

public opinion, than is the Supreme Court. Congress, as is well known, possesses one instrument of control over the Supreme Court—its power to increase the number of judges in that court to any extent and thereby “pack” the bench; and, as is also well known, there is good ground for believing that the act of 1870, increasing the number of judges from eight to nine, was passed for that purpose. The suggestion I here make is along the same line, but offers immeasurably greater possibilities of control.

I need hardly add, perhaps, that, in consideration of the existing situation, my suggestion is to be regarded rather as an interesting wrinkle in our Constitutional system than as a practical proposal.

LOUIS MAYERS.



Newport, R. I.

I have been much interested in what has been said from time to time in *The Public* under the head of “Pulling the Teeth of the Supreme Court.”

The question of whether or not the Constitution gives judges the power to set aside laws might be argued forever. It might be urged that if the framers intended that judges should have the power it would have been conferred in express terms, rather than by implication. To this it may be replied that the framers did not dare to confer the power in that manner, but that they meant that the judges should have it, just the same.

But what real difference does it make to us what the framers intended? The fact remains that judges are setting aside laws and have been doing so for a good many years. Do we want the practice to continue? If we do not, what is the best way to put an end to it?

By amendment of the Constitution, would be the obvious answer but for the fact that amendment is so extremely difficult. By appending to acts a clause forbidding judicial annulment has been suggested; by electing Executives who will enforce the laws despite their being pronounced unconstitutional, etc.

I should like to have the following proposition criticised: Let Congress pass a joint resolution to the effect that its Acts and Resolves shall stand until repeal or expiration. If it be necessary, let successive Congresses pursue this course until it becomes thoroughly established that judges are to confine themselves to trying cases under the laws.

It should be remembered that the Legislative Department is fundamental; that Executive and Judicial functions are, or at any rate should be, entirely derivative. Why should it be necessary for us to go round and round Robin Hood's barn, so to speak, in order to put an end to a practice that prevails nowhere else in the civilized world, unless it be in Australia? I have heard that the courts of that country pass upon the constitutionality of laws. Is it true?

H. J. CHASE.



Mrs. Grogan: “Ol hear Kelly was in an automobile accident.”

Mrs. Dooley: “Yis. Little Timmy Riley across th’ way threw a brick at wan, and it landed on Kelly’s face!”—Puck.

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, February 13, 1912.

The Manchu Dynasty Abdicates the Chinese Throne.

Three edicts were issued from the Chinese Throne on the 12th. The first proclaimed abdication, the second dealt with the establishment of the Republic, and the third urged the maintenance of peace, and approved of the conditions mutually agreed upon during the late weeks of negotiation by the Imperial Premier, Yuan Shi Kai, and the Republicans. The first edict, whereby the Manchus abdicate a throne they have occupied since 1644, is issued in the names of the little Emperor, P'u-yi, whose “reign title” is Hsuan-tung, and who was just six years and one day old on the date of his abdication, and of the Empress Dowager who is his aunt. It runs as follows:

We, the Emperor of China, have respectfully received today the following edict from the hands of her Majesty, the Dowager Empress: In consequence of the uprising of the Republican army to which the people of the Provinces of China have responded, the Empire is seething like a boiling caldron and the people are plunged into misery. Yuan Shi Kai was therefore commanded to dispatch commissioners in order to confer with the Republicans with a view to the calling of a National Assembly to decide on the future form of government. Months have elapsed and no settlement is now evident. The majority of the people are in favor of a republic. From the preference of the people's hearts the will of heaven is discernible. How could we oppose the desires of millions for the glory of one family? Therefore we, the Dowager Empress and the Emperor, hereby vest the sovereignty of the Chinese Empire in the people. Let Yuan Shi Kai organize to the full the powers of the Provisional Republican government and confer with the Republicans as to the methods of union, assuring peace in the Empire, and forming a great Republic with the union of Manchus, Chinese, Mongols, Mohammedans and Tibetans. We, the Empress Dowager and the Emperor, will thus be enabled to live in retirement, free of responsibilities and cares, and enjoying without interruption the nation's courteous treatment.

In return for his abdication the Republicans make the following pledges to the Emperor:

First—The Emperor shall retain his title and shall be respected as a foreign monarch.

