

graded environment which fosters brutal instincts. The whipping post, therefore, would be what it always was, a peculiar punishment for the poor. The rich would escape it, not because they refrain from crime, but because they have no mind for the kinds of crime which Mr. Shortall specifies. If we are to have a whipping post at all, let us have it for all crimes, distinguishing degrees only by the number of lashes. There would be some equality in that. But no community can establish the whipping post without going backward. Only men with brutal instincts suggest it, and only communities of brutal tendencies can adopt it. In use it would develop those instincts and injure the community more than the criminal.

In view of the destruction by fire of several great fire-proof buildings in New York this week, insurance companies are reconsidering their rates for that class of risk. It might not be unreasonable if they were to decide to put fire-proof buildings in the class called extra-hazardous.

Prof. James, of the Chicago university, in a recent explanation of the false standards of morality that prevail in colleges, puts his finger upon the fundamental cause. He alluded to the familiar tricks of college athletics and the well-known habits of cheating at examinations, vices which he denounced as not only common among the students of schools and universities, but as being tolerated by teachers and faculties. All this, he says, is the natural outgrowth of despotic school government. He would substitute a school democracy. Prof. James's view is sustained wherever his principle has been tried. Those colleges and schools in which the students are self-governing have proved most effectual in making wholesome young men and young women. And the experiment has been more widely tried, perhaps, than is generally supposed. Even for very young children there is a school in Chicago in which despotic government has been abol-

ished and the democratic method successfully substituted. Without naming other experiments in this line, George's "Junior Republic," in which children of the city slums govern themselves in the summer far better than grown people govern them in winter, is a wonderful demonstration of responsible self-government. In childhood, as in maturity, democracy is the natural remedy for the evils which despotism has bred.

OUR "NEW POSSESSIONS."

I.

When congress, the sole war-making authority of the United States, directed the president, as commander-in-chief of the army and navy, to resort to arms against Spain, it placed upon him a specific limitation, and in behalf of this nation made to the world in unmistakable terms a declaration of its non-aggressive and unselfish purpose.

Conquest was not contemplated. On the contrary, it was distinctly disclaimed.

The act by which this was done was the passage of the joint resolutions of April 20, 1898, recognizing the independence of the people of Cuba.

Those resolutions, which were the president's only lawful authority for prosecuting the war, demanded the withdrawal by Spain of her land and naval forces from Cuba and Cuban waters, and directed and empowered the president—

to use the entire land and naval forces of the United States, and to call into actual service of the United States the militia of the several states to such extent as may be necessary to carry these resolutions into effect.

Note the last words: "to such extent as may be necessary to carry these resolutions into effect."

That was the full extent of the power the war resolutions conferred upon the president—that he should use the army and navy merely to establish Cuban independence. They gave him no further authority.

Then, having conferred this power, and in order that there might be no misunderstanding, Congress turned to the civilized world and in the final

resolution of the series, explicitly declared that—

the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government of the island to its people.

Though Congress flatly overruled the president, in thus recognizing the independence of Cuba—for in his message, to which these resolutions were the response, he had condemned such recognition—it adopted his own views when it disclaimed all intentions of conquest. In his message he had upon this point said:

I speak not of forcible annexation, for that cannot be thought of; that, by our code of morality, would be criminal aggression.

Both by his own official declaration, therefore, and by the declaration of Congress, as well as by the limitation which Congress had expressly placed upon him in directing him to make war, the president was bound to refrain from turning the war into a war of conquest.

II.

He was not bound, of course, to refrain from making military and naval captures.

When Spain defied our demand that she retire from Cuba and Cuban waters, war was upon us; and it was then quite within the president's province to capture Cuba, Porto Rico, the Philippines, or any other Spanish dependency, and even Spain herself.

No matter what the original motive and ultimate purpose of a war may be, one of its incidents while it lasts is the right to weaken the enemy by capturing not only his forts and ships and troops, but the territory from which he draws his supplies. These are among the means of forcing him to sue for peace.

But when he does sue for peace, then any attempt permanently to hold territory that has been captured from him, or to wrest from him territory that has not been captured, gives to the war the essential character of a war of conquest.

While President McKinley was not bound to refrain from making temporary captures of Spanish territory in the prosecution of the war, he was

bound by the authority he had received from Congress, and the pledge which Congress had made to the world, to refrain from turning those captures into permanent conquests as conditions of peace.

III.

