freedom and justice which the constitution has absolutely denied." The crucial question, he asserted, is whether Puerto Rico has been incorporated into and become an integral part of the United States. After an extended examination of this question, Justice White concluded that—

where a treaty contains no conditions for incorporation, and, above all, where it not only has no such conditions, but expressly provides to the contrary, that incorporation does not arise until in the wisdom of congress it is deemed that the acquired territory has reached that state where it is proper that it should enter into and form a part of the American family. . . . . The result of what has been said is that whilst, in an international sense, Puerto Rico was not a foreign country, it was foreign to the United States in a domestic sense, because the island had not been incorporated into the United States, but was merely appurtenant thereto as a possession. As a necessary consequence, the impost in question assessed on merchandise coming from Puerto Rico into the United States after the cession was within the power of congress; and that body was not, moreover, as to such impost, controlled by the clause requiring that imposts should be uniform throughout the United States. In other words, the provision of the constitution just referred to was not applicable to congress in legislating for Puerto Rico.

As to the time when Puerto Rico shall be incorporated into and become an integral part of the United States, Justice White's opinion declares that this is not a judicial question for the decision of the courts, but is a political question for determination by the American people, speaking through congress. Justice Gray, also concurring in the decision, explained his own views briefly. He was of the opinion that—

So long as congress has not incorporated the territory into the United States, neither military occupation nor cession by treaty makes the conquered territory domestic territory in the sense of revenue laws. But those laws concerning "foreign countries" remain applicable to the conquered territory until changed by congress. . . . . If congress is not ready to construct a complete government of the conquered territory it may establish a temporary government, which is not subject to all the restrictions of the constitution.

A dissenting opinion in "the Downes case" was read by Chief Justice Fuller. Referring to the case of Loughborough against Blake, decided by the supreme court in 1820, when Marshall was chief justice and Washington, William Johnson, Livingston, Todd, Duvall and Story were his associates, the chief justice said that this court had then taken a different view of the question at issue

from that of the majority now, and that until now the case of Loughborough against Blake had never been overruled. Referring specifically to the theory that the authority of the United States over territory acquired from Spain is by international law like that of any other nation, the chief justice said:

> The new master was, in this instance, the United States, a constitutional government with limited powers, and the terms which the constitution itself imposed, or what might be imposed in accordance with the constitution, were the terms on which the new master took possession. The power of the United States to acquire territory by conquest, by treaty or by discovery and occupation is not disputed, nor is the proposition that in all international relations, interests and responsibilities the United States is a separate, independent and sovereign nation. But it does not derive its powers from international law, which, though a part of our municipal law, is not a part of the organic law of the land. The source of national power in this country is the constitution of the United States; and the government, as to our internal affairs, possesses no inherent sovereign power not derived from that instrument and consistent with its letter and spirit.

Regarding the contention of the majority that congress may legislate in its own discretion with reference to taxation in Puerto Rico, yet must respect the fundamental guaranties of life, liberty and property, Chief Justice Fuller argued that—

> the power to tax involves the power to destroy, and the levy of duties touches all our people in all places under the jurisdiction of the government. The logical result is that congress may prohibit commerce altogether between the states and territories, and may prescribe one rule of taxation in one territory and a different rule in another. That theory assumes that the constitution created a government empowered to acquire countries throughout the world, to be governed by different rules than those obtaining in the original states and territories, and substitutes for the present system of republican government a system of domination over distant provinces in the exercise of unrestricted power.

Justices Peckham and Brewer concurred in the dissenting opinion of Chief Justice Fuller. While Justice Harlan also concurred in that opinion, he added some observations of his own. He declared that the result of sanctioning the principles announced by the majority in this case—

> will be a radical and mischievous change in our system of government. We will, in that event, pass from the era of constitutional liberty, guarded and protected by a written constitution, into an era of legislative absolutism, in respect of many rights that are dear to all peoples who love freedom. In my opinion, congress has no existence and can exercise no authority outside of the constitution. Still less is it true that congress can deal with new territories just as other nations have done or may do with their new territories. This nation is under the control of a written constitution, which is the supreme law of the land and the only source of the powers which our government, or any branch or officer of it, may exercise at any time or at any place. Monarchical and despotic governments, unrestrained in their powers by written constitutions, may do with newly-acquired territories what this government may not do consistently with our fundamental law. The idea that this country may acquire territories, anywhere upon the earth, by conquest or treaty, and hold them as mere colonies or provinces, is wholly inconsistent with the spirit and genius as well as with the words of the constitution. . . . The "expanding future of our country," justifying the belief that the United States is to become what is called a "world power," of which so much was heard at the argument, does not justify any such juggling with the words of the constitution as would authorize the courts to hold that the words "throughout the United States" in the taxing clause of the constitution, do not embrace a territory of the United States.