Second—The Emperor shall receive an annual grant of 4,000,000 taels until the currency is reformed, after which he shall receive \$4,000,000 Mexican.

Third—A temporary residence shall be provided

in the Forbidden City, and later the Imperial family shall reside in the summer palace, ten miles outside of Peking.

Fourth—The Emperor may observe the sacrifices at his ancestral tombs and temples, which will be protected by Republican soldiers.

Fifth—The great tomb of the late Emperor, Kwang-Su, will be completed and the funeral ceremony fittingly observed at the Republic's expense.

Sixth—The palace attendants may be retained, but the number of eunuchs cannot be increased.

Seventh—The Emperor's property will be protected by the Republic.

Eighth—The imperial guards will be governed by the army board, the Republic paying their salaries.

A point of contention, as to whether the Throne shall be perpetuated or will terminate with the death of the present Emperor, is not mentioned. Pledges are given by the Republicans for the protection of the nobility. Mongols, Manchus, Mohammedans and Tibetans are promised by the Republicans that they shall have rights and privileges similar to the Chinese. The Manchus' pensions are to continue until the state finds employment for them. Restrictions of occupations and dwelling locations will be abolished, and religious liberty is to be accorded.



The Throne's final edicts were signed by only one cabinet minister besides Yuan Shi Kai, which indicated that five cabinet places were vacant. It is expected that several, if not all of these places will be filled by leading Republican officials, thus creating a coalition government from the late Imperial group at Peking, led by Yuan Shi Kai, and the Republican group at Nanking, led by President Sun Yat Sen. [See current volume, page 132.]



Elections in New Zealand.

The "second ballots" in the New Zealand elections have left the Liberal ministry, which has been in power nearly twenty years, with an almost vanished majority. The figures as reported by New Zealand papers are:

Government	31	Independent	5
Opposition	37	Labor	4

On a vote of "no confidence" most of the Labor and Independent members will, it is expected, support the Liberals; but it is generally admitted that no ministry will be able to command a working majority.



One of the big surprises of the elections was the defeat of the Hon. George Fowlds, in Grey Lynn, by a Socialist candidate who was second at the first ballot. With the help of the Opposition, he was elected at the second ballot by a margin of 31 votes in a poll of over 6,000. The absolute ma-

jority system of voting, which made second ballots necessary in 30 constituencies, seems to have caused a good deal of dissatisfaction on both sides. Speaking after the elections, Mr. Fowlds said: "If the new parliament could only unite to pass into law a proportional system of representation, and then dissolve, it would make itself memorable in the history of New Zealand." In a more general discussion of the political situation, Mr. Fowlds is reported as saying:

The condition of parties gives one no hope of a stable government, except by means of political deals and intrigues which would be dangerous to the country. Personally, I am neither sad nor downhearted at the result of my own election contest, nor at the result of the elections generally. I intend to join at once with others in organizing a real Labour-Liberal party on the democratic basis.



On the question of national prohibition 255,262 votes were polled in the affirmative and 203,201 in the negative. At the first elections more interest was taken in the prohibition issue than in the election of members of the House of Representatives. One of our correspondents reports that an increase in the tax on land values was advocated by a larger number of candidates than ever before.



Socialism in the German Reichstag.

A trial of Socialist strength occurred on the 9th in the German Reichstag at Berlin over the election of the president of that body. August Bebel, Socialist leader, received 175 votes—65 more than the strength of his party, and was defeated by only 21 votes, his successful adversary being Dr. Peter Spahn, leader of the Centrists (Catholic). The first vice-presidency actually went to a Socialist, Philipp Scheideman, who received 188 to only 174 for the Conservative candidate, Christian Dietrich. Dr. Hermann S. Paasche, National Liberal leader, was elected second vice-president. It was reported on the 9th that the president had said he would resign in consequence of the election of a Socialist as vice-president, but this report has not been verified.



Home Rule for Ireland.

At a large public meeting in Belfast, Ireland, on the 8th, Winston Churchill, of the British ministry, outlined the Ministerial plans for home rule in Ireland. Belfast is a city in Ulster, the heart of that Conservative Ireland where old religious and Orange animosities survive with bitterness; and it was currently reported that Mr. Churchill would be mobbed if he appeared. A spectacular touch was given the affair by quotations from Churchill's father, who in a speech in Belfast against the Gladstone home rule measure of a