to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion they profess.

The intelligence of that man is to be pitied who sees no essential difference between Jefferson's policy, which thus recognized constitutional rights in the inhabitants of the ceded territory, and McKinley's, which denies to them all constitutional rights.

Much ado is made in Chicago just now about the vast areas of disfiguring bill boards that face the city parks and force their flashy announcements upon the attention of the public. It is a just complaint. But the plans proposed for getting rid of them are more objectionable than the bill boards. Yet they could be driven out of sight as easily as last fall's leaves. It will be observed that these bill boards are erected either along vacant lots or against the dead walls of buildings that overlook vacant lots. If the lots were properly built upon, there would be no bill boards there. Now, if no one cared to build upon those lots, the bill board problem would remain. In fact, multitudes would really like to build there. Two causes prevent them. And neither of these causes is the trade union trouble. One cause is the excessive prices at which the lots are held; the other is the excessive taxation to which good buildings would be subjected every year from the time the cellar was dug till the structures had decayed or been removed. These conditions could be avoided by simplifying our system of taxation and making it more just as well as more simple. To exempt buildings from all taxation would remove one cause; to cast this tax burden upon lot values, thus reducing their selling price, would at least minimize the other. If taxes were levied upon the monopoly value of building lots, and buildings were exempt, there would be no bill boards in any part of Chicago where they now flourish so offensively. Appropriate buildings would take their place.

When bankers want an act of congress facilitating the issue of bank notes they assure the public that there is really no profit in the issue feature of banking and that their sole purpose is to serve the people by furnishing them abundantly with currency. But when banks have got the act about as they want it, indiscreet financiers sometimes "give the snap away." Here, for instance, is the firm of Price, McCormick & Co., of 71 Broadway, New York, which sends out a business circular full of enthusiastic praise of the national bank bunco bill which has recently been enacted. A peculiarly interesting feature of this circular is a table which shows the profit a bank can make out of the issue privilege. It is not the work of some moon-eyed greenbacker, but has been put together in simple though suggestive form by a firm of financiers, in order to stimulate two per cent. bond purchases at a premium of 6 per cent., for the purpose of organizing national banks:

"TWOS" AT 106.

Table showing the per centage of income realized on the actual cash investment.

$100,000 "Twos" would cost at 106		$106,000
Less circulation issued against same		100,000
Actual cash investment		$6,000
On which income would be received as follows:		
Interest on $100,000 "Twos" per annum		2,000
Less tax ½ per cent.	$500	
Less sinking fund to retire premium to be improved at 4 per cent.	107	
Less expenses, cost of printing etc.	100	707
Net income		$1,293

Equivalent to 21.55 per cent. on investment of $6,000.

This table clearly shows, it will be observed, that under the new gold standard banking law, a national bank can exchange $100,000 of its capital for $100,000 of its own notes, made universally current by government endorsement, doing so at a cost of only $6,000, and net $1,293 a year by the transaction. In what legitimate business could $6,000 be put to such safe and profitable use?

Seattle is having useful lessons in the tendency of land values to rise under the influence of prosperity to a point which stops the prosperity. So marked is the lesson that even the highly conservative Post-Intelligencer is constrained to cry out. It seems that in one instance, an instance that might in character be duplicated in almost any growing place, a great manufacturing concern was prevented from locating its plant at Seattle because the owner of the vacant land it wished to use charged more for it than the manufacturing concern could afford to pay. So the concern put its plant elsewhere. For his lack of public spirit the dog-in-the-manger land owner whose greed brought this thing to pass is read a sharp lesson by the Post-Intelligencer, which warns the landlords of Seattle that the commercial supremacy of that city of the Pacific coast will be overcome if they are foolish enough to drive away population and business by insisting upon unreasonable prices and rentals for Seattle land. But what is the use in belaboring individual land owners. Being human they will ask what they can get, or sometimes a little more, and will suffer with the rest when their demands check local development. The way to free a city from such checks is altogether to exempt improvements from taxation—which would invite people and business to come; and to tax land owners in proportion to the value of their land, whether used or not—which would compel them to sell vacant land at reasonable terms and thus keep down all land prices and all rents to a reasonable level.

TREASON BY TREATY.

The senate committee on Pacific islands and Puerto Rico officially declares that the insertion into a treaty of a provision that "the congress shall determine the civil rights and political status of the native inhabitants" of territories ceded to the United States by such treaty, of itself abrogates, as to such territories, limitations placed by the constitution upon the exercise of the legislative power, without regard to the place or the people for whom the legislation in a given

case may be intended, and empowers congress to deny, by legislation, the "personal privileges, immunities and guarantees" which, but for the existence of such treaty provision, congress could not deny to the inhabitants of such new territories.

