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Commandant Kritzinger, the captured Boer officer whom the British have been trying for his life before one of their court-martials, as a few weeks before they tried Scheepers, was fortunate in having been tried after the Boers had captured and released Gen. Methuen. For the charges against Kritzinger have now been dropped. To have shot him in cold blood, after the Methuen episode, as Scheepers was shot before it, would have left a pretty bad taste in the mouth. It was Scheeper's misfortune to have been "tried" before his executioners had been taught a wholesome moral lesson by Gen. Delarey the Boer.

Several months have elapsed since President Roosevelt's attention was directly called to the British army supply-station at New Orleans, which has been there for nearly three years in flagrant breach of American neutrality. But he refused even to investigate the matter until the governor of Louisiana put a question to him last week which foreclosed all possibility of evasion. Declaring that a British army supply-station had in fact been established in his state, the Governor asked whether the state could expel it without impinging upon Federal prerogatives. Mr. Roosevelt was in no hurry even then—certainly not in a strenuous hurry. He first deliberately called for a legal opinion from the attorney general. This opinion, when it came, was to the effect that the law in the matter depends upon the facts. So Mr. Roosevelt set about ascertaining the facts which he ought to have ascertained fully five months before. Nor does he appear to be extraordinarily strenuous even now; for the military officer sent down to investigate arrived ahead of his instructions. Meanwhile, a week after the governor of Louisiana compelled the Federal authorities to "get a move on" in the matter, a British transport clears for Cape Town with a cargo of munitions of war in the shape of mules and horses for military use on the veldts of South Africa. That "understanding between statesmen" appears to be as potent at the White House now as it was before Mr. Roosevelt's accession.

Much ado is made about the complexity of the neutrality question. But what is there complex about it? The treaty of Washington, between the United States and Great Britain, expressly declares that—

> **a neutral government is bound . . . not to permit or suffer either belligerent to make use of its ports or waters . . . for the purpose of the renewal or augmentation of military supplies.**

There is nothing complex about that part of the question. The law is clear enough. This government is bound to prevent the use by Great Britain of American ports or waters for the renewal or augmentation of military supplies. The other part of the question is nothing but a question of fact. Is Great Britain so using our ports or waters? That question is so simple that President Roosevelt's long delay in investigating it, and his manifest indifference and dilatoriness now that the governor of Louisiana has left him no loophole for further evasion, would seem to be less significant of a complex problem in international law than of British influence with a complacent state department at Washington.

In the enactment of the oleomargarine bill, now almost assured, Federal legislation enters boldly, and with no more pretense than is supposed to be necessary to guard against interference by the Supreme Court, upon the centralizing policy of regulating local trade. Foreign boundaries and state lines are to be no longer considered. In the form of tax laws, yet with an unconcealed purpose in no sense fiscal, private businesses are to be promoted or suppressed as the central authority may dictate. It is true that heretofore Congress has stamped out private businesses by a fraudulent exercise of its taxing power. A 10 per cent. tax on state bank notes, for instance, has created and fostered the national banking system and destroyed the currency-making function of local banks. In that instance, however, unjustifiable as it was and vicious as the precedent has been, there was the excuse of a supposed necessity for bringing the whole money-issuing function within the control of the general government. Not even that excuse pleads for the oleomargarine bill. This bill is a measure designed for no public purpose whatever. It has no other object than to drive a certain food product of American manufacture out of the American market in the interest of the American producers of a competing product.

Oleomargarine is a substitute for butter which on the one hand is pronounced wholesome and on the other deleterious. But that dispute makes no difference with reference to this congressional bill, for Congress has no authority to legislate generally with reference to the wholesomeness of foods. Such legislation is a police function of the individual states. On the one hand, also, it is claimed that in coloring oleomargarine yellow the manufacturers are no more guilty of fraud than are butter makers when

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 considered 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 entitled "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