

the obstruction of central action in this respect by the states through the use of their taxing power; and, concluding that "the power to tax involves the power to destroy," decided against the constitutionality of the Maryland tax law in its application to the United States bank.

From these decisions, the theory of which has been confirmed and never questioned by the court, the extraordinary influence of Marshall in shaping the federal government is evident. It was indeed greater than that of Hamilton. Hamiltonism had gone down with the federalist party in American politics, but Marshall wove its leading principles so closely into the web of American jurisprudence as to establish them more firmly than ever. Of late years they are consequently regaining their old power even in politics.

It is a reasonable surmise of Marshall's biographer already mentioned (page 180), that if Jefferson had had the appointment of a chief justice, his appointee "would have brought about a very different result . . . of which the workmanship in a strictly professional and technical view might have been equally correct." This country would then have been what its founders intended, a closely knit federation of states instead of the centralized and centralizing nation it has become, and the world power empire its federalistic partisans now aspire to make it.

The fact must be conceded, and "John Marshall day" is an appropriate occasion for the concession, that the great democratic triumph of 1800 has proved an empty victory. Though the democracy then secured the presidency and congress and caused the federalist party to disintegrate, it did not secure the real source of federal power. That was secured by the federalists when their outgoing president appointed John Marshall to the supreme bench. The defederalized federal government as it exists today, with its record of centralization and its outlook of empire, is a Frankenstein of his making.

Not to go to some schools is a liberal education in itself.—Tom Masson, in Life.

NEWS

In our report of Queen Victoria's death last week, a typographical error fixed the event upon two different dates, the 22d and the 23d. The true date was the 22d. On the 23d the new king took the oath of office, as noted in that report; and on the 24th he was formally proclaimed, at St. James's palace, and later in the day at Temple Bar and the Royal exchange, as king of the United Kingdom of Great Britain and Ireland, defender of the faith, and emperor of India. The king absented himself from the proclamation ceremonies. These ceremonies have since been repeated in the cities and towns of the kingdom, though with much less display. In the Irish capital, Dublin, they were performed on the 24th, and in the Scottish, Edinburgh, on the 25th. Sir Alfred Milner, on the 28th, at Pretoria, proclaimed the new king king of Great Britain and Ireland, defender of the faith, emperor of India, and supreme lord of and over the Transvaal and the Orange River Colony.

In honor of Emperor William of Germany, on the occasion of his forty-second birthday, which occurred on the 27th, King Edward presented him with the insignia of the order of the garter, in fulfillment of the intentions of his grandmother, the late queen, and at the same time appointed him a field marshal of the British army. Demonstrations of grief over the queen's death are the order in England. On Sunday the churches were heavily draped in black, and bells tolled mournfully all day. The public are officially asked to wear deep mourning until March 6, and half-mourning until April 17. On the first of the present month, February, the funeral ceremonies begin with the removal of the queen's body from Osborne house, where she died.

From South Africa but little news has been allowed to reach London to disturb the solemnities incident to the queen's death and burial. But from such as has come, it is evident that the British situation there has not improved. A pilot engine preceding a train on which were Kitchener and a body of troops, was derailed on the 23d. A train with British military stores was captured near Fourteen streams on the 25th. Twen-

ty of the Cape Town police surrendered to a company of Boers on the 21st near Vryburg. Other engagements are reported from different parts of the extensive field of the war, in some of which the British are credited with success, though with casualties approximating 100; and as these lines are written (Jan. 31), it is reported unofficially from Cape Town that DeWet has entered Cape Colony, and officially from Pretoria that he is fighting the British Gen. Knox 40 miles north of Thabanchu, which is hundreds of miles north of Cape Colony. No details accompany either report.

American government in the Philippines appears from official dispatches to be in better condition than that of the British in the Transvaal. This improvement was brought to the attention of the senate on the 28th, by Senator Frye, who read the following cable message to congress from the leaders at Manila of the new federal party, which accepts American sovereignty:

Accessions to federal party by thousands in all parts of archipelago. Attitude of hitherto irreconcilable press and the general public opinion show that labors of party to bring peace will soon be crowned with success. Until now political parties have attempted formation on plans more or less questioning American sovereignty. Our platform makes main plank sovereignty of United States with liberty to each citizen to pursue peacefully his political ideas. Hour of peace has sounded. On our platform are grouped many Filipinos of hitherto irreconcilable ideas, but some more obstinate decline to join, for though willing to accept sovereignty of United States the prospect of indefinite continuance of military government makes them distrust purposes of the United States and delays their submission. Adjournment of present congress without giving president authority to establish purely civil government with usual powers and postponement for at least a year of such government until new congress will certainly confirm this distrust. Directory of the federal party believes conferring such authority on president would inspire confidence, hasten acceptance of sovereignty of union and the coming of peace. Directory therefore prays both houses of congress to authorize President McKinley to establish civil government whenever he believes it opportune.

