

who take dirty bribes, but your respectable business element, both within and without the council, who are swayed by fears, etc., for the stability of financial interests and the "property" of "innocent" investors.

Senator Rawlins is trying hard to carry through the Senate a resolution calling for the records of court-martial trials in the Philippines. But Senator Lodge struggles to keep these records out of sight with the ingenuity and grim determination of a criminal's lawyer objecting to the admission of a particularly incriminating piece of evidence. The worldly wisdom of Mr. Lodge's policy is evident when it is considered that Maj. Glenn, charged with torturing natives, and pleading in his defense that he did it under orders, has been acquitted by the court-martial that tried him.

Upon President Roosevelt's recent speech at Canton, in which he lightly shifted the responsibility for barbaric war in the Philippines, from the Americans against whom it has been proved, Erving Winslow makes this suggestive comment:

The President again asserts at Canton as a matter now patent to all men that the abandonment of the Philippine Islands would have "led to a welter of bloody savagery." Does the President really believe that his high office can give any permanent value to this unjustified assertion, however often reiterated? The peaceable establishment of a government by the Filipinos, with excellent auguries for its continuance, is a well known historical fact. The "welter of bloody savagery" is, as his own words imply, a purely gratuitous invention of the President's imagination, invoked perhaps like a back-fire to divert attention from that which has been proved, alas, against the United States in the conduct of the Philippine War. Compare with the orders given and approved by General Bell, General Smith, General Chaffee and the War Department, to "kill and burn," to "obtain information at any cost," to make a "howling wilderness" of suspected provinces—one of the last proclamations of General Malvar, of which a translation follows:

Orders and general instructions issued by the commanding officer of the South of Luzon for strict compliance in this district:

The generals, chiefs and officers of the army of deliverance will prevent any ill-

treatment in word or deed, by soldiers or peasants, of any disarmed, sleeping or drunken enemies and of all those who, throwing their guns down and raising their hands, declare thus their surrender, or of any others that may become prisoners in any way; meting out exemplary punishment to all who act against this order.

They will receive with kindness and courtesy, and accord good treatment to all soldiers, officers and chiefs of the army of invasion who may come to our camp, after leaving their guns at a predetermined place, to prevent any deception, conceding to them the best of treatment as specified in previous orders.

At the headquarters, April 28th, 1901.

The Commanding General,
MIGUEL MALVAR.

The responsible authors of what was indeed a "welter of bloody savagery" are in a painful position when they try to persuade us that such an one as Gen. Malvar would have created such conditions, had he and his compatriots been left to work out their own fate. Which is the Christian here, and which the savage?

When impartial history answers that question, as in time it will, Americans who are not shameless will blush for their ancestors who invaded the Philippines and cruelly tortured and wantonly slaughtered their inhabitants.

The usually logical Pilgrim, of which Willis J. Abbot is editor, drops into the common error of supposing that it is a logical fallacy to test theories by carrying them to their logical end. This is another form of the notion that there are exceptions to every rule. The truth is that no rule which really expresses a natural law either in morals or physics has any exceptions. It is easier, of course, when a rule is found to lack that universality of application which belongs to natural law, to acknowledge the rule and assume an exception than to investigate the exception and if need be bring the supposed rule to new tests. But it is not "scientific," as the professors say.

The particular matter the Pilgrim was considering had to do with Prof. Bascom's distinction between taking for colleges, churches, etc., money derived through immoral conduct in defiance of law and money derived through unjust institutions in accordance with law. We regard the distinction as sound, both logically and morally. There is no question involved of rule and exception. There are two rules. One holds that money acquired by individual wrong doing

carries with it the taint of its origin into the church or college treasury. The beneficiary condones the individual wrong by taking it. The other holds that money acquired through established institutions, for which society and not the individual is responsible, carries no taint. The offense in the first case consists in acquiring money wrongfully; the offense in the other does not consist at all in acquiring money, but in supporting a wrongful institution. For illustration: A vegetarian society might properly take money from a butcher to propagate vegetarianism, while a church could not properly take the proceeds of a bank robber from the burglar. Better still, a peace society might take money from a general in the army, part of his salary, though a Sunday school could not with propriety accept the gate money of a prize fight. So a free trade society may take money from a free trader who derives his money from a protected business; a socialist society might take it from a captain of industry; a single tax society might take it from a single tax beneficiary of land monopoly. It does not follow, however, logically or otherwise, that they could properly take money from a common swindler.

