

law and the reasons for it could be effectively quoted in support of measures for prohibiting the immigration of Catholics of every nation and race, on the ground that they acknowledge spiritual allegiance to a foreign potentate. The fact that they deny him political allegiance would count for little at such a time. An established national policy of wantonly prohibiting immigration for the ostensible reason that in some way it might possibly become inimical to the dominance in the United States of the American polity, would give a powerful leverage to fanatical anti-Catholics. And with all the rest, such laws as it is now proposed to extend with reference to the Chinese, and which would inevitably be followed by their extension to other nationalities, races, and religions, would react, like imperialism, of which they are part, upon our liberties at home. The policy of free government is incompatible with a policy of restricting immigration for any reason short of its being manifestly a hostile invasion. If the latter policy prevails, the former cannot persist.

Some of the reasons which we have here stated or suggested for opposing the Chinese exclusion law may be sentimental, and we are told that sentiment has no place in this discussion. But they are not all sentimental. As to those that are, let us admonish him to beware who would "pluck the eyes of sentiment" when moral questions are at issue. The time may not be far off when his own rights will depend upon the keen vision of the same sentiment of justice to which we now appeal in behalf of Chinese workmen.

NEWS

The isthmian canal treaty between the United States and Great Britain, referred to and briefly described by President Roosevelt in his message (p. 553), and pending before the senate in its committee on foreign relations, has now been published in full. If ratified, as is likely, this treaty will terminate a series of international complications with reference to a water route across the American continent which have a history of nearly four centuries.

As early as 1513, when it had been demonstrated that there was no natural waterway through the continent, propositions were made to pierce the isthmus of Panama with a canal. By 1550, four different routes had been suggested, one of which was across Panama and the other across Nicaragua. The dispute over these two routes has continued ever since and is not yet settled. The Panama route now considered is from Colon to Panama, across a low and narrow strip. This would be a sea level canal. The Nicaraguan route is from Greytown to San Juan del Sur, across a wider strip and through a mountainous country where locks are necessary, but where Lake Nicaragua at the summit offers natural advantages. Early in the seventeenth century an English company made an actual attempt to cut through the isthmus of Panama, but Spain interfered, and nothing more was done until 1827, when Simon Bolivar, president of New Granada (now Colombia), revived the subject. Eleven years afterward New Granada granted rights to a French company, but the company went no further than to make a survey. Along the line of this survey, however, Gen. Aspinwall built the isthmian railway, at the time of the gold excitement of 1849, to facilitate travel between the Atlantic coast and California. A second canal concession was granted by New Granada to a French company in the early 80's. This company was under the management of Ferdinand de Lesseps, of Suez canal fame. He was overwhelmed and ruined by financial scandals connected with the enterprise and partly due to American opposition, the French government refusing aid because the United States objected that French control of the canal would contravene the Monroe doctrine. Under a reorganization, the French company now claims the advantage of concessions and a partly finished canal. While the Panama projects were passing through this history, plans were on foot also with reference to the Nicaraguan route. In 1825 an American company, acting under concessions from the Central American Republic (of which Nicaragua was then a part), made surveys for a Nicaraguan canal. But it did nothing more, and the subject lapsed until after the Clayton-Bulwer treaty of 1850 between the United States and Great Britain. Great Britain had taken possession of Greytown, the natural eastern terminus of the Nicaraguan route, as

protector of the Mosquito Indians; and the United States, believing that Great Britain contemplated controlling the canal, and acting pursuant to the Monroe doctrine, had protested. The Clayton-Bulwer treaty resulted. By one of the provisions of that treaty, both Great Britain and the United States were prohibited from obtaining control over or special commercial advantages in any ship canal between the two oceans. After a generation, during which nothing effective had been done with reference to the Nicaraguan route, American statesmen began to refer to the Clayton-Bulwer treaty as obsolete in so far as it interfered with American control of the prospective canal; and in 1899 (vol. i, No. 43, p. 9) the senate passed a bill which provided in effect for a canal under control of the American government. Though this bill went no farther, it stimulated diplomatic efforts for a modification of the Clayton-Bulwer treaty. About a year later, February 5, 1900 (vol. ii, No. 97, p. 9), such a treaty was laid before the senate. This was the first Hay-Pauncefote treaty. Great Britain relinquished by it to the United States all rights of control of the canal under seven rules for preserving its neutralization. But the senate amended the treaty in points regarding which Great Britain declined to concur (vol. iii, pp. 601, 775). The amendments objected to were: (1) The one striking out a clause inviting other powers to agree to the neutrality of the canal; (2) the one specifically abrogating the Clayton-Bulwer treaty; and, (3) the one inserting a clause giving to the United States military control for police purposes. Great Britain having rejected the treaty as thus amended, the second Hay-Pauncefote treaty was drafted and submitted to Great Britain last Spring (p. 106) and was signed (p. 521) at Washington by Lord Pauncefote for Great Britain and Secretary Hay for the United States, November 18, 1901. This is the treaty now before the senate, the text of which has just been made public.

There are five articles to the pending treaty. In substance they are as follows:

I. This treaty supersedes the Clayton-Bulwer treaty.

II. The canal may be constructed under the auspices of the United States, either directly or through corporations or individuals; and, subject to this treaty, the United States "shall have and enjoy all the rights

incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."