While Puerto Rico is thus left in the anomalous situation of a foreign country appurtenant to the United States—domestic as to our foreign relations, and foreign as to our domestic relations; its territory one of our national assets and its inhabitants our subjects—Cuba struggles on with the conditions imposed by the United States as prerequisites of independence. The reports on the Platt amendment were under discussion in the constitutional convention at Havana until the 24th, when the minority report (see p. 105) came to a vote and was defeated by 19 to 9. But this was not equivalent to a victory for the majority report (see p. 104), for on the 25th that report was withdrawn by the committee on relations and another substituted. This new majority report recites the joint resolution of congress at the beginning of the Spanish war, which declares that Cuba is and of right ought to be free and independent; recites the treaty of Paris; quotes the Platt amendment (see p. 105) literally; sets forth the assurances of Secretary Root and other American officials to the Cuban commission to Washington, describing them as having the character and value of official statements; asserts that these assurances constitute an authorized interpretation of the Platt amendment, and that the amendment, thus understood, is not incompatible with the independence and sovereignty of Cuba; and upon this basis recommends the acceptance of the Platt amendment. By unanimous agreement on the 27th, the 28th was fixed for final vote on the question; and upon that day this substituted majority report was adopted by the casting vote of the president of the convention. Three delegates were absent. Of the 28 on the floor, 14 voted for and 14 against adopting the report. The president then voting for acceptance, the report was adopted—15 to 14.

From the Philippines there are no dispatches of importance. Such as come relate chiefly to the organization of civil government. If resistance to American authority continues at all, the reports do not indicate it. A report from the Taft commission has been received at Washington, outlining the form of government to go into effect July 1, and there is a rumor, apparently well founded, that Aguinaldo is to visit the United States.

American casualties in the Philippines since July 1, 1898, inclusive of the current official reports given out in detail at Washington to May 28, 1901, are as follows:

Deaths to May 16, 1900 (see vol. iii., page 91)	1,847
Killed reported from May 16, 1900, to the date of the presidential election, November 6, 1900	100
Deaths from wounds, disease and accident, same period	468
Total deaths to presidential election	2,415
Killed reported since presidential election	41
Deaths from wounds, disease and accident, same period	220
Total deaths	2,676

Wounded since July 1, 1898.....2,434

Total casualties since July, '98...5,110
Total casualties to last report....5,105
Total deaths to last report.....2,672
Total wounded to last report.....2,433

British conquest in South Africa remains much less satisfactory than American conquest in the Philippines, to the conquering power. Guerrilla warfare continues, but the reports throw very little light upon it. The only conclusion warranted by them is that "the country is not yet pacified."

But Sir Alfred Milner, the lord high commissioner, who, as governor of Cape Colony, carried on the futile negotiations with President Kruger which preceded the war, has been rewarded with elevation to the British peerage. He arrived in England on the 24th and was made a peer on the same day. His title is Baron Milner of St. James in the county of London and of Cape Town in the colony of the Cape of Good Hope.

The British budget, which passed second reading by 236 to 132 in the house of commons on the 23d, called out a great speech against the war from John Morley, who had not been able to speak before for months, owing to weakness of voice. He was obliged for this reason to be silent even during the parliamentary campaign last fall.

In the United States the most important distinctively political event of the week is the resignation of Senators Tillman and McLaurin. Both profess allegiance to the democratic party. Tillman had six years yet to serve in the senate, and McLaurin had two. They were engaged in a public debate at Gaffney, S. C., on the 25th, when Tillman charged that McLaurin was not a democrat. McLaurin resenting the charge, Tillman challenged him to resign:

> Let McLaurin resign and go before the democratic primaries this year, and I'll go home and keep my mouth shut and let the other fellows attend to him. If you elect him I will take it as notice that you don't want me. If he is a democrat, then I'm not.

This challenge resulted in the joint resignation of both senators, to take effect September 15.

