Swift commission at $368,000, but for which Ward & Co. have paid $600,000. Judge Dunne thinks that real estate of this kind pays taxes on hardly more than a 10 per cent. valuation. When it is remembered that the values of such property are in large degree site values, caused not by the owners but by the growth of the city, the special iniquity of this real estate tax-dodging becomes apparent.

Regarding the question of disputed land title and conflicting jurisdiction at Chicago, reported in our news department last week (p. 713) in connection with the homicide resulting from certain claims of Capt. George W. Streeter, it appears that the important particulars given, which were boiled down from local newspaper reports, are unfounded. According to those reports, Capt. Streeter had located upon an island in Lake Michigan, formed by a storm in 1886, and upon which, during this storm, his vessel was wrecked. The water area between this island and the mainland had afterward naturally filled in and title to the whole territory as an accretion was asserted by the shore owners. The new land lay outside, or was at any rate plausibly claimed to lie outside, of the jurisdiction of Illinois, which extended only to the original shore line. In consequence, the homicide case involved an important question of jurisdiction to try the persons who, acting under the Streeter claim, had upon the land in question killed a trespassing employe of the shore owners. It seemed to present a question of conflicting jurisdiction between an organized state and a "no-man's-land." Other questions were involved, but this was the question of supreme importance and general interest. It appears, however, that there is no room for legally questioning the jurisdiction of Illinois. The eastern boundary of that state is not the shore line; it is the center of the lake. This boundary was fixed by the congressional enabling act of 1818, which defines the eastern boundary of Illinois by a line extending from the Indiana boundary eastward "to the middle of Lake Michigan," and "thence north along the middle of said lake to north latitude 42 degrees and 30 minutes, and thence west to the middle of the Mississippi river;" and in consequence the Supreme Court of the state has held (Norway v. Jensen, 52 Illinois Reports, page 380) that the western half of Lake Michigan constitutes a part of Illinois territory." It follows that the homicide in question was committed within the state of Illinois, no matter what may be the degree of validity of the land title which Capt. Streeter claims, or the invalidity of that set up by the shore owners.

But the claim of the shore owners does not rest, it seems, upon accretion. It rests upon a conveyance from the state of Illinois. In the year 1889 the state, by legislative act, granted the land in question, then submerged, to the board of commissioners of Lincoln park, to defray the cost of an extension of the lake shore boulevard. Two years later, 1891, the Lincoln park board made contracts with the shore owners, who agreed, in consideration of the grant to them of the submerged lands, to abandon any littoral rights they might have beyond the boulevard, to pay a large amount of cash in proportion to their frontage on the boulevard, and to fill in the intervening land. Having done the filling in and paid the money, they have consequently received deeds from the state, through its agents, the Lincoln park board. The constitutionality of the legislative act authorizing this, and also the validity of the contracts made under the act, have been sustained by the Supreme Court of the state.

One of the reasons which the Outlook advances in justification of the sedition clause in the Philippine commission's treason "statute" is that it only applies during the insurrection, a point which it illustrates in this manner:

> **There does not seem to us in this statute any violation of the rights of free speech. We do not think that Lord Howe would have allowed free discussion of the rights of Great Britain to be carried on in New York or Philadelphia while the British troops were in possession of those cities, . . .**

This unguarded recognition, by a foremost imperialist publication, of the parallel between our occupation of Manila and the British occupation of New York, is significant. The inference as to Lord Howe is doubtless true, and that is one of the reasons why our forefathers didn't want him around. The same publication in the same article gets into another awkward predicament. Referring to Senator Hoar's assertion that the population of the Philippines are against us, the Outlook mentions Gov. Taft as bearing "testimony to a very different state of feeling," and then it naively quotes the sedition clause, which makes it—

> **unlawful for any person to advocate orally or by writing or printing or like methods the independence of the Philippine islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish or circulate any handbill, newspaper or other publication advocating such independence or separation. Any person violating the provisions of this section shall be punished by a fine of not exceeding $2,000 and imprisonment not exceeding one year.**

With such a law in force no testimony to the friendliness of the Filipinos can be convincing. If the Filipinos really are favorable to American sovereignty, what is the necessity for such a law? If they profess to be favorable, what confidence can be placed in their professions when they could not declare themselves to the contrary, however mildly, without being severely punished as for a crime.

