their interests. With the labor vote against it, the Citizens' union party of New York might conduct a very proper campaign, but it would make a sorry showing at the polls.

Labor legislation has received a knockout blow from the court of appeals of New York. One of the labor laws of that state requires contractors for public work to pay their workmen not less than the prevailing rate of wages for a legal day's work, and to embody this provision in their contracts, the contract to be void if such wages are not paid. In the case referred to the contractor had accepted these conditions, but he refused to fulfill them. He paid less than prevailing wages. For that reason the city comptroller disallowed his claim for the contract price. But the comptroller is overruled by the court of appeals, the highest court in the state. That tribunal holds that the labor law is a nullity because it requires the expenditure of city money for other than city purposes, namely in excessive wages; because it invades the right of contractors to deal in their own discretion with the question of wages; and because it confiscates the contractor's property rights for a breach of contract which is innocent and harmless. One of the curious effects of the decision is to give to the contractor the benefit of a contract based upon a promise to pay high wages, though in fact he paid low wages. The working classes lose the benefit of the law and the city gains nothing by its nullification. That effect attaches, of course, only to existing contracts, but it is interesting. One able dissenting opinion was written. It was by the chief justice, and went to the root of the whole question, not only of these labor laws, but of all legislation not forbidden by the constitution. "The reasoning by which the decision about to be made is sought to be supported," writes Chief Justice Parker, "fails to persuade me that it is other than a judicial encroachment upon legislafive prerogative; for it is that and nothing less if the statute does not offend against either the federal or the state constitution." That is the nub of the whole thing. No matter how one may regard the wisdom, justice or propriety of the labor legislation in question, there should be but one opinion about judge-made law. If the constitutions, federal and state, do not condemn legislation, the court that assumes to do so oversteps its bounds.

Mayor Johnson, of Cleveland, appears to be having a lively time in his efforts to manage the city affairs in accordance with his public pledges. He runs up against powerful special interests at every turn. But the difficulties are not all on one side. It doubtless surprises these interests much more to be run up against than it disturbs the mayor to run up against them. They are not accustomed to that official indifference to their finer feelings which they now experience. The Pennsylvania railroad, for instance, claims a right superior to the city over all streets crossing its right of way in the city which have been laid out since its right of way was granted. "Former mayors," said the lawyer for the road to Mayor Johnson, "have given us a wrestle on this question, but they have always laid down;" to which Mayor Johnson replied: "Well, I'll give you a wrestle, and I promise you I won't lay down until the highest authority says I must." It is in connection with the taxation question, however, that the Cleveland mayor comes in contact with the most subtle powers of vested privilege.

Mr. Johnson's first battle in his tax war he appeared for a few days to have lost. But he won in the end. In order to provide for street lighting, street cleaning and certain other items of important expenditure, including the cost of maintaining his bureau of tax investigation, the mayor proposed to borrow temporarily for those funds $160,200 from the city hall building fund. He promised to make the amount good out of increased revenues, which should be secured not by adding to the burdens of small taxpayers, but by greater fairness in taxation. In this proposition he was seconded by Councilman Howe, a republican, who introduced in the council an ordinance for the purpose. The ordinance went to a committee which, by a vote of 4 to 1, refused to recommend its passage. That tied it up unless a three-fourths vote in the council could be secured to pass it under suspension of the rules. The committee intended to protect tax dodgers. One member frankly gave as the reason for its adverse report its opposition to the mayor's tax reform ideas. What these ideas are the mayor himself had explained to the council. He promised with part of the proposed appropriation to secure an equitable distribution of taxes, "so that the rich man who is paying on about ten per cent. of the value of his property may be raised to his full share, and the poor man who is paying on an 80 per cent. basis may get justice." The report of the council committee, virtually against this reform, would not have obstructed its progress. For, referring to the item of $7,000 which he required for that purpose, the mayor said to the council: "Strike out that item, if you wish, but I want to say to you right now that if you do, the work will nevertheless be done and it will be paid for." But the mayor won his point in spite of the committee. After a little preliminary sparring in the council on the 6th, he gained a parliamentary advantage out of which he got the three-fourths vote he needed, and the entire appropriation he had asked for was granted.

Mayor Johnson had not waited for this appropriation. He went on with his tax investigation at his own expense. We have already told of his appointment of Peter Witt to gather the data necessary to expose the inequalities of tax valuations in Cleveland. He selected in addition an expert accountant, William L.