If James Ford Rhodes writes history with no more regard for its verities than he displays in some parts of his magazine article on "The Presidential Office" in the February Scribner, history from his pen, however interesting, needs to be read with extreme caution. His reiteration of the fiction about Jackson's having introduced the spoils system, may be passed over, perhaps, as of little or no importance; but his comment upon President Cleveland's armed invasion of the State of Illinois, in Altgeld's day as governor, cannot be so lightly ignored:

In the railroad riots of 1894 Cleveland, under the advice of his able attorney general, made a precedent in the way of interference for the supremacy of law and the maintenance of order. The governor of Illinois would not preserve order, and the

President determined that at all hazards riotous acts must be suppressed and law must resume its sway. In ordering United States troops to the scene of the disturbance without an application of the legislature or governor of Illinois he accomplished a fresh extension of executive power without an infraction of the Constitution.

The constitutional observation here is self-contradictory; and the history, besides being erroneous, is not taken from the best available sources.

On the constitutional point, Mr. Rhodes recognizes the truth of what he immediately denies, that President Cleveland did override the Constitution; for he describes Cleveland's act as an "extension of executive power." It is conceivable, of course, that, without an infraction of the Constitution, a President may exercise an executive power never used before; but how can executive power itself be extended without an infraction of the constitution which defines the limits of that power. To extend it is to go beyond the limitation; and to go beyond constitutional limitations under a constitution which confers no powers except such as are expressed or necessarily implied, is a breach of the constitution. Not only does Mr. Rhodes thus join issue with himself, but his very statement of what Cleveland did shows that Cleveland overrode the Constitution. For, according to Mr. Rhodes, Mr. Cleveland invaded the State of Illinois with Federal troops, not to protect the mails nor to enforce the mandates of Federal courts, as some of his apologists contend, but to suppress a local riot; and he did so without any application from the local authorities. Nothing could well be clearer than that this "fresh extension of executive power" was an infraction of section 4 of article iv. of the Constitution.

Mr. Rhodes's history of the event to which he refers is evidently drawn from newspaper reports, irresponsible or worse, and either in inexcusable ignorance or culpable disregard of the documentary evidence. The

proof is abundant and irrefutable that Mr. Rhodes's wanton accusation against Gov. Altgeld, that he "would not preserve order," is false. It is so abundant and so convincing that no writer who cares for his reputation as a historian can afford to allow his name to remain associated with the statement we have quoted.

Criticism is made of our comment of two weeks ago (p. 658) upon the curious action of the Cook Co., Ill., special grand jury in finding that the coal famine was not due to any conspiracy in restraint of trade, and then indicting coal dealers for a conspiracy in restraint of trade. Since the grand jury had said in effect, asks our critic, that "we do not find that the present increase in prices for coal is due to a conspiracy; but we do find that for a long space of time certain dealers have been engaged in a conspiracy intended to produce and actually producing abnormally high prices, for which they are criminally liable under Illinois law, and for this we indict them," is there anything inconsistent in it? Isolated from the circumstances under which the special grand jury sat, there is, indeed, no inconsistency. For the same reason there would have been no inconsistency had the grand jury, though finding that the coal famine was not due to a trade conspiracy, nevertheless indicted one or more persons for sheep stealing. Grand juries may find various indictments for various crimes. But the circumstances make a vast difference in the case referred to. This was a special grand jury. It was called for the special purpose of investigating the causes of the coal famine. Its indictments, therefore, are properly regarded as the result of that investigation. And so it regarded them itself, for it did not indict the Manufacturers' Association nor any other similar conspiracy which "for a long space of time" had defied the laws of Illinois. It confined its indictments to coal dealers, thereby making an im-

pression upon the public mind that it had traced the coal famine to those men. That action of this particular grand jury was inconsistent with its report, in which it found that the famine was not due to any trade conspiracy. The whole thing has the air of an attempt by somebody to divert public attention from the great railroad monopolies, which own both roads and mines, and toward which a well founded suspicion runs in connection with the famine.

A Baptist paper of Cincinnati, the *Journal and Messenger*, comments very sensibly upon the proposed method of settling the land question of Ireland by buying out the landlords at something less than the value of their holdings. "By no hocus pocus can it be made to appear," says that paper, "that when an owner is receiving \$5 per acre rent for his land a sale for an annual payment of \$4 is not confiscation of a considerable part of the property." That is perfectly true. In the forum of morals it is just as clearly an invasion of property rights to confiscate a part as the whole. The real question that inevitably recurs in either case is, Is it an invasion of property rights at all to terminate such tenures as the Irish landlords claim? If it is such an invasion as to full value, it is equally so, morally speaking, as to part of the value; and if it is not so as to part, it is not so as to the whole. Let us ask, then, whether it is so at all with reference to these Irish lands? The answer may be found in the same Baptist paper. It truly says that the fact that the landlords' claims to Irish lands rest upon conquest is of no importance, "since the value at the time they were conquered was trifling;" and then it adds, also with truth and force, that "the real value of all land has been given by the development of civilization, and by the people of the entire country," and "this is as true where land was purchased for a few shillings an acre as where it was taken by a conqueror." Does not that completely answer the