

official ballot. Voters are thereby enabled to declare their preference for United States senator, regardless of their preferences for other officers, and it is assumed that the legislature in choosing senators will be influenced by the popular vote. It is not compelled, of course, to obey. But, whenever it is of the same political complexion as the popular candidate for senator, it would hardly have the temerity to reject him; and in the case of a large popular vote in his favor, even a hostile legislature might be embarrassed.

The first trial of this law is to be made with C. E. S. Wood, of Portland, as the Democratic candidate, at the election to be held on the 3d of June. Mr. Wood is the gentleman whose speech at the Democratic gathering in the Manhattan club at New York last spring (vol. iv., pp. 737 and 765) made the David B. Hill "reorganizers" so uncomfortable. He is distinctly and unquestionably a democratic Democrat; and whatever may be the result at the Oregon election, it is a satisfaction to know that the Democrats of Oregon are democratic enough to name the author of the Wood speech as their leader in national politics. Coming as it does after the wide publication of his New York speech, Mr. Wood's nomination for senator from Oregon certifies to the fact that he spoke for his party in the state, as well as for himself, when he condemned the Hill and Gorman type of politics and flung out the banner of radical democracy.

It may not be generally known that at the same election in Oregon a constitutional amendment establishing the initiative and the referendum is to be voted on. The amendment provides that while the legislative power of the state is vested in a legislative assembly consisting of a senate and a house of representatives, yet—

the people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to ap-

prove or reject at the polls any act of the legislative assembly.

The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. . . .

The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by the petition signed by five per cent. of the legal voters or by the legislative assembly, as other bills are enacted. . . .

The veto power of the governor shall not extend to measures referred to the people.

Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise.

This amendment passed both houses of the Oregon legislature in 1899 by large majorities, and in 1901 by unanimous vote in the House and with only one dissenting vote in the Senate, and was signed by Gov. Geer, January 31, 1901. If adopted at the state election it will mark another distinct advance among the states in the direction of democratic government.

In another state also an initiative amendment is to be voted on at the next general election. We refer to Rhode Island. This initiative, however, is restricted, being applicable not to legislation generally, but only to constitutional amendments. Yet in effect it would be a full legislative initiative, owing to the ease with which it might be resorted to and the comprehensiveness of its scope. It provides that 5,000 voters "may propose specific and particular amendments" to the constitution, which shall be submitted to the electors at their town meetings, and if then approved by a majority voting thereon, they shall become a part of the state constitution. One great advantage of this measure is that it would enable the people to legislate directly without encountering constitutional barriers. The living would no longer be shackled by the dead.

As reported by the Buffalo En-

quirer, a police justice of Buffalo has raised his voice judicially against the infamous police method of securing testimony in criminal cases, which is commonly known as the "sweat box." Experts intimate that in the "sweat box" there are three degrees. In the first degree the police, having the prisoner in custody, subject him to a searching and confusing cross-examination, lying to him incidentally by telling him that his friends have given testimony against him. If this reveals nothing, they give him the second and then if necessary the third degree, which are characterized by physical torture. With confessions or incriminations thus secured, the police proceed to "make a case." Such a confession was offered before the Buffalo magistrate referred to above, and he refused to accept it as evidence on the ground that it was procured by duress. The strange thing is that any doubt should have arisen among lawyers and judges as to the invalidity of confessions so obtained. Confessions extorted by duress have been treated by the courts for generations, until recently, as unlawful. More than that, even though no torture be used, a prisoner under arrest upon charges of crime, is presumed to be under a duress which vitiates his confessions; unless he makes them voluntarily, after being informed that he need say nothing, but that if he does speak what he says may be used against him. So just is that rule that no magistrate, no judge, no prosecuting attorney, would think of asking a prisoner questions about his alleged crime, unless the prisoner, after being fully advised as to his rights, had volunteered to give information. Yet policemen, whose sole duty it is to detain prisoners in safe custody, subject them to unlawful questionings and torture, without advising them of their rights, and often after deceiving them in that respect; and judges accept confessions so extorted as evidence. It is full time that a stop were put to these "sweat box" proceedings. Every policeman who participates in

them commits a crime; every state's attorney who encourages them commits another; and every judge and grand jury that ignore these violations of law are derelict. It is a poor excuse to argue that only criminals are put into the "sweat box." In the first place, it is not true. In the second, security for the innocent always depends upon conserving the rights of the guilty. When the rights of criminals are outraged by officers of the law, the rights of all are in jeopardy.