Torrance, to manage a tax information bureau, to which complaints of unfair taxation will be made and by which they will be investigated. He also employed Prof. E. W. Bemis, the well-known expert, to investigate the subject of taxation on railway rights of way in Ohio cities. Meanwhile Mr. Witt's work had progressed so far that the mayor was able to deliver an illustrated lecture on local taxation to the state and the city equalization boards. It proved to be an eye opener, and the equalizers who had come fully assured that Cleveland valuations were equitable went away convinced that those at least of the Second ward, the subject of the lecture, were surprisingly unjust. At the end of the illustrated lecture the mayor gave to these boards an indication of his fiscal policy. "Take the Lake Shore railroad," said he; "it is paying on less than $500,000 in Cleveland, and it should pay on at least $15,000,000. The railroads owning property in this city should pay on $75,000,000 more than they do pay on; and what I want to know is, if I show you people that this is true will you place this property against them on the duplicate?" One of the equalizers promptly replied in the affirmative, but thought the state auditors would take it off, or if not that the railroads would enjoin the collection. "That's all right," the mayor responded; "that will take us into court, and I want to say that I am positive that if the matter is presented to the supreme court in the right light the city is bound to win."

It is no part of Mayor Johnson's policy, however, to stop with taxing the railroads in fair proportion. There is in Cleveland a local bi-partisan board of equalization, and, according to the Cleveland Plain Dealer, every member will soon be—in consequence of expirations of terms and promotions of present members—"a Johnson democrat or a Johnson republican." As this board, though it cannot raise or lower the aggregate of the tax duplicate, can shift valuations from ward to ward, lowering excessive valuations and increasing undervaluations, it is not difficult to surmise the ultimate uses of the two tax bureaus which the mayor has put under the charge respectively of Witt and Torrance. The council committee mentioned above did surmise.

In the remarks on the need of prudence, in the first of the speeches of the touring president, may be detected a certain nervousness—the uneasy consciousness that the "McKinley prosperity" is mainly a paper prosperity, a marking up of values in hysterical Wall street, a thimble-rigging of watered stocks in trust combinations—just as the "glory" of the acquisition of the Philippines and Cuba by combined force and fraud is in reality a national infamy and degradation. It is true that everything seems to be coming the president's way: the boom in stock gambling (now under suspicion), the capture of Aguinaldo, the apparent acquiescence of the country in the appalling breach of the national word to Cuba with the apparent acceptance of the situation by Cuba itself, and the apparent enthusiasm of the old slaveholding south in the triumph of the old southern filibustering in Cuba. But Mr. McKinley has seen apparent triumphs turn to dead sea apples on his lips before, and his temperamental nervousness was fully justified when the triumph of the McKinley bill was immediately followed by a democratic clean sweep of the house of representatives. Who can say what might not be the outcome in national politics of the bursting of the overblown bubble in Wall street? The collapse of the overblown bubble of colonial commercialism would soon follow, and the reaction of the popular mind would demand retribution from those who have so grossly betrayed the national honor and well being.

At least two grave and specific violations of the law, besides his general violation of the spirit of our institutions, lie at President McKinley's door, that might be made the basis of an indictment to be answered at the bar of the high court provided for the impeachment and trial of presidential misdemeanants. The first of these high offenses was his declaration of war upon the Philippine islands, in his proclamation of December 21, 1898, usurping therein the right exclusively belonging to congress to make war. Senator Towne, in his great speech of January 28, in the United States senate, described this offense better than it has been presented before:

> When the president of the United States, their (Filipinos') ally in the operations against Spain, having negotiated at Paris a treaty, not yet in force, which assumed to dispose of their country, ... solemnly announces by proclamation to the world . . . . that the military government of the United States is to be extended with all possible dispatch to the whole of the ceded territory; and that all persons refusing to submit to this assumption of power are to be brought beneath it "with firmness if need be"—in short, that we propose to take the islands for ourselves and to shoot everybody that refuses to acquiesce in the arrangement—has he not in effect declared war against the supporters of the Filipino republic? If this is so, what becomes of the war power specifically reposed by the constitution of the United States in congress alone? It cannot be said that the president was by this act repelling invasion. . . . Nor can it be claimed that he was suppressing insurrection. . . . . There had been no insurrection and his proclamation alleges none, nor could there be among those who owed us no allegiance. The treaty had not been ratified. . . . The high contracting parties had not yet formally struck the bargain. . . . . The blood money had not yet been paid. The Filipinos were their own men, at least till the ratification of the treaty. They were not rebels when it was written. They were not rebels when it was published.

Senator Towne refrained at the time from pushing this indictment of President McKinley any further, but he did ask what use it was to inquire who fired the first shot after that proclamation, and did remark that nothing like proper attention had been given to this breaking of the faith of the nation plighted in the protocol by the issuance of the proclamation of Decem-