Among the many conventions—political, sociological, religious, economic, etc., now assembling in different parts of the country, one of exceptional importance was the taxation conference of the National Civic Federation, which met in Buffalo on the 23d and remained in session three days. It was the first of its kind. Frederick M. Judson, of St. Louis, presided, and Ralph M. Easley, secretary of the federation, and the person chiefly instrumental in organizing the conference, was elected secretary. The first paper was read by Prof. Edwin R. Seligman, of Columbia university, who described the inequalities in practical operation of the general property tax. James R. Garfield, of Cleveland, a son of President Garfield, followed with one explaining and condemning the tax inquisition law of Ohio. A paper in opposition to taxing banking interests more than other property was presented by Charles S. Fairchild, formerly secretary of the treasury. Among other papers was one by Allen R. Foote, editor of Public Policy, Chicago, on the taxation of public service corporations; and one by Frederick N. Judson in opposition to taxing mortgages. Lawson Purdy, of New York, advocated local option in taxation; and Senator Bucklin, of Colorado, an appointee of the governor as delegate to the conference, made an exposition of the Australasian tax laws with especial reference to the probability of their adoption, in principle, by Colorado. Before adjourning the conference resolved that—

> a permanent organization be effected for the promotion of interstate comity in taxation and of tax reform in general; and, to that end, that a committee of fifteen be appointed by the chair to act as an executive committee until another meeting of the conference; and that the executive committee be authorized to select a general committee of 100, with at least 1 member from each state.

It resolved, also, to recommend—

> to the states the recognition and enforcement of the principles of interstate comity in taxation. These principles require that the same property should not be taxed at the same time by two state jurisdictions, and to this end that, if the title deeds or other paper evidences of the ownership of property or of an interest in property are taxed, they shall be taxed at the situs of the property and not elsewhere. These principles should also be applied to any tax upon the transfer of property in expectation of death or by will or under the laws regulating the distribution of property in case of intestacy.

It further resolved that—

> the state and local revenues should be so separated as to methods and subjects of taxation as to give to the counties and municipalities the largest powers of local option in taxations.

Another gathering, a religious body in this case, stands out prominently in the news of the week because it has been going through the throes of trying to change its ancient creed without appearing too pointedly to have done so. This is the general assembly of the Presbyterian church, convened at Philadelphia. The debate over revision of the Westminster creed began on the 23d, and continued until the 27th. Meanwhile two decisive votes were taken. One was a refusal to dismiss the subject of revision; the other was a clear expression of opinion in favor of the preparation of a statement of the creed for popular use. The final vote, taken on the 27th, adopted the following recommendations with virtual unanimity—640 yeas:

> A. We recommend that a committee, as provided for by the form of government, chapter xxiii., section 3, be appointed by this assembly.
>
> B. We recommend that this committee be instructed to prepare and to submit to the next general assembly for such disposition as may be judged to be wise, a brief statement of the reformed faith, expressed, as far as possible, in untechnical terms. The said statement is to be prepared with a view to its being employed to give information and a better understanding of our doctrinal beliefs, and not with a view to its becoming a substitute for or an alternative of our confession of faith.
>
> C. We further recommend that this committee be instructed to prepare amendments of chapter iii., chapter x., section 3; chapter xvi., section 7; chapter xxii., section 3, and chapter xxv., section 6, of our confession of faith, either by modification of the text or by declaratory statement, but so far as possible by declaratory statement, so as more clearly to express the mind of the church, with additional statements concerning the love of God for all men, missions and the Holy Spirit. It being understood that the revision shall in no way impair the integrity of the system of doctrine set forth in our confession and taught in the holy scriptures.

NEWS NOTES.

—The opening of the French Soudan to traffic was proclaimed on the 23d.

—At Paris on the 27th the congress of poets was opened by President Dieux.

—John R. Tanner, late governor of Illinois, died at Springfield of heart failure on the 23d.

—The fifteenth annual convention of the American Theosophical society met at Chicago on the 26th.

—The first session of the ninth parliament of the Canadian dominion was prorogued on the 23d.

—The second annual convention of Mental Scientists will convene at Sea Breeze, Fla., November 28 next.

—M. W. Pretorius, the first president of the Transvaal, died at Johannesburg on the 19th at the age of 88.

—The new census returns of Australasia put the population at 4,550,-551, an increase of 740,756 since the census of 1890.

—Owing to Mrs. McKinley's illness at San Francisco President McKinley cancelled all appointments and terminated the presidential tour, leaving San Francisco for Washington direct as soon as Mrs. McKinley was able to travel, which was on the 25th.

—Prof. George D. Herron, Christian socialist, author and lecturer, and Miss Carrie Rand, were married on the 27th. The ceremony consisted of an eloquent announcement of the marriage, made by Rev. William T. Brown, of Rochester, in the presence of the parties and their assembled friends. No public vows were exacted or exchanged.

—The two houses of the Norwegian parliament, by joint ballot on the 25th adopted the woman suffrage bill, which the upper house had rejected as reported last week The bill adopted, besides giving universal communal suffrage to men, gives communal suffrage to women paying taxes on an annual minimum of 300 crowns (about $70) in rural districts, and 400 crowns in towns.

