within the confines of decency were richly deserved by the young men who so far forgot their boasted "superiority." Something more forcible than epithets would have been appropriate. Yet these very superior young men, though they could descend to horseplay with a person from whom they would not take horseplay, could not brook even a verbal retort. A "nigger" had called the superior Saxon ugly names, and the nigger had to be whipped. So ten of them—ten brave Anglo-Saxons to one "nigger"—followed the "impudent" etc., "beast" etc., to the minstrel hall, and after the performance made their way to the stage, shouting: "Whip the nigger!" But this particular "nigger" hailed from Kansas, and he did what any other man similarly outraged would have done. Despite the odds of ten to one, he defended himself. As he made his defense with a revolver, and the valiant Anglo-Saxon ten responded with revolvers, several people came near getting killed. No one was killed, however, but the "nigger" had committed the unpardonable crime of shooting at a white man—even at ten white men, who were bravely bent on assaulting him. Accordingly the sheriff arrested the "nigger" troupe and put them all in jail. That made it easier to lynch the particular offender. And as the original oppressors, the real criminals, were not arrested, the possibilities of a successful lynching were to that extent enhanced. And it came off strictly according to programme. At midnight an unmasked, "determined" —determination on the part of 100 against 1 is a cheap quality—and highly respectable Anglo-Saxon mob, "forced" the jail, seized the "bad nigger," dragged him to a tree and hanged him. The object of this one-sided arrest having been thus accomplished, the rest of the troupe were released. If one or more superior Anglo-Saxons are not hanged for this wicked and cowardly murder, the state of Missouri will deserve the infamy which attaches in the minds of all fair men to communities that openly tolerate such despicable crimes.

The efforts of the speculative real estate interests of Colorado to secure the repeal by the legislature, now in special session, of the Bucklin tax amendment to the state constitution (p. 678), has come to sudden grief. In an able opinion, the attorney general of the state advises the legislature that it has no power to repeal amendment resolutions when once constitutionally proposed to the people. His position seems to be invincible. He argues that while legislation, strictly such, is at all times repealable, these resolutions are—

> not strictly speaking an exercise of ordinary legislative power. The method of proposing is laid down in the constitution, and is radically different from the method prescribed for ordinary legislation. The mere proposal to submit an amendment to the people is not a law. The proposal is a proposition merely, until approved and ratified by the votes of a majority of the electors of the state, cast at an election for representatives; and when so approved and ratified it constitutes—not a law, but a part of the constitution. The authorities that we have been able to find all hold that the proposal of constitutional amendments is not legislation in the sense of making law.

Elsewhere in his opinion, the attorney general explains:

> The legislature in proposing amendments acts in behalf of the people of the state under an expressed and independent power. The mode of its exercise is prescribed and must be observed, but the legislature is not required to look outside its power of attorney to ascertain its duty. That power having been exercised, it shall be the duty of the legislature to submit the proposed amendments to the people to be voted on. . . . . Since the constitution has given to the legislature merely the power to propose, and to the people the power to reject or ratify when the proposal has been made, further authority over the proposal has passed out of the hands of the legislature into the hands of the people.

Whether influenced by this opinion, or acting in accordance with its own wishes, the state senate has put an effectual quietus upon the movement for repeal. The bill to repeal the Bucklin amendment came up in that body on the 19th and was defeated by a vote of 24 to 9.

Since the agitation for the repeal of this measure has brought its merits to the attention of the entire state, the danger of defeating it by a conspiracy of silence, followed on the eve of election by a flood of misrepresentation, has been averted by the folly of the very plutocratic interests that fear the effects of the measure. It is therefore reasonably to be expected that after the election next fall Colorado will become the pioneer state in introducing into this country the system of home rule in local taxation which has produced such satisfactory results in New Zealand.

In a recent address, Judge Dunne, of Chicago, throws a brilliant white light upon the cause of insufficient municipal revenues. Having shown that the county, officered by Republicans, is financially as badly off as the city, officered by Democrats, from which he inferred that deficiency of funds is not due to mismanagement of finances, he described the escape of public service corporations from their just taxes, as disclosed by the teachers, and then exposed an enormous amount of real estate tax-dodging in the business center of the city. Dwelling on this class of tax dodging he said:

> I ascertained that the total real estate valuation placed upon the real estate in the First ward of the city of Chicago, being only one ward out of the 34, was $268,000,000 for the year 1900, while the Swift commission, which had appraised the same property in 1896, a year which was at the very climax of the dull times in this community, closely following the panic of 1893, and which was therefore a time of conservative estimates, placed it at $422,000,000, approximately.