The committee's sole argument for this portentous conclusion is the one which it insinuates in the following observation: "A treaty is part"—mark that well—"of the supreme law of the land, made so by the constitution itself" by a provision which "does not say that all treaties made in pursuance of the constitution, or consistently with the constitution, but all treaties made under the authority of the United States, shall be, together with the constitution and laws enacted in pursuance of it, the supreme law of the land. As to all matters, therefore, with which it properly deals, a treaty is an instrument of equal dignity with the constitution itself." Ergo: A treaty provision that congress shall legislate as to a certain subject, annuls, to that extent, the express limitations of the constitution upon the exercise of the legislative power by congress.

This is logically a non sequitur; legally, a solecism; politically, an insidious attempt to enable our official servants to release themselves, practically at will, from the essential conditions upon which alone they are authorized to speak for the American people. In a word, it is treason by treaty.

The particular treaty provision to which the committee appeals—that congress shall determine the civil rights and political status of native Puerto Ricans—does not really itself involve any disregard of the constitutional prohibitions. It does not dictate to congress how it shall determine the rights and status in question; and a determination by congress to an effect absolutely consistent with the constitution would fully, in spirit and letter, comply with and carry out the provision of the treaty. That provision, accordingly, no matter how valid or binding in itself, cannot be deemed to relieve congress from the obligation to legislate only in accordance with the constitution's essential principles as to legislation, any more than it could relieve that body from the obligation to legislate according to the parliamentary procedure prescribed by the constitution. As well might the giving to the courts the power to determine cases, be held to authorize those tribunals to determinations inconsistent with the constitution and the laws.

It happens, furthermore, that the supreme court has deliberately and unanimously held that under the clause on which the committee professes to rely, treaties are of no greater legal obligation than acts of congress, and that "no paramount authority is given to the one over the other." This decision will be found in the one hundred and thirtieth volume of the United States reports, page 600, and it is cited as good law in the one hundred and fifty-eighth volume at page 579 and the one hundred and sixty-third volume at page 230. The same court has held, ever since Marshall's famous decision in Marbury versus Madison, that, because the supreme court justices take an oath to support the constitution, they must declare void every act of congress which is not in accord with the constitution. Treaties, being "of no greater legal obligation than an act of congress," must, like the acts of congress, be held void if inconsistent with the constitution, which, and which alone, the justices are sworn to support.*

The fact is that the "supreme law" clause, of which so much is now sought to be made at the expense of all the rest of the constitution, was evidently introduced only by way of contradistinguishing the national from the state sovereignties; and of asserting the supremacy of the former in all its forms—constitution, constitutional laws, and constitutional treaties of the United States as against or over the constitution and laws of any state.

Take the text as a whole, noticing the punctuations:

> This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.—Art. VI., par. 2.

Surely, the spirit, scope, and essential function of this provision are perfectly apparent to any candid and intelligent reader. The purpose was simply to declare the national government, within the sphere assigned to it by the constitution, "supreme" or paramount as against the state governments; and the mention of all the three forms in which the national authority may be embodied, is no more to be taken as intended to define anew the relative or comparative dignity or authority of those three forms themselves, than the equivalent mention of the two forms of state authority—state constitutions and state laws—is to be looked to as itself determining the relative authority of those two forms as between themselves. This part of the constitution determines no question of comparative rank or authority, except that it asserts the supremacy of the national forms of authority (the constitution and constitutional laws and treaties) over the state forms (the state constitutions and state enactments).

The treaty-making power, and the legislative, executive, and judicial powers created by the constitution, all alike exist only for the purpose of the constitution, and are absolutely limited by the restrictions imposed by the constitution upon their exercise. The grant of each finds ample scope and use in the making of treaties, laws, executive orders and judicial decisions, consistent with the constitution. There is, therefore, no occasion for seeing in such grant authority for the bringing about, directly or indirectly, of results inconsistent with the constitution. By expressly providing for its own amendment in certain specified ways (all of which proceed upon a recognition of the original creators of the instrument—the states—as distinguished from mere federal officials created by it, as alone authorized to alter it), the constitution effectually prohibits its own amendment in any way not specified; and certainly, the incidental mention of "treaties" in the "supreme law" clause, as one form of the national authority proclaimed "supreme" over

state authority, is not a specification of the making of treaties as a method by which the constitution may be amended. No power of attorney can sanely be supposed to authorize the agent whom it appoints, to enlarge his own authority inconsistently with the express provisions of the power.