If the administration has led us into policies which cannot bear discussion in the light of the declaration of independence, of the constitution of the United States and the teachings of George Washington and Abraham Lincoln, must we bury the declaration of independence and the constitution and Washington's and Lincoln's teachings out of sight, so that they may not interfere with the ambitions and schemes of our rulers? Is it not rather high time to bury such policies, so that the great American republic may dare to be itself again?—Carl Schurz.

MISCELLANY

WASTE ALL YOU CAN.

For The Public.

Waste all you can, O pauper poor,
And here's a helping hand!
For waste is not the cause of want
In land-monopoly land.
Waste all you can,
On the American plan.

The more the wage, the more the rent,
As high as you will stand;
So thrift don't count, and banks don't save,
In land-monopoly land.

The best is none too good for you;
Insurance don't insure;
And churches do not house the weak,
Nor model homes the poor.

When men have got to look for jobs,
Their wages will be low.
When jobs are looking after men,
Then wages tend to grow.

So roll the asphalt good and hard
To keep the death rate down;
But don't forget that rents go up
When men improve the town.
Waste all you can,
On the American plan.

W. D. McCRACKAN.

MORE OF THE SAME SORT.

Correspondence of Chicago Chronicle of May 23.

As I notice that Government Inspector Fitzpatrick has figured it out that 400,000 men are at work on the Chicago post office, I beg to say that I do not only appreciate the depth of his logic, but that, furthermore, I find his figures ultra conservative. I am myself at this time, together with one of my men, building a chicken coop for a neighbor, and after gathering close statistics, I find that just 1,656,921 persons are on this work. We are building the chicken coop in the evenings after our regular day's work is done, and the men engaged are as follows:

Number actually working on the coop	2
Lumbermen cutting the timber in Minnesota	2,345
Railroad men shipping the lumber for that chicken coop	8,765
Officials, clerks and others keeping the accounts	2,372
Manufacturers of nails for that chicken coop	9,743
Manufacturers of paint for that chicken coop	7,425
Teamsters	723
Coal miners furnishing fuel to run the nail factories and the lumber yards	22,346
Bakers furnishing bread for this vast army of workmen	243,654
Butchers	45,632
Clothing manufacturers who furnish supplies for the workmen, the bakers and the butchers	435,672
Bakers who supply the clothing merchants	123,456
Theaters, actors and other amusement furnishers who afford diversion necessary for the bakers, butchers and clothiers	10,346
Farmers engaged in the cultivation of wheat and corn for the bakers and others	176,546
Miscellaneous workmen, merchants and others	567,894
Total	1,656,921

In case I have omitted any others I crave their forgiveness. But I think it will be apparent from the above that my men and I are making strenuous efforts and are calling in a vast army to complete the chicken coop that we are building—working zealously every night when we have nothing else to do.

I might add that we also built a doll's house last week for the little girl who lives in the second flat. There were a number of extra knickknacks for that doll house, and, I believe, 3,456,743 persons helped on it. Respectfully yours, A Carpenter.

THE PRIVILEGED AND THE DISINHERITED.

From "How Shall We Escape," by Leo Tolstoy.

A boy is born in the country. Laboring always with his father, his grandfather, his mother, he sees each year the finest crops from the fields he and his father have plowed, harrowed and sowed—the fields that his mother and sister have mowed and reaped, binding the corn into the sheaves which he himself has helped to stack—he sees only that his father carries the best of these crops, not to his own house, but to the squire's barn beyond the manor gardens.

As they pass the manor house with the creaking cart he and his father have piled up, the boy sees on the veranda a richly dressed lady seated at a table spread with a silver kettle, fine china, cakes and sweets; on the other side of the carriage drive he sees the squire's two sons in shining shoes and embroidered shirts playing ball on the smooth lawn.

The ball is knocked over the cart. "Pick it up, boy," cries one of the young gentlemen.

"Pick it up, Johnny," shouts the father to his son, taking off his cap and walking by the side of the cart holding the reins.

"What does it mean?" thinks the boy. "I am tired with work, while they are playing; yet I must fetch the ball for them."

But he fetches the ball, and the young gentleman takes it from the coarse sunburnt peasant boy's hand with fine white fingers and returns to the game without noticing him.

The boy's father had gone on with the cart. The boy runs along the road to catch them up, kicking up the dust with his clumsy, worn-out boots, and together they reach the barn crowded with carts and sheaves. The bustling overseer, his canvas jacket wet with sweat at the back, and a stick in his hand, greets the boy's

father with an oath for driving up to the wrong place. The father apologizes, turns back wearily, lugging at the reins of the exhausted horse, and stops at the further side.

The boy approaches his father and asks: "Father, why do we bring our corn to him? Haven't we grown it?"

"Because the land is theirs," answered the father, angrily.