Secretary Hay has asked Congress to amend the passport law so as to provide for passports to "loyal residents of our insular possessions traveling or sojourning abroad." At present the law restricts the issue of passports to persons who are "citizens of the United States." The proposed amendment would restrict it to persons "owing allegiance, whether citizens or not, to the United States." This would clearly be a congressional recognition of persons who owe allegiance, but are not citizens. Now, what are persons who owe allegiance to a government, but are not citizens of it? There is only one word to describe them. They are subjects. Of what are they subjects? Of a republic? That would be a contradiction in terms. Then it must be of an empire. Yet it is less than two years ago when the Republicans were assuring the American voter that the Philippine conquest did not involve the turning of the republic into an empire.

The Chinese are said to be the most imitative race in the world, and it seems to be true. No sooner had they learned of Gen. Smith's devastation order in the Philippines than they set about imitating this noble example of American civilization. A colonel and 50 men of the Chinese imperial troops had been cut to pieces by rebels in the Wei-psien region, whereupon the imperial government sent 1,000 regular troops into that

region, with orders, says the Peking dispatches—

to use the most extreme measures and to burn everything and behead all rebels until the uprising had been eradicated.

That order might almost have been copied literally from Gen. Smith's, though the Chinese seem to have balked at specifically including children of ten within its sanguinary provisions. However, civilization proceeds slowly with Orientals.

"BENEVOLENT FEUDALISM."

Only once in a great while does a magazine article appear which can long outlive its first reading. Most of them are manufactured to excite or to gratify a momentary interest, which is impatient of anything that exacts other than the laziest thought. Like a plucked rose, even the best of them usually give out but a passing fragrance and then wither away. The popular demand is for ephemeral subjects, for a fatuous optimism, and for the light literary touch. Such, at any rate, is the prevailing opinion of many magazine editors, and they ought to know. They doubtless do know, for it is by gauging the popular taste aright that they make their living. But now and again, something finds its way into the magazine pages which, while meeting, in most respects, the frivolous popular demand as to form, possesses also serious qualities and invites profound and frequently recurring reflection.

These are articles of which it may be said, as the Independent of April 3, 1902, said editorially, and said truly, of a contribution to that issue of the same magazine, from the pen of W. J. Ghent:

Every American who can read anything will read Mr. Ghent's article on the coming "Benevolent Feudalism." Not everybody will read it in the next ten days, but everybody will read it some time. Not everybody will read it in Mr. Ghent's own words, as printed in our columns; but everybody will read it in substance, as it goes from journal to journal and from mouth to mouth. For this is one of the articles that, once published, live. Like all great work, in science or in art, it is essentially a report, a description, a picture of a situation, made by one of those men who have the power to see what other men look at without see-

ing, and, by a few strong, clean strokes, to make other men instantly see.

There is no overpraise in that commendation. Mr. Ghent's article is in truth a vivid picture of a social condition which is much nearer at hand than he implies, if, indeed, in its essentials, it does not already exist. He treats it as "the next distinct stage in the socio-economic evolution of America," and characterizes it as "a benevolent feudalism."

Although Mr. Ghent has met the usual magazine requirements of a light touch as to composition and a bubbly manner of thought, and has done this so well that his article is light enough to be read after dinner without disturbing digestion, and although he has succeeded in giving to a profound treatment of a profound subject so charming an air of superficiality and ephemerality as to secure some degree of attention from even the most frivolous victims of the reading disease, he has not been able altogether to conceal a flavor of what is commonly called "pessimism."

It is not a disturbing pessimism, to be sure. He has avoided giving offense in that way. For, while he foretells a condition in which the many will again be hewers of wood and drawers of water for the few, he seems to see it through rosy-hued spectacles. The benevolence of the few more than compensates for the dependence of the many. Mr. Ghent himself probably does not think this a rosy view, but he wisely avoids hurting the sensibilities of those who do by refraining from painting it in dark colors.

His postulate is the probable persistence of the now familiar phenomena of the concentration of capital and the increase of individual holdings of wealth, in support of which he summons Prof. John B. Clark, one of the most noted of orthodox economists, from whom he quotes this testimony, extremely significant when the affiliations of the writer are considered, which Prof. Clark had already given in the Independent:

. . . The world of the near future . . . will present a condition of vast and ever-growing inequality . . . The rich will continually grow richer, and the multimillionaires will approach the billion-dollar standard.

That there are facts at variance with that conclusion, such as a marked