The disclaimer by Congress of all purpose of making conquest, and the declaration by the president of the criminal immorality of such a purpose, referred, it is true, to Cuba only. But that was because Cuba was at that time the sole subject of controversy. The principle invoked is applicable to all foreign territory.

It is not to be supposed that either Congress or the president was pettifogging: that Congress made a mental reservation as to Porto Rico and the Philippines when disclaiming "any disposition to exercise sovereignty, jurisdiction or control" over Cuba; or that the president meant that forcible annexation would by our code of morality be criminal oppression as to Cuba alone. They must be taken to have meant all that their words implied, and as matter of principle and not of word-juggling. What the outside world understood, what we of this country understood, what Congress and the president must be presumed to have intended all to understand, was that in going to war with Spain for the independence of Cuba the United States would be guided by the principle proclaimed in the declaration of independence and echoed in Lincoln's speech at Gettysburgh—the principle of government by the consent of the governed; of government of the people, for the people and by the people. This nation was pledged in honor to wage no war of conquest, and to hold under its dominion as the result of the war, no subject colonies.

IV.

But that pledge with which we began the war has been ignored by the president.

He has used the army and navy not alone to establish Cuban independence and to drive the Spanish out of Cuban waters. But, regardless of the national pledge and of the limitations placed upon his authority by Congress, he has also used, and in his

last message he threatens to further use, the army and navy to forcibly annex territory and to subdue and subjugate its inhabitants.

If the senate confirms the treaty of peace which the president is making through his commissioners at Paris, the pledge of honor of this nation will have been repudiated, and contrary not only to that pledge, but to our political traditions and ideals, we shall then have entered upon a career of conquest and colonial dominion from which only the courage and sense of Congress can rescue us.

V.

In his message just read to Congress, the president refrains from discussing the government of what he calls "the new possessions which will come to us as the result of the war with Spain." How does that language comport with the solemn national disclaimer of all intention of conquest with which we challenged Spain to war?

It is true that the words do not refer to Cuba. On the assumption that his message is not disingenuous, the president intends, so far as Cuba is concerned, to honor our national pledge. Of ingenuousness, however, there can be no certainty, for though in one part of his message he writes of giving Cuba a free and independent government, in another he associates Cuba and Porto Rico and the Philippines under the general description of "the newly acquired islands." But be his intentions what they may as to Cuba, there is no question about them as to the Philippines and Porto Rico.

In the face of the limitation which Congress placed upon his authority, in defiance of the pledge against conquest which Congress made in the name of the nation, and regardless even of his own declaration as to the criminal immorality of forcible annexation, President McKinley has undertaken to conquer and forcibly annex those islands. It is a matter about which he does not propose to consult Congress. For in his message he expressly postpones all discussion of the subject until "after the treaty of peace shall be ratified," and the senate alone has to do with ratifying treaties. So the only voice that Congress will have in the matter will be

in determining the kind of government to establish over the president's conquests. Meantime he will continue to administer military government.

VI.

And what kind of government can Congress establish?

Constitutionally, and in accordance with precedent, it can establish only a territorial government, one like that which was set up over the Northwest Territory and out of which sovereign states were carved. The kind that we now give to Arizona.

But this kind of government contemplates ultimate statehood.

And not only does it contemplate statehood, but pending statehood its citizens would be citizens of the United States, entitled in every state to all the rights and privileges of such.

Moreover, the territory would be United States territory. No tariff peculiar to it could be set up. As between it and the rest of the United States, absolute free trade would have to prevail; as between it and the rest of the world except the United States, our high protection tariff and obstructive navigation laws would have to be enforced.

To such a government for the president's conquests there would be varied objections, some of which would come from powerful sources.

Not least powerful among the latter objections would be the European demand for an "open door" in the Philippines—for a tariff, that is to say, which would be the same for all other nations as for the United States; and that demand could not be complied with without making the United States a free trade country throughout.

It is safe to say, therefore, that a regular territorial government will be avoided for the Philippines, if not also for Porto Rico.

The alternative is a colonial government, under which the inhabitants would be governed by the United States without being citizens, and the territory would belong to the United States without being of the United States.

That is the kind of government with which England provided the

American colonies before the American revolution. It is the kind with which Rome provided her conquered provinces, and in doing so planted the seeds of her own destruction. It would be the worst possible form of that "forcible annexation" which President McKinley denounced as unthinkable because "by our code of morality" it "would be criminal aggression."

VII.