"Who gave them the land, then?"

"Go and ask the overseer there. He'll explain it to you. Do you see his stick?"

"But what will they do with this corn?"

"Thrash it and grind it and then sell it."

"And what will they do with the money?"

"They'll buy those cakes with it that you saw on the table when we passed."

The boy becomes quiet and thoughtful. But he has little time for thought. The men shout to his father to bring his cart nearer. He pulls the horse up to the stacks, climbs to the top of his load, unties the rope, and wearily hands the sheaves up one by one, straining his hernia* with each effort; while the boy holds the old mare, whom he has driven for the last two years, brushing away the flies as his father tells him, and wondering, for he cannot understand, why the land does not belong to those who work it, but to those young gentlemen who play about in fancy shirts, and drink tea and eat cakes.

The boy thinks about this continually; when waking, when going to sleep, when attending the horses, but finds no answer. Everyone says it is as it should be—and lives accordingly.

So he grows up. He marries. Children are born to him, and they ask the same question, and also wonder; and he answers them as his father answered him.

And they, too, living in poverty and subjection, labor for idle strangers.

So he lives, and so live all around him.

Wherever he goes it is the same; and according to the stories of the passing pilgrims, it is the same everywhere. Everywhere laborers overwork themselves for idle, rich landlords. Suffer from rupture, asthma, consumption; drink in despair, and die before their time. Women overstrain themselves, cooking, washing, mending, tending the cattle; wither and grow prematurely old from overpowering and incessant labor.

And everywhere those for whom they work indulge in horses and carriages and pet dogs, conservatories and games, from one year to another; each day from morning till evening, dressing as if for a holiday, playing, eating and drinking, as not one of those who work for them could do, even on a holiday.

* Owing to often having overstrained themselves, a great number of Russian peasants suffer from chronic hernia.—Trans.

THE CONSTITUTION AND INEQUALITY OF RIGHTS.

Extracts from an article by Edwin Burritt Smith, of Chicago, published in the Yale Law Journal for February, 1901.

That the United States may acquire territory, as raw material for future states, is unquestioned; that the United States acquired whatever title Spain then had to Porto Rico and the Philippines, by the treaty of Paris, is conceded. What is disputed is the novel claim that the United States may adopt and enforce, in the government of these islands, the principle of inequality of rights. All our prior acquisitions of territory were sought for settlement by our people, to become the home of our institutions, to expand the domain of equal rights, to enlarge the area of constitutional liberty.

A vision of the equality of rights was the inspiration of our national life. The immortal declaration that all men are created equal—that they are endowed by the Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness—fitly expressed the ideal of democracy. To achieve this ideal we have striven for more than a century. In its pursuit we have organized, established constitutions, legislated, administered.

The great purpose of the constitution was to establish equality of personal rights. To this end it commands that commerce be free and its necessary regulations uniform throughout the United States. Authority to tax rests upon representation. Congress may lay and collect taxes, duties, imposts and excises; but taxes must be according to population, and "all duties, imposts and excises shall be uniform throughout the United States." All exports are exempt from duties. Laws affecting naturalization and bankruptcies must be uniform. All enjoy the privilege of the writ of habeas corpus, and are alike protected from bills of attainder and ex post facto laws. All are to be mere citizens, free from the overshadowing influence of a nobility. The revenues of the people may be drawn from the public treasury only by means of appropriations made by law. The courts exist for all, including even aliens, without discrimination. All, when charged with crime, are alike protected in their right of trial by jury where the crime was committed. The citizens of each state are entitled to all the privileges and immunities of citizens in the several states. Nothing is supreme but the law of the land.

Such, in substance, was the constitution as first adopted. It contemplated a government of uniform laws over citizens possessing equal rights. Even its guaranties were not accepted as adequate. The victors in a struggle of a thousand years against arbitrary power were unwilling to leave anything to implication. The people demanded that the results of that struggle should be embodied in their fundamental law. Hence the bill of rights was at once added by amendment. Thus, by the amended constitution, all white men secured freedom of religion; freedom of speech; freedom of the press; freedom of assembly; the right of petition; the right to bear arms; the right to be secure in their persons, houses, papers, and effects; the right of trial by jury in criminal proceedings and in suits at common law; exemption from prosecution for infamous crimes, unless on presentment or indictment of a grand jury; security from being placed twice in jeopardy for the same offense; security from being required in criminal causes to be witnesses against themselves; the right of speedy and public trial by an impartial jury in all criminal prosecutions within the state and district where the crime is committed; the right, when charged with crime, to be informed of the nature and cause of the accusation, to be confronted with the witnesses for the prosecution, to have compulsory process to compel the attendance of witnesses in their favor, and to have the assistance of counsel for their defense; freedom from excessive bail, from excessive fines, and from cruel and unjust punishments; freedom from the taking of private property for public use without just compensation; and freedom from deprivation of life, liberty or property without due process of law.