It is well that this is so, in view of the sort of treaties which some of the opera bouffe "sovereigns" allowed at large by that solemn farce, "International Law," would cheerfully make, "dirt cheap," to please their "great and good friend" at Washington, and which enough senators could be "persuaded" into ratifying, to please their great and good dispenser of embassies, commissions, judgeships, and other "good things." Were it really to be held the law that anything so created into a "treaty provision" (though it contravened the express prohibitions of the constitution, and professed to remove the limitations imposed by that instrument upon the powers granted by it and as a part of the very definition of those powers) must be submitted to and obeyed as a "supreme" law overruling and destroying the fundamental charter, why—and this may as well be understood now as later—that impudent pretense by our faithless servants would not be accepted by their masters, the people, but would be branded and punished as simply "treason by treaty." Those Americans who are not degenerates would, under loyal leaders, see to it that the republic received no harm.

CHARLES FREDERIC ADAMS.
New York City.

NEWS

Lord Roberts is reported now as having begun a great forward movement. All his divisions, except one and a single brigade of another, are in motion. They number some 40,000 men. But instead of moving north toward Pretoria, they have moved southeast toward Wepener. The Boers caused this diversion by attempting to secure the ripened harvests to the east and southeast of Bloemfontein. They extended a line southward, by way of Thaba N'Chu, from Brandfort, which is somewhat to the north of Bloemfontein, to Wepener, through these rich grain districts, and at the latest authentic reports had maintained open communication the whole distance. This line menaced Lord Roberts's right flank and compelled him to turn his front from north to east. Considerable fighting occurred in the neighborhood of Wepener during the week, but reports regarding it are meager as well as contradictory and confusing. Nothing important and authentic has been reported at the hour of this writing (April 26), except that on the 25th the British had entered Dewetsdorp, a few miles northwest of Wepener, without loss or opposition, and that the investment of Wepener had been abandoned by the Boers upon the approach of Lord Roberts's army. They have, however, made good their retreat, in spite of Lord Roberts's plans to entrap them. It now appears that their force at this point, instead of being 20,000, as was supposed, was hardly more than 4,000. The Boer retreat is over the Ladybrand road along the Basuto border.

Lord Methuen's operations west of Bloemfontein were suddenly and almost disastrously checked on the 20th near Boshof. He was moving north toward Hoofstad, when he received orders to return to Boshof; and in making this retrograde movement he barely escaped a trap in which he would have lost his entire convoy. Three days later Boshof, to which Methuen withdrew, was reported as under bombardment and investment by the Boers; and on the 24th the Boers reported that it had been recaptured by them and that the British were retreating to Kimberley.

The condition at Mafeking appears to be unchanged. It is still invested; and Warrenton, the most northerly point that the Mafeking relief expedition from the south has yet been able to reach, is being savagely attacked by Boers. A British force which has leave to pass through Portuguese territory (see page 9), has arrived at Beira, on its way to the relief of Mafeking from the north. There is no news of importance from Natal, except that the Boers are mysteriously active.

The American war in the Philippines has been exceptionally bloody of late. In fights occurring during the week that ended on the 21st, 378 Filipinos and nine Americans were killed. The Filipinos were then aggressive, says the Associated Press correspondent at Manila, in almost every province of Luzon. This indicates a revival of organized fighting. For official mail advices of January 1, given out at Washington on the 24th of the present month, announced the complete collapse in the region of Manila and the provinces north of it, of organized resistance to American control. These advices told, indeed, of the occupation at that time of the southern provinces of Luzon by a Filipino army equal to any that had been organized for the Filipino cause; but said that it had subsequently been disintegrated. Such severe fighting, therefore, as the unusual casualties of last week imply, would indicate that the war has broken out afresh. Later news tells of further fighting, and of an American proclamation giving warning that unless guerrilla warfare ceases all the towns that harbor guerrillas will be burned.

American casualties in the Philippines since August 6, 1898, inclusive of all official reports given out at Washington to April 25, 1900, are as follows:

Killed	473
Died of wounds, disease and accidents	1,225
Total deaths	1,698
Wounded	2,092
Total loss	3,790
Total loss reported last week	3,770
Total deaths reported last week	1,678

The presidential campaign in the United States is noticeably advancing. In Illinois on the 24th the middle-of-the-road populists nominated a ticket upon a platform declaring that "land, labor and money constitute the three fundamental principles of national life and greatness," and advocating the initiative and referendum and the imperative mandate. The republicans of Ohio met on the same day. They were addressed by Senator Hanna in a speech asserting the purpose of the administration to take no backward step in the policy regarding the "island possessions;" and on the following day the ticket was nominated, and a platform, previously prepared at Washington, was adopted, with the exception of an anti-trust plank, which the convention inserted, and a Puerto Rican plank, which it struck out. The democratic state committee of New York has called the state convention of that party to meet at New York city on the