Should the senate enable the president, by ratifying his treaty, to discuss with Congress the government and future of "the new possessions" which he, in excess of his authority and in defiance of the national pledge, has forcibly annexed, there is one safe and honorable course, and only one, that Congress can pursue. It can freely give to the people of those "new possessions" their liberty.

Should this require a temporary protectorate, until governments were formed by the people and recognized as independent by other nations, that courtesy should be extended. But we cannot with honor or safety to ourselves or with justice to the people of the conquered islands, treat these presidential conquests as national booty.

NEWS

The 55th Congress convened in its second session on the 5th, and on that day listened to the reading of President McKinley's second annual message. Exceptional importance was attached to this message, because it was expected to deal with questions growing out of the war; but this expectation was disappointed. The message treats of the war only in a historical way, leaving the problems growing out of the war to be discussed as they arise.

After referring to the general prosperity of the country, the message sets forth the leading events of the war, from the conditions causing it, to which Mr. McKinley's first message referred, down to the organization of the peace commission at Paris. It concludes upon that subject with the following statement as to Cuba, Porto Rico and the Philippines:

I do not discuss at this time the government or the future of the new pos-

sessions which will come to us as the result of the war with Spain. Such discussion will be appropriate after the treaty of peace shall be ratified. In the meantime and until the congress has legislated otherwise, it will be my duty to continue the military governments which have existed since our occupation and government of the people, security in life and property and encouragement under a just and beneficent rule.

As soon as we are in possession of Cuba and have pacified the island it will be necessary to give aid and direction to the people to form a government for themselves. This should be undertaken at the earliest moment consistent with safety and assured success. It is important that our relations with these people shall be of the most friendly character and our commercial relations close and reciprocal. It should be our duty to assist in every proper way to build up the waste places of the island, encourage the industry of the people and assist them to form a government which shall be free and independent, thus realizing the best aspirations of the Cuban people.

Spanish rule must be replaced by a just, benevolent and humane government, created by the people of Cuba, capable of performing all international obligations and which shall encourage thrift, industry and prosperity and promote peace and good will among all of the inhabitants, whatever may have been their relations in the past. Neither revenge nor passion should have a place in the new government. Until there is complete tranquillity in the island and a stable government inaugurated military occupation will be continued.

The only other notable reference in the message to the new possessions is in connection with recommendations as to a maritime policy. This reference is as follows:

The annexation of Hawaii and the changed relations of the United States to Cuba, Porto Rico and the Philippines, resulting from the war, compel the prompt adoption of a maritime policy by the United States. There should be established regular and frequent steamship communication, encouraged by the United States under the American flag, with the newly acquired islands.

Other subjects dealt with in the message are numerous. Most of them have to do with our foreign relations, inclusive of the later history of Hawaiian annexation. An increase of the regular army to 100,000 men, with permission to recruit "from the inhabitants of the islands with the government of which we are charged," is recommended; and the president's intention to muster out the entire vol-

unteer force upon the allowance of the proposed increase of the regular army is stated. Plans for increasing the navy are also approved.

Among the department reports accompanying the president's message, the most important under the circumstances is that of the secretary of war. This includes the reports of the generals who participated in the war, and gives in detail the history of the operations of the war department, accompanied by copies of official dispatches. The report suggests among other things that the regular army be increased to 100,000 men, with the requisite number of officers; that a portion of the rank and file be drawn from the natives of the islands we are to occupy; that a native constabulary force be established in the cities of Cuba, Porto Rico and the Philippines; and that a government railroad be built lengthwise across the island of Cuba, with branches, for the double purpose of giving work to the natives and of pacifying and developing the island.

The report of the comptroller of the currency is of special importance because it takes positive ground against the bank note system which is proposed by the so-called McCleary bill now pending in Congress. Referring to this system, the comptroller says that no bank-note system is fair which, in the distribution of the assets of insolvent banks, creates a preference in favor of note holders as against depositors. And he concludes that if costly currency reform is needed, it would be better for the government, as the representative of all the people, to meet the cost direct than to evade it by granting extensive currency privileges to banks.

At the date of our last report on the peace conference at Paris the joint meetings had been adjourned to the 1st; but on that day no joint meeting was held. It was postponed at the request of the American commissioners, who required time to consider a proposition of detail which the Spanish had urgently made. The latter had proposed that for a term of five years, the United States grant to Spanish ships carrying Spanish products to Porto Rico—and also to Cuba so long as the United States remains dominant there—the same privileges as might be enjoyed by American vessels engaged in the same trade. It was to enable the Americans to con-