Even this inventory of personal rights, each term of which is the title to a chapter in the story of constitutional liberty, was not regarded as inclusive. The Ninth Amendment states that "the enumeration in the

constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Still the ideals of equality and of government by consent were but imperfectly realized. Human slavery, a monstrous anachronism, survived to give the lie to our fair professions of equality. A people that had renounced the institutions of king and nobility could not long look upon slavery without moral disquietude. Having escaped an aristocracy, they could not long tolerate slavery. The noble vision of equality of rights vouchsafed to the fathers inspired their children to strive for its realization. The revolution witnesses what the fathers dared that they might set up the ideal of equality. The mighty tragedy of civil war forever records what their sons suffered to realize that ideal.

The revolutionists at the outset declared their splendid vision of equality of rights. In their hour of triumph they paused to set up a tabernacle to liberty, to record in the people's grant of power to a government expressive of their authority the personal rights already won. In their hour of triumph the victors of 1865 placed in the constitution new guaranties of equality.

The Thirteenth Amendment declares that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. The Fourteenth Amendment makes all persons born or naturalized in the United States citizens thereof and of the state wherein they reside. It also provides that no state shall make or enforce an law which shall abridge the privileges or immunities of citizens of the United States; nor deprive any person of life, liberty or prosperity, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. The Fifteenth Amendment declares that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color or previous condition of servitude.

The constitution of the fathers established the equality of white men. The great charter of liberty, as it came from the furnace of civil war, proclaimed equality for all men irrespective of race or color. Thus equality of rights, the ideal of the declaration, became the achievement of the constitution. Thus a lofty sentiment was realized in the fundamental law of the land.

The events of two years have brought us some grave questions. Shall the evolution of American liberty be reversed? Shall the movement, begun by the adoption of the constitution and continued in unbroken progress in its amendments, be stayed? Shall we no longer interpret the constitution in the terms of liberty? Shall the president and congress govern men without their consent? Shall the representatives of a free people act for others than those represented? Shall the creatures of the constitution exercise any power anywhere outside and in disregard of its limitations? Shall we make rights a mere matter of might and locality? Shall we make inequality of rights, by amendment or evasion of the constitution, lawful under the American flag? . . .

Those who in our time profess inherent authority to make of liberty itself a gift to other men now come, as tyrants have ever come, with honeyed words upon their lips. If we may credit some fine professions now current in high places, the denial of equality of constitutional rights to the people of the territories and islands of the United States is merely to clear the way for the bestowal of analogous "moral rights" at such times and in such doses as the donors in their superior wisdom deem the donees strong enough to bear. Equality of rights is not denied to the inhabitants of the Spanish islands in order by grace to bestow upon them the immunities and privileges enjoyed under the constitution by the citizens of the states. On the contrary, equality of rights is denied in order that the president and congress may govern the people of these islands by power as absolute as is anywhere known. Indeed, Mr. Root declares that the United States (meaning the president and congress) have all the powers which any nation in the world has in respect to acquired territory. That is, they may govern it by power as absolute as that wielded by the Russian czar. . . .

Even the "moral right" of the new "wards of the nation" to be treated in accordance with the principles of justice and freedom is, it seems, subject to important and wholly arbitrary limitations. The power to bestow involves the power to deny. The power to grant involves the power to withdraw. What may be granted or withheld may be withdrawn or abridged.

The policy thus disclosed and now applied offers to the inhabitants of the ceded islands no shield but benevolence against wrong, no constitutional protection, no hope of liberty. It seeks by force to establish government without consent, taxation without representation, tyranny by the crowd. It means the government of men by arbitrary power. This is imperialism. . . . The supreme court of the United States has again and again treated the constitution as applicable to the territories, and therein applied it for the protection of personal rights. Chief Justice Marshall himself has defind the term "United States" to be "the name given to our great republic, which is composed of states and territories." (Loughborough vs. Blake, 5 Wheat., 315, 317.) The court, in deciding that duties collected in California after its cession to the United States and prior to the establishment therein of a collection district were not illegally exacted, held that: "By the ratification of the treaty, California became a part of the United States;" that commerce "became instantly bound and privileged by the laws which congress had passed to raise a revenue from duties on imposts and tonnage;" that "the right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the constitution which enjoins that all duties, imposts and excises shall be uniform throughout the United States;" that "there was nothing in the condition of California to exempt importers of foreign goods into it from payment of the same duties which were chargeable in the other ports of the United States;" that "the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States." (Cross vs. Harrison, 16 How., 164, 198.)

