

they treat white butter in the same way; while, on the other it is contended that the custom of artificially coloring white butter yellow has been so long followed that the use of the same color for oleomargarine has the effect of defrauding butter buyers by imposing oleomargarine upon them for butter. But that dispute, also, is out of the case with reference to this congressional bill. Congress has no authority to legislate for the suppression of fraudulent practices; that function, too, belonging to the states. The congressional problem, therefore, is to serve the butter making class at the expense of oleomargarine makers, by preventing the coloring of oleomargarine without expressly prohibiting it. And this is to be done in the guise of a revenue measure. Uncolored oleomargarine is to be taxed one cent a pound; but if colored, the tax is to be 10 cents. Neither tax is expected to raise revenue. The lower one is intended to obstruct the sale of oleomargarine, while the higher is intended to make the yellow product so dear as to drive it out of the market. The motive, of course, is to shield butter makers from competition. Inasmuch as the law is not in fact a revenue law, but is so only in form, it is plainly a fraudulent use by Congress of its revenue powers for the purpose of invading the reserved rights of the states and making or unmaking private businesses at will. In principle it is in line with the protective tariff legislation of the past quarter of a century, but with the additional characteristic that it breaks down state lines and opens the way for future legislation that may bring even the most minute private and local concerns within the jurisdiction of the Federal legislature and courts.

Another event of the week directs attention to this rush into centralization, with even greater emphasis. It is the decision of two Federal judges overruling the Supreme Court of Illinois on a question of local taxation, something that has always been con-

sidered as clearly beyond the jurisdiction of the Federal government. The decision is extraordinary. Under the Illinois tax laws property must be assessed for taxation at full value. Assessors, however, have fallen into the habit of assessing at all sorts of valuations, 60 per cent. of the value having come to be regarded as a legitimate custom. That custom was made to yield to the law by the State Supreme Court, in proceedings instituted against Chicago street car corporations; and these corporations thereupon went to the Federal court with the contention that as other taxpayers are assessed at only 60 per cent. this full assessment against them was a denial, contrary to the XIVth amendment, of "the equal protection of the laws." It did not seem to occur to the Federal judges, as it did to Judge Tuley in the Chicago case commented upon last week (vol. iv., p. 817), that the proper mode of escape from such inequality is not to seek a reduction of assessments from full value in the cases in which the law is observed, but to secure equality by insisting upon full legal assessments in the cases in which it is defied. They decided in favor of the complaining corporations, setting aside the state laws; putting a lawless custom in its place; and overriding the state Supreme Court. And they actually proceeded to act as a state board of assessors, by fixing the amount of state taxes which the complaining corporations should pay. Should this procedure take root, local government by the Federal judiciary will be a thing established, and states will have little more power over their local affairs than counties have now. When they lose control of the taxing power, they lose control of themselves.

Some arrests were made on the occasion of the Altgeld memorial meeting in New York last week, the prisoners being charged with selling anarchistic literature. When they came before the magistrate it appeared that they had been selling a pamphlet en-

titled "Roosevelt, Czolgosz and Anarchy" with an addendum on "Communism," a tract in advocacy of anarchistic communism and in criticism of President Roosevelt's message on anarchy. Since this arrest we have examined the pamphlet in question. So far as the criticism of Roosevelt is concerned, it is written in much better temper than are most political editorials and the gravamen of the charge is fully sustained. As to the anarchistic communism which is advocated, while we do not accept it but distinctly and we believe intelligently reject it, we are at a loss to know why anybody should be arrested or prosecuted or be in anywise personally condemned for writing or publishing it. Yet the police magistrate before whom the sellers of this pamphlet were haled, was so indignant that he refused to be satisfied with the charge that the prisoners had sold the pamphlets without having a license, and remanded them until he could discover if possible some law under which they might be prosecuted for inciting "anarchy." Whoever will read the pamphlet will, while running no greater risk than that of getting a wider horizon for his world of thought, be apt to conclude that the solicitous New York magistrate is probably a good deal of a demagogue. Demagogues do not ply their trade, however, unless there are masses of people willing to be fooled. Is it not time, then, for the people to put these anarchy baiters out of business? Why should the masses of the people any longer raise a hue and cry against free speech whenever demagogues label it "anarchy," and so furnish a convenient noise to conceal the operations of the truly dangerous anarchists—those who live in palaces instead of tenements, and go to the Senate instead of the jail? These anarchists were justly held up to public execration at a ministers' meeting in Cleveland this week by the pastor of John D. Rockefeller's church, the Rev. Dr. Charles A. Eaton. "Anarchy," he said, "is rampant everywhere. The anarchists are

not all poor men. . . . The man who gets rich at the expense of the people is an anarchist of the worst kind." It would be better to get seriously to work pulling down this kind of anarchy, than to chase poor men into jail for publishing wholesome criticisms of the President's message and legitimate essays on the foundation principles of government.