This fact also throws doubt upon the entire candor of the memorial from the Federal party of the Philippines which Gov. Taft has transmitted through the war department to the Senate. In that document this Filipino party declares:

> **To make of the Philippines a colony of the United States or to grant inde-**

pendence to the Philippines would be to hand the islands over to disorder and anarchy, to destruction and to chaos.

It therefore prays for annexation with the privilege of admission into the Union as a state as the only peaceable solution of the Philippine question. That the assertion that disorder will attend upon any attempt to make a colony of the Philippines is true, needs no labored argument. An all-sufficient argument is found in the bloody history of the past three years and the continued resistance of the people to foreign subjugation. But what assurance is there that independence would produce similar results. The bare statement of the memorial would carry great weight, if it had been made in entire freedom. But inasmuch as the memoralists were bound by the conquerors to refrain from advocating independence, their opposition to independence in those circumstances carries no weight at all. Their memorial does excite a suspicion, however, that they were really advocating independence in the only way open to them. Nominally they opposed it. That was necessary in order to keep out of jail. But as the course they suggested as the only one that could pacify the islands—statehood—is one which they must have known would not be adopted by the United States, they have thrown this country back upon the alternative of turning the islands into a colony or granting independence, either of which, they say, would be followed by disorder. This leaves the United States to decide, unless it offers statehood, whether to produce disorder by violating its own traditional policy or by conforming to that policy, which makes a pretty problem. There may have been more shrewd politics in that Filipino memorial than the confiding Gov. Taft was aware of.

Once more the House of Representatives has sent to the Senate a resolution for submission to the states, which would amend the constitution so as to require the choice of United States senators to be made by popular vote. It has been the custom of the Senate to pigeon-hole these resolutions; and probably the House, following its custom under the autocratic rules which now govern it of turning out undigested measures indiscriminately for the Senate to legislate upon, has trusted to such a disposal of the last one. That might be good politics. Members of the lower house could thereby make capital with the people, upon whom they are dependent for reelection, while senators, not depending upon the people for reelection, could with impunity "turn down" the amendment. Thus the majority party in the popular body could get credit for a democratic action, without producing a democratic result. But if any such motive did control them, there is this time a possibility that it may be disappointed. All senators are not millionaires, nor the flunkies of millionaires, two classes of senators who could have no hope of reelection were the question left to popular vote; and it is believed that there are enough of the other kind to carry this important amendment. In some states already public sentiment has forced senatorial candidates to stand before the people, through party pledges in advance of legislative elections. In other states this inadequate device for making the Senate responsible directly to the people is gaining in popularity. But an amendment changing the mode of election would settle the matter. Under the present method the Senate is an American house of lords, and that was the original intention. It is time to abolish their lordships. Though the House has recently become more autocratic than the Senate, that is only a passing phase. It is no argument for the election of senators by legislative lobbies. The people can abolish autocracy in the House as soon as they want to. But the Senate may be autocratic or not as it pleases; and so long as its members are not directly responsible to their constituents the people are powerless to control it. The principle is wrong. It is undemocratic and un-American, and being so it should be changed.

In Texas the People's party organization has decided to take a different course from that which it is to be hoped the party in Kansas will adopt at its state conference this week. Instead of cooperating with the democratic Democrats to line up the Democratic party to its democratic principles, the Texans have decided to continue flocking by themselves in a futile side party movement. Their argument is the old one of the hopeless badness of both the old parties. In their address they say:

No man who has studied the political acts of the Democratic and Republican parties for the last 30 years and whose soul is not completely warped and twisted by political prejudices, can fail to see that there is absolutely no hope for relief to the great common people of this country from either of the old parties.

That notion rests either upon the assumption that the great common people—for it is these that compose the old parties—are corrupt, or upon the concession that self-seeking politicians in secret partnership with plutocratic combines cannot be displaced from party control. If the assumption is just, that the members of the old parties are corrupt, then where is an honest side party to go for honest support. If the concession is true, that corrupt leaders cannot be displaced, then why is it true? These are questions for side party enthusiasts to consider. Of course, it is not just to charge corruption to the masses of either of the old parties. So that consideration may be passed over. Is it true, then, that corrupt leadership, say of the Democratic party, cannot be displaced? It is true only on one condition, and that is that whenever a member of either of the old parties becomes alive with democratic principles, he shall go off somewhere and flock with himself and a few congenial spirits instead of staying in the Democratic party if he already belongs there, or going into it if he has been a Republican, and using his influence to make the Dem-