A distinction, often overlooked, lies between personal and political rights. Congress possesses the same general powers, subject to like limitations, over the territories and their inhabitants that it possesses over the states and their inhabitants. In addition to these general powers, it possesses in the territories the same powers, subject to like limitations, over local affairs as the states possess over local affairs. Thus congress holds in the territories the sum of national and local legislative powers, subject to the limitations of the constitution.

The supreme court, as late as 1884, said:

> The personal and civil rights of the inhabitants of the territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, state and

national; their political rights are franchises which they hold as privileges in the legislative discretion of the congress of the United States. Murphy vs. Ramsey, 114 U. S. 15.

The court, in pursuance of this distinction, has held that "the provisions of the constitution relating to trials by jury for crimes and to criminal processes apply to the territories of the United States" (Thompson vs. Utah, 170 U. S., 343, 346; Callan vs. Wilson, 127 U. S., 540); that congress in legislating for the territories and the District of Columbia is subject to those fundamental limitations in favor of personal and civil rights which are formulated in the constitution and its amendments (Mormon Church vs. United States, 136 U. S., 1; McAllister vs. United States, 141 U. S., 174; American Publishing Society vs. Fisher, 166 U. S., 464, 466); and that the United States, upon "acquiring territory by treaty or otherwise, must hold it subject to the constitution and laws" (Pollard vs. Hagan, 3 How., 312).

When it is said that congress has absolute power to legislate respecting the territories of the United States, what is meant, as we have seen, is that congress holds the sum of national and local legislative powers in respect of such territories. It may do in a territory, in addition to what it may do in a state, what the people of a state acting through their general assembly may do in that state. The supreme court has held that the form of government to be established in a territory rests in the discretion of congress,

acting within the scope of its constitutional authority, and not infringing upon the rights of persons or rights of property of the citizen. . . . . The power of congress over the person or property of a citizen can never be a mere discretionary power under our constitution and form of government. The powers of government and the rights and privileges of the citizen are regulated and plainly defined by the constitution itself. And when the territory becomes a part of the United States the federal government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined, and limited by the constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it; and it cannot, when it enters a territory of the United States, put off its character, and assume discretionary or despotic powers which the constitution has denied it. It cannot create for itself a new character separated from the citizens of the United States and the duties it owes them under the provisions of the constitution. The territory being a part of the United States, the government and the citizens both enter it under the authority of the constitution, with their respective rights defined and marked out; and the federal government can exercise no power over his person or property, beyond what that instrument confers, nor lawfully deny any right which it has reserved.

. . . .

The powers over person and property of which we speak are not only not granted to congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the states, but the words are general, and extend to the whole territory over which the constitution gives it power to legislate. Scott vs. Sandford, 19 How. 393, 449.

The court, in the same case, says:

A power, therefore, in the general government to obtain and hold colonies and dependent territories, over which they might legislate without restriction, would be inconsistent with its own existence in its present form. Id., p. 448.

The attempt, by the terms of the treaty itself, to enlarge the powers of congress by conferring upon it power to determine "the civil rights and political status of the native inhabitants" of the islands, is without effect. The supreme court, in the case of New Orleans vs. United States (10 Pet., 662, 736), says:

The government of the United States is one of limited powers. It can exercise authority over no subjects except those which have been delegated to it. Congress cannot, by legislation, enlarge the federal jurisdiction, nor can it be enlarged by the treaty-making power.

The court, in the case of Pollard vs. Hagan (3 How., 212, 225), says:

It cannot be admitted that the king of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives; and much less can it be admitted that they have capacity to receive or power to exercise them. Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government.

It may be conceded, for the sake of argument, that congress may determine the status of the ceded islands, but the Fourteenth Amendment fixes the status of all persons born therein after the date of cession. The court, in the recent case of the United States vs. Wong Kim Ark. (169 U. S., 649, 703), held that American-born Chinamen of alien parentage are citizens of the United States free from the provisions of the exclusion acts and treaties; and that congress is without power "to restrict the effect of birth, declared by the constitution to constitute a sufficient and complete right of citizenship."

Even the question of citizenship does not determine personal and property rights under the constitution. The supreme court, in the case of Lem Moon Sing vs. United States (158 U. S., 538, 547), in passing on the rights of a Chinese alien in the United States, said:

While he lawfully remains here he is entitled to the benefit of the guaranties of life, liberty and property, secured by the constitution to all persons, of whatever race, within the jurisdiction of the United States. His personal rights when he is in this country, and such of his property as is here during his absence, are as fully protected by the supreme law of the land as if he were a native or naturalized citizen of the United States.

