

clamations of the President and acts done in pursuance thereof, or of his orders, in suppression of the late rebellion," and covers the period from March 4, 1861, to July 1, 1864. All such proclamations, orders, acts, etc., "are hereby approved and in all respects legalized and made valid, to the same extent and with the same effect as if said orders and proclamations had been made, and said arrests, imprisonments, proceedings and acts had been done under the previous express authority of Congress and in pursuance of a law thereby previously enacted expressly authorizing and directing the same to be done." Prosecutions for acts done under authority of such proclamations, orders, etc., are forbidden.

Then comes a further sweeping provision which, rather than the act of 1868, seems to furnish the model for that clause in the Berger bill whereby "the exercise of jurisdiction by any of the Federal courts upon the validity of this act is expressly forbidden." The prohibitory clause of the 1867 statute runs thus: "And no civil court of the United States, or of any State, shall take jurisdiction of, or in any manner reverse, any of the proceedings had or acts done as aforesaid."

Was it under authority of this act of 1867 that the Federal Circuit Court for Mississippi, in the McCardle habeas corpus case, remanded the offender to the custody of the military authorities? No allusion is made to this statute in either of the two McCardle Supreme Court decisions. That such a sweeping statute should not get the attention of the Federal courts is remarkable, if such be the fact. Not more remarkable, however, than is the persistency of the champions of judicial infallibility and Supreme Court sovereignty in ignoring the seemingly impregnable position taken by the Milwaukee Socialist that Congress has full power to limit as it sees fit the jurisdiction of all Federal tribunals except the Supreme Court, and likewise to deny jurisdiction to the latter in all cases excepting those "affecting ambassadors, other public ministers and consuls, and those to which a State shall be a party."

W. M. H.

NEWS NARRATIVE

The figures in brackets at the ends of paragraphs refer to volumes and pages of *The Public* for earlier information on the same subject.

Week ending Tuesday, October 10, 1911.

Italy Seizes Tripoli.

The forts of the town of Tripoli were bombarded by the Italian warships on the 3rd and 4th, and reduced to ruins. The Turkish garrison withdrew to the heights back of the town, whence they were later dislodged. The Italian flag was raised over the ruined forts on the 5th. Following the Italian occupation of the city, Rear Admiral Borea D'Olmo was made Italian governor of Tripoli. Eastward points on the Tripolitan coast were then successively occupied by the Italians,

looking especially to the control of Cyrenaica, which is the portion of the province of Tripoli which lies next to Egypt, and is by far the richest section of the country. Minor naval operations have taken place in which various Turkish boats have been sunk by the Italians. Austria, Servia, Albania and Greece are restless over the fighting of their neighbors at their own door-yards. A circular note from the Turkish government to the Powers, was announced on the 9th. Turkey asks the Powers whether the time has not arrived for negotiations, and what conditions will be required. The press dispatches state that the note contemplates the cession of Tripoli to Italy under certain conditions. [See current volume, page 1028.]

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Royalist Invasion of Portugal Fails.

Rumors of the arousing of the northern provinces of Portugal by monarchist bands entering the Republic across the Spanish frontier have been rife for months, but nothing seems to have seriously menaced the young Republic until the approach of the anniversary of the revolution which overthrew King Manuel last October. As the special date of the 5th drew near it was predicted that the monarchy was about to be re-established, and gathering bands of royalists were reported in greater force than ever before in the north. Preliminary fighting in the streets of Oporto on the 30th ended with victory for the republican troops. Fighting on the 5th and 6th in the northeast provinces resulted in the flight of the invaders back to Spanish territory. Royalist activity continues sporadically, but the Government claims that the uprising is virtually stamped out. The minister of war, General Pimenta Castro, resigned on the 8th. On the following day Colonel Alberto da Silveira was appointed in his place. The Government's response to the royalists' invasion has been to summon the two houses of parliament to meet in extraordinary session on the 16th. The Government then intends to ask that paragraphs 20 and 21 of article 3 of the Constitution be suspended, and a special high tribunal be constituted for the immediate trial of those charged with political offenses. Awaiting trial are 600 political prisoners, and to these others are likely to be added. In view of the fact that the royalists have entered Portugal by way of Spain, the Government has addressed an energetic protest to Spain against any violation of the frontier of a nation whose government has been recognized by King Alfonso.

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Land Values Taxation in South Africa.

A special dispatch from Salisbury, Rhodesia, to the Christian Science Monitor of October 2, quotes the following resolution as adopted unanimously