President exclusively and absolutely—which is a precedent set by President Cleveland,—nothing remains to do; for in that case Panama is not only an independent nation, but it is one whose sovereignty—if Secretary Hay is right in his theory as to treaty covenants "running with the land" — we are bound by the old Granada treaty to defend. No matter what the American people may wish, no matter what Congress might have been disposed to do, if the President's irresponsible recognition of this new nation is conclusive, then nothing remains for Congress to do but to attend to details. The President himself will have done the vital thing without so much as "By your leave, Messrs. Congressmen."

—

It is upon this basis that Mr. Roosevelt virtually demands of Congress that it fill in the details of the Panama policy which he of his own unbridled will has inaugurated. He has virtually made himself an absolute monarch as to this most important matter. For does he not say:

> The only question now before us is that of the ratification of the treaty. For it is to be remembered that a failure to ratify the treaty will not undo what has been done, will not restore Panama to Colombia, and will not alter our obligation to keep the transit open across the Isthmus, and to prevent any outside power from menacing this transit.

And does he not—

> repeat that the question actually before this government is not that of the recognition of Panama as an independent republic. That is already an accomplished fact. The question, and the only question, is whether or not we shall build an Isthmian canal.

Take those two admonitions out of his special message, and nothing but a plea for Panama and the Panama canal route remains. But there is power in those admonitions. They are Rooseveltian for Tweed's less polished but not more defiant phrase.

—

How did Panama's independence come to be "an accomplished fact."? Simply through the favor of Mr. Roosevelt. It was by his orders, as his message shows, that Commander Hubbard, U. S. N., "prevented either party from attacking the other;" that is, that prevented Colombia from coercing a seceding State as we coerced South Carolina in the 60's. It was by his recognition of the seceding State, regardless of Congress, that this State became a sovereign Power which we are bound by treaty (according to the Hay theory that "the covenant runs with the land") to protect from the parent Power. So Mr. Roosevelt virtually says to the Senate: You might as well ratify the treaty, for I have already done everything else; and whether you like it or not, "What are you going to do about it?"

—

Obviously only one of two things can be done. The President's constitutional authority to put Congress into such a hole can be conceded, in which case a treaty with Panama must be confirmed whether the confirming power likes it or not. The only alternative is to attack this evil at the roots, by contesting the authority of the President to force his own will upon the country in a matter involving, as the recognition of new nations does, far-reaching questions of treaty obligations, of national honor, and even of war. If the President's recognition of Panama is constitutionally conclusive he has virtually usurped the war-making authority; for in that case his recognition imposes upon Congress the necessity of making war upon Colombia if Colombia attempts to hold Panama to its repudiated allegiance.

Gov. Garvin's inaugural message to the legislature of Rhode Island is a model of terseness, literary form and statesmanship. Among his recommendations is an amendment to the State constitution empowering 5,000 citizens to propose constitutional amendments for referendum adoption. He reminds the legislature that the passage of this amendment was solicited two years ago by 28 organizations—labor, reform and religious — representing many thousands of citizens, and yet the petitions were ignored. His rebuke of the last legislature for refusing to act upon the bribery corruption, to which he had called attention, is stinging, notwithstanding its mild terms and calm tone. Another of his especially valuable recommendations is the Purdy plan of apportioning State taxes — namely, in proportion to the actual expenditures of the respective towns for local purposes. He takes occasion also to condemn the growing practice in legislative bodies of burying important minority measures in committee, a procedure which he truly describes as "a maltreatment of representatives and their constituents, and unfair to the whole people of the State." But best of all is the spirit in which Gov. Garvin asks the Rhode Island legislature to approach the performance of its duties. "In this, the 258th year of the General Assemblies of Rhode Island," he writes, "may we be able to say of every act performed, It is just."

The lower courts of Oregon, which held that the initiative and referendum amendment to the State constitution had not been properly adopted and was therefore invalid (p. 215) have been overruled by the highest court of the State. This decision was rendered on the 21st of last month. The case arose over an act of the legislature affecting the city of Portland. To forestall a referendum petition, the legislature declared the act to be emergent, which, by the terms of the referendum amendment, enabled the legislature to give it immediate effect. It was a legislative trick for evading referendum possibilities. Upon coming into the courts the law was defended on two general grounds. It was argued, first, that the referendum amendment was invalid. This point was overruled by the Supreme Court. Secondly, it was argued that if the amendment were valid, the emergency declaration by the legislature could not be inquired into by