This brief review of the authorities makes it clear that the supreme court, in the discharge of its highest function, has steadily interpreted the constitution in the terms of liberty, giving full effect to its purpose to establish equality of rights of all men in all places within the jurisdiction of the United States.

The proposal, despite such a constitution so achieved and thus interpreted, to reintroduce into our system the principle of inequality of rights, the assertion of a purpose to make God's liberty a matter of locality instead of personal right, is indeed shocking. Even the assumed interests of trade cannot impart lasting vitality to a purpose whose merit may be discussed in the presence of free men. We made tremendous sacrifices to destroy the inequality of slavery, to make the ideal of equality delivered by the fathers the highest achievement of constitutional liberty. We suffered much that the union might cease to be divided, that all men within the jurisdiction of the United States, irrespective of race or color, might have equal personal rights. The argument that, having sinned against liberty in our treatment of the negro, we may now betray liberty in the person of the Filipino for a possible commercial profit, is but for the moment to cover an awful blunder. The constitution lives as the supreme law of the land. It does not admit, what ex-President Harrison has justly characterized, "a construction contrary to liberty." It can neither be amended nor long evaded to promote inequality of rights. Nothing short of equality of rights for all men as men in all

places within the jurisdiction of the United States can be the purpose of American law.

A PSALM OF THE STRENUOUS LIFE

Let us then be up and doing,
All becoming money kings;
Some day we may be endowing
Universities and things.

Lives of billionaires remind us
That we've got to own the stock
If we want to leave behind us
Libraries on every block.
—Chicago Times-Herald.

We believe in the constitution of the United States. It gives the president and congress certain limited powers, and secures to every man within the jurisdiction of our government certain essential rights. We deny that either the president or congress can govern any person anywhere outside the constitution.—National Liberty Congress.

Through the weary watches of the night the dramatist pored over the volume.

"Writing a problem play is not such an easy task," he murmured, with a long-drawn sigh.

But, with dogged persistence, he resumed his dramatization of Ray's Elementary Arithmetic. — Baltimore American.

Our fathers were not content to hold these priceless gifts under a revocable license. They accounted that to hold these things upon the tenure of another man's benevolence was not to hold them at all. Their battle was for rights, not privileges—for a constitution, not a letter of instructions. —Benjamin Harrison.

Rights pertain to persons, not to localities, under the constitution of the United States.—Selected.

In the geography lessons of the near future one important question may be, "Where was China?"—Puck.

First Theosophist—You shouldn't miss the Buffalo exposition. It's the opportunity of a lifetime.

Second Theosophist—Oh, yes; but there will be other lifetimes.—Puck.

MAGAZINES.

—"The Billioustine" (published for the Boy Grafters, by William S. Lord, Evanston, Ill.) is a capital satire which every admirer of the Roycrofter "Philistine" ought to read.

—Joseph Dana Miller, the poet and essayist, and Mrs. George P. Hampton, announce the publication at New York of a quarterly review of single tax progress, the first issue to appear about the middle of June.

—The principal article of "Why" (Cedar Rapids, Ia.) for May is by Speed Mosby. A news supplement accompanies this little magazine now, in which reports of the single tax movement are published.

—The Connecticut Magazine for March-April (Hartford), just issued, contains three papers of note. One of them, on the origin and development of Connecticut life insurance, is of special interest, of course, to life insurance men; and another, brief biographies of Connecticut governors from 1639, appeals particularly to persons of Connecticut antecedents. But the third is of general interest. It is a brief account of Benedict Arnold, who hailed from Connecticut and did business as a druggist and bookseller in New Haven.

—"Don Quixote" is the title of a monthly eight-page paper published at New York by Charles Frederic Adams, a profound philosopher, an able lawyer, a stirring orator, and withal one of the most eccentric moralists—eccentric, because he has convictions and abides by them to the very verge of the "impracticable"—to be found in the American metropolis. The primary object of Mr. Adams's "Don Quixote" is "to advocate the extension and development of local self-government."

—Under the editorial direction once more of B. O. Flower, the Arena (New York, London and Melbourne) has been brought back to the high level of a popular magazine of thought, which it originally occupied. It is better than ever, as any one who has followed it through its ups and downs will readily agree after reading the June number. Two authoritative papers on Christian Science deserve special commendation. They place that subject in a clearer light than it is commonly seen in, and are well worth careful perusal, regardless of the reader's prejudices or convictions. Among the other papers is an excellent one on the servant girl question, by Mrs. Vrooman, and a brief study of W. T. Stead as a journalist, by the editor. Mr. Flower also comments in a sympathetic strain editorially upon the election and accession to office of Tom L. Johnson as mayor of Cleveland.