diction to-day. But the laboring man asks no privileges, he asks his equal rights with the rest of the community and nothing more, and that is exactly what the Democratic platform offers.

When he comes to the question of jury trials in contempt cases, Mr. Taft seems equally unable to understand the Democratic platform, and makes misstatements, equally as groundless, as to its meaning. He affects to think that the Democratic platform favors a jury trial in cases to punish for contempt recalcitrant witnesses, jurors, etc. It is safe to say that this construction of the plank never entered the head of anybody but Mr. Taft. The provision is a part of the labor plank, and refers only to the contempts that arise in labor cases, which are: first, alleged disobedience of injunctions; and, second, criticisms of the decisions of the courts. In regard to the first, we have seen above that jury trials in boycott and contempt cases would be a long step forward toward the orderly administration of justice; and as boycotts are not confined to labor disputes—witness the recent Chinese boycott—the provision does not call for class legislation. The second is, perhaps, the greatest anomaly in our law—that when a court decision is criticized, the judge criticized calls the offender before him, and tries and punishes him. Thus the judge is at once complainant, prosecutor and judge. We pass laws forbidding a judge from presiding at a trial in the result of which some relative is interested; yet we permit him to preside at a trial to which he is a party, and in a case in which it is peculiarly hard for him to maintain judicial impartiality because of the natural feeling of resentment at criticism of oneself. It is unjust to the litigant to put him in such a position; it puts too heavy a burden upon the judge. And it is not only labor leaders who have felt the injustice of this truly extraordinary condition of our law. Unsuccessful litigants, reformers of various kinds, clergymen engaged in the work of suppressing vice, who have dropped chance remarks, or given newspaper interviews following decisions interfering with their work, and many others, have learned well how hard it is for even the most upright of judges to be truly judicial, to maintain strict impartiality under such conditions. Thus we see that instead of "an insidious attack upon our judicial system," this plank also calls for another step forward towards the orderly administration of justice.

WILLIAM G. WRIGHT.

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What ought not to be done, do not even think of doing.—Epictetus.

EDITORIAL CORRESPONDENCE

MR. BRYAN AND THE SPANISH TREATY.

Boston, August 10.—In view of the revival of attacks upon Mr. Bryan on account of his responsibility for the Philippine situation through urgency with Senators of his party to vote for the ratification of the Treaty of peace with Spain, it seems proper to offer the testimony of one who had a very close and intimate knowledge of the conditions and circumstances in and about the Senate previous to the ratification of the Treaty, February 6, 1899.

This knowledge was gained as a representative of the Anti-Imperialist League, present in Washington to do what was possible to prevent the ratification of the Treaty. There were many conferences daily with groups of Senators and with individual Senators of both parties; and the freest intercourse with Senator Jones, the leader of the Democratic side, and with Senator Hoar, who represented the Republican opposition to the Treaty. This was the time when Senator Hoar prophesied that if Mr. McKinley's policy was carried out, the downfall of the Republic would date from his administration, though afterwards that spirit of partisanship to which the Senator succumbed permitted him to become a supporter of Mr. McKinley and to become a vituperator of Mr. Bryan. Senator Hoar was probably the originator of the accusation against Mr. Bryan