Not content with that bare comparison, Judge Dunne went on to prove that even the Swift appraisement was below the true figure, as indicated by a recent purchase by Montgomery Ward & Co., the corner of Michigan avenue and Washington street, which had been appraised by the

Swift commission at $368,000, but for which Ward & Co. have paid $600,000. Judge Dunne thinks that real estate of this kind pays taxes on hardly more than a 10 per cent. valuation. When it is remembered that the values of such property are in large degree site values, caused not by the owners but by the growth of the city, the special iniquity of this real estate tax-dodging becomes apparent.

Regarding the question of disputed land title and conflicting jurisdiction at Chicago, reported in our news department last week (p. 713) in connection with the homicide resulting from certain claims of Capt. George W. Streeter, it appears that the important particulars given, which were boiled down from local newspaper reports, are unfounded. According to those reports, Capt. Streeter had located upon an island in Lake Michigan, formed by a storm in 1886, and upon which, during this storm, his vessel was wrecked. The water area between this island and the mainland had afterward naturally filled in and title to the whole territory as an accretion was asserted by the shore owners. The new land lay outside, or was at any rate plausibly claimed to lie outside, of the jurisdiction of Illinois, which extended only to the original shore line. In consequence, the homicide case involved an important question of jurisdiction to try the persons who, acting under the Streeter claim, had upon the land in question killed a trespassing employe of the shore owners. It seemed to present a question of conflicting jurisdiction between an organized state and a "no-man's-land." Other questions were involved, but this was the question of supreme importance and general interest. It appears, however, that there is no room for legally questioning the jurisdiction of Illinois. The eastern boundary of that state is not the shore line; it is the center of the lake. This boundary was fixed by the congressional enabling act of 1818, which defines the eastern boundary of Illinois by a line extending from the Indiana boundary eastward "to the middle of Lake Michigan," and "thence north along the middle of said lake to north latitude 42 degrees and 30 minutes, and thence west to the middle of the Mississippi river;" and in consequence the Supreme Court of the state has held (Norway v. Jensen, 52 Illinois Reports, page 380) that the western half of Lake Michigan constitutes a part of Illinois territory." It follows that the homicide in question was committed within the state of Illinois, no matter what may be the degree of validity of the land title which Capt. Streeter claims, or the invalidity of that set up by the shore owners.

But the claim of the shore owners does not rest, it seems, upon accretion. It rests upon a conveyance from the state of Illinois. In the year 1889 the state, by legislative act, granted the land in question, then submerged, to the board of commissioners of Lincoln park, to defray the cost of an extension of the lake shore boulevard. Two years later, 1891, the Lincoln park board made contracts with the shore owners, who agreed, in consideration of the grant to them of the submerged lands, to abandon any littoral rights they might have beyond the boulevard, to pay a large amount of cash in proportion to their frontage on the boulevard, and to fill in the intervening land. Having done the filling in and paid the money, they have consequently received deeds from the state, through its agents, the Lincoln park board. The constitutionality of the legislative act authorizing this, and also the validity of the contracts made under the act, have been sustained by the Supreme Court of the state.

One of the reasons which the Outlook advances in justification of the sedition clause in the Philippine commission's treason "statute" is that it only applies during the insurrection, a point which it illustrates in this manner:

> **There does not seem to us in this statute any violation of the rights of free speech. We do not think that Lord Howe would have allowed free discussion of the rights of Great Britain to be carried on in New York or Philadelphia while the British troops were in possession of those cities, . . .**

This unguarded recognition, by a foremost imperialist publication, of the parallel between our occupation of Manila and the British occupation of New York, is significant. The inference as to Lord Howe is doubtless true, and that is one of the reasons why our forefathers didn't want him around. The same publication in the same article gets into another awkward predicament. Referring to Senator Hoar's assertion that the population of the Philippines are against us, the Outlook mentions Gov. Taft as bearing "testimony to a very different state of feeling," and then it naively quotes the sedition clause, which makes it—

> **unlawful for any person to advocate orally or by writing or printing or like methods the independence of the Philippine islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish or circulate any handbill, newspaper or other publication advocating such independence or separation. Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year.**

With such a law in force no testimony to the friendliness of the Filipinos can be convincing. If the Filipinos really are favorable to American sovereignty, what is the necessity for such a law? If they profess to be favorable, what confidence can be placed in their professions when they could not declare themselves to the contrary, however mildly, without being severely punished as for a crime.

This fact also throws doubt upon the entire candor of the memorial from the Federal party of the Philippines which Gov. Taft has transmitted through the war department to the Senate. In that document this Filipino party declares:

> **To make of the Philippines a colony of the United States or to grant inde-**