It is impossible to ignore the indications that the foregoing appeal

from a native political party was inspired by official American advice. Concurrently with its hurried transmission, President McKinley sent to the senate a supplementary report of the secretary of war transmitting the report of the Philippine commission, accompanying it with a recommendation of—

legislation under which the government of the islands may have authority to assist in their peaceful industrial development in the directions indicated by the secretary of war.

The principal direction alluded to by the president was indicated by the secretary of war as follows:

I wish to call attention to some conditions existing in the Philippine islands which indicate that the development of that country along the lines of peaceful industrial progress now requires the exercise of powers of civil government not vested in this department, or in you as military commander, but requiring a grant of authority from the congress.

The secretary's advice had been suggested to him by the Philippine commission in a cable dispatch from Manila dated the 2d, which the secretary quoted. This dispatch declared:

Passage of Spooner bill at present session greatly needed to secure the best result from improving conditions. Until its passage no purely central civil government can be established; no public franchises of any kind granted, and no substantial investment of private capital in internal improvements possible. All are needed as most important step in complete pacification. Strong peace party organized with defined purpose of securing civil government under United States and reasonably expect civil government and relief from inevitable but annoying restraints of military rule long before subject can be taken up by the new congress. Time near at hand in our opinion when disturbances existing can better be suppressed by native police. Power to make change should be put in hands of president. Quasi-civil government under way—power most restricted and unsatisfying. Sale of public lands and allotment of mining claims impossible under Spooner bill. Hundreds of American miners on ground awaiting law to perfect claims. More coming. Good element in pacification. Urgently recommend amendment of Spooner bill so that its operation be not postponed until complete suppression of all insurrection, but only until in president's judgment civil government may be safely established.

The Spooner bill mentioned in the dispatch is the bill introduced in the

senate last year by Senator Spooner, which would give the president imperial powers of legislation and administration in the Philippines.

Accompanying the secretary of war's report, transmitted to the senate by the president as stated above, there was also a dispatch from President Taft, of the Philippine commission, making the following statement with reference to the military situation:

Conditions rapidly improving. Rifles, officers, privates are being captured or surrendered daily in considerable numbers in north and south Luzon. Same condition in Panay, where more than 35,000 have taken oath of allegiance. Insurgent forces completely scattered, and leader, Delgado, negotiating for surrender. Work in Samar slower because of insurgent band's long uncontested occupation of interior and swollen streams early in campaign. Campaign in Samar has driven bands into Leyte, producing disturbance, but information is that conditions there favorable. Federal party for peace, direct result of election. Well organized and rapidly increasing in Manila; preparing to extend organization to many provinces on pressing and numerous invitations from leading citizens.

But notwithstanding these pacific official reports, designed obviously to promote the fortunes of the Spooner bill, and reports that 50,000 Filipinos in Iloilo have taken the oath of allegiance to the United States, newspaper dispatches show that the fighting is not all over. A fierce half-hour engagement was fought in the island of Leyte on the 9th, reported from Manila on the 24th, in which over 100 Filipinos and one American are reported as having been killed. Captures, arrests and seizures of arms are reported to "continue in the unpacified districts of Luzon." Gen. Funston reports that on the 25th a body of his men killed five Filipinos. And minor operations on the part of the Filipinos are reported from Cebu and Bohol. In its capacity as a legislature the president's commission (appointed by him in his military character of commander in chief) has passed a law declaring all persons in arms against American authority or aiding or abetting the Filipinos after March next to be ineligible to public office.

American casualties in the Philippines since July 1, 1898, inclusive of the current official reports given out

in detail at Washington to January 30, 1901, are as follows:

Deaths to May 16, 1900 (see 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
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Total deaths to presidential election	2,415
Killed reported since presidential election	30
Deaths from wounds, disease and accident, same period	145
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Total deaths.....	2,590
Wounded since July 1, 1898.....	2,399
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Total casualties since July, '98....	4,989
Total casualties last week	4,951
Total deaths to last week	2,569

Cuban constitution building is proceeding. The convention, which at last week's report had listened to the draft prepared by its central committee, resumed its sessions on the 24th, and is still engaged in discussing and passing upon the document section by section. The section establishing universal suffrage was adopted on the 30th, after a sharp debate. The delegates are hurrying through their work, so as to get a hearing before the American congress, if possible, at the present session; and a strong feeling of fear of attempts at American domination is increasingly manifest. On the 25th, a resolution expressive of sympathy with Great Britain in the death of the queen, was adopted by the convention by a vote of 13 to 10.

Sensational accounts of an Indian outbreak in Indian Territory have made up part of the news of the week. It originates in the dissolution by the United States of the tribal relations and the distribution of the tribal property of the Creeks. This has been opposed by some of the tribe, who, under the leadership of a chief known as "Crazy Snake," are enforcing the old tribal laws in defiance of the United States courts. Among other things they were reported to have threatened with terrible whippings any Indians of the tribe who worked for or rented land to white men. The first reports of serious trouble were received on the 22d, when it was asserted that 300 armed Creeks were scouring the Creek country enforce-