III. The following rules for neutralization shall control: (1) Canal to be open to vessels of commerce and war of all nations on equal and equitable terms. (2) It shall never be blockaded, nor shall any right or act of war be exercised within it; but the United States "shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." (3) Belligerent vessels of war and prizes shall take in no supplies in the canal except such as may be strictly necessary, and shall not linger. (4) Belligerents shall not embark or disembark troops or munitions of war except temporarily in case of accidental hindrance. (5) These rules and the general rules of war to apply with reference to belligerents to waters at either end of the canal within three marine leagues. (6) All works appurtenant to the canal to be under the protection of the same rules.

IV. No change of territorial sovereignty or international relations of the countries traversed by the canal to affect its neutralization or the obligations of this treaty.

V. Ratification clause.

The treaty is substantially the same as the first Hay-Pauncefote treaty as amended by the senate. Except that the first and the second articles are transposed, that the 7th rule of the first treaty as amended is embodied in the 2d rule of the second treaty, and that article IV. of the second treaty did not appear in the first treaty as amended there are no changes other than in unimportant phraseology.

Since the publication of the new treaty, it has been reported from Washington that strong influences are at work in the senate to prevent its ratification. These influences are said to flow chiefly from the transcontinental railroad interests, which control not only the great continental lines, but also the Panama railroad. A ship canal would check their monopoly by enabling independent shipping lines to run between Atlantic and Pacific ports without being compelled either to go thousands of miles out of their way around Cape Horn or to submit to the discriminating exactions of the Panama railroad.

When Senator Lodge introduced in the senate the Philippines tariff

bill, noted last week at page 553, objections were made by members of the lower house that this was a revenue measure and ought not to originate in the senate. The Lodge bill seems in consequence to have been abandoned and a House bill, prepared by Mr. Payne, has been agreed to by the Republican majority of the ways and means committee. The minority members were notified on the 10th that this bill would be taken up in full committee on the 11th, reported to the House on the 13th, and considered in the house on the 17th. It is designed "temporarily to provide revenue for the Philippine islands," and will re-enact the tariff act of the Philippine commission as to imports into the archipelago; will apply the Dingley schedules to imports from the Philippines into the United States; and will appropriate the duties on imports into the Philippines to Philippine uses. After the adoption of this bill on the 11th by the committee, it was arranged to bring it finally to vote in the House on the 18th.

From the seat of war in the Philippines an engagement at Labo, province of Camarines, is reported, in which three Americans of the Twentieth infantry were killed. The town of Lipa, province of Batangas, is reported to have been attacked by Filipinos, one American soldier and several "Americanists" being killed. An attack on Nagartean, province of North Ilocos, was repulsed without American loss.

The habeas corpus case of Mr. Patterson, the British subject who, as the secretary of Sixto Lopez, accompanied Lopez in this country, has been dismissed by the American supreme court of the Philippines. He had been required upon landing to take an oath of allegiance to the Philippines; and, refusing, was arrested for deportation. Having been now remanded after a hearing by the court upon the writ of habeas corpus, he is to be deported to Hong-Kong.

From South Africa there comes an obscure British dispatch which indicates that another British force has barely escaped capture by the Boers. The event occurred near Heilbron, which is in the extreme north of the Orange Free State on the line of the railroad to Pretoria. According to this dispatch, Gen. DeWet had concentrated about 2,000 Boers near Heilbron, and a British force went out to capture them. This force ap-

parently only escaped capture itself because of the timely arrival of reinforcements. There seems to have been fighting lasting two days, in which the British suffered unreported losses, and were forced to retreat, reinforcements and all, to Heilbron. Whatever the full facts may be they are as yet withheld either by Lord Kitchener or the British war office. Two captures by British have been reported during the week, the latter of importance. It comprises practically the whole Bethel commando, the prisoners numbering 131.

The pressure of the war upon British resources is indicated by the recruiting of troops in Canada and Australia and the reported decision of the ministry, just made, to send to South Africa all the reserves who have not completed 12 years of service. Lord Brodrick, the British war secretary, in a speech at Glasgow on the 11th, charged the Boers with an increasing disregard for the laws of war, and intimated that they will not much longer be treated as belligerents.

Concern is felt with reference to the reconcentrado camps, because the British government is unusually dilatory in reporting the death rate for October. It is feared that this delay indicates a heavy increase of deaths. On the other hand, satisfaction is expressed over the statement of Lord Onslow, parliamentary secretary of the colonial office, made at a public meeting at Crewe on the 9th. He announced that the concentration camps have now been placed under the control of the civil authorities and that no pains will be spared to make them healthful places, adding that reconcentrados who wish to go to the coast will be allowed to do so.

American sentiment on the reconcentrado policy in South Africa found expression at the Auditorium in Chicago on the 8th when Bourke Cockran, of New York, addressed an applauding audience which packed the large hall to inaugurate measures for Boer rescue and relief. Contributions amounting to \$6,000 were made, and resolutions calling upon the president of the United States to act were passed. Further steps expressive of sympathy include a request to the Rev. Hiram W. Thomas, the famous clergyman of Chicago, to visit the reconcentrado camps and report their condition to the people of this country.