CONAN DOYLE ON THE RESPONSIBILITY FOR THE BOER WAR.

Much ado is made by British partisans just now over A. Conan Doyle's plea for the British government in connection with the war in South Africa. * It is a remarkable fact that pro-British apologists, who exploit this pamphlet with an ingenuous confidence quite pathetic, should be wholly ignorant of or indifferent to A. M. S. Methuen's "Peace or War in South Africa." ** Mr. Methuen, head of the Methuen publishing house of London, had approved the ministerial policy until he made a careful personal study, from original documents, of the origin of the war, of which study his book is an outcome. He was therefore as unbiased as possible. He certainly was not a Boer partisan to begin with. And the whole spirit of his book is judicial. Had Methuen come to a pro-British conclusion, it is easy to imagine the enthusiasm with which British "patriots" would have promoted its circulation and sworn by its covers.

But Methuen's book has no charm for them. This is certainly not because it is an unworthy product. In literary quality it is by no means inferior to Doyle's book, while it greatly excels Doyle's in its fullness and fairness of historical statement, in its documentary citations and in its non-partisan spirit. The reason why Methuen's book has no charms for British imperialists must be because the

* If not elsewhere procurable it may be had of George N. Morang & Co., Limited, of Toronto, for ten cents.

** Methuen & Co., 36 Essex street, W. C., London. American readers may procure it of the American Transvaal League, room 14, 88 La Salle street, Chicago.

author fails to support his country's cause, right or wrong.

That mistake has been avoided by Dr. Doyle. A war partisan, he has approached the task of defending the British government in the spirit of a partisan, and his conclusions are partisan conclusions. His plea is highly acceptable, therefore, to British "patriots," who seem to be more concerned to have their cause justified than to try it upon its merits.

The Doyle pamphlet begins with a chapter on the Boer people, which is followed by one on the cause of the quarrel and another on the negotiations preceding the Boer ultimatum. After that there are chapters on the peace negotiations, on farm burning, reconcentrado camps, British soldiers, etc. The only parts of the pamphlet, however, that can be considered without raising contested issues of fact, are those which relate to the moral responsibility for the war and rest upon record evidence. So long as the British continue censoring dispatches from South Africa, so long must their own indorsements of certificates to their own good behavior there be suspected. It is to be observed, also, that as no questions of British barbarity would have arisen but for the war, the moral responsibility for that is after all the turning point in the whole controversy.

We shall accordingly confine our review of Dr. Doyle's pamphlet to that one crucial point. Are the Boers morally responsible for the war, or is it the British government?

I.

For the discussion of that question Dr. Doyle thinks it proper, and we fully agree with him, to go back to the establishment of the Transvaal republic as a sovereign nation.

That was in 1852, when, as Dr. Doyle correctly states—

the British government guaranteed to the Boer farmers the right to manage their own affairs and to govern themselves by their own laws without any interference upon the part of the British.

As there was no change in this condition until 1877 the Transvaal was for twenty-five years a sovereign state, with all the rights, under internation-

al law, that pertain to the mightiest power on earth.

But in 1877, while the Boers were resisting an invasion by native tribes—

Sir Theophilus Shepstone, the British commissioner, after an inquiry of three months, solved all questions by the formal annexation of the country.

So says Dr. Doyle, who adds:

The fact that he took possession of it with a force of some 25 men, showed the honesty of his belief that no armed resistance was to be feared.

If the force was in fact so small, it doubtless did show precisely that. But Dr. Doyle neglects to explain why Shepstone entertained the honest belief that he need fear no armed resistance. The reason was that the burghers were out on the frontiers resisting the threatened invasion of their homes by savages. Shepstone had gauged the time well for what Doyle euphemistically calls "formal annexation." And Doyle exposes the flimsiness of the shop-worn excuse for Shepstone, that his object was to save the Boers from destruction by their savage enemies, for a force of 25 British troops would hardly have been adequate to assist in opposing a native invasion, however sufficient it may have proved to be to revive dominion over a little republic while its fighting men were battling with savages on the frontier.

Dr. Doyle refers to this Shepstone exploit as constituting "a complete reversal" of the treaty whereby Great Britain had acknowledged Transvaal independence. In other words, Shepstone broke the treaty; and, his government confirming the act, this bad faith and bold violation of international law, became "the opening," to quote from Dr. Doyle, "of a new chapter in the history of South Africa."

It is to be noted as an indication of Dr. Doyle's light and airy way of dealing with his subject that not only does he call this conquest a "formal annexation"—as if one should speak of pocket picking as a "formal appropriation"—but he declares that—

there did not appear to be any strong feeling at the time against the annexation—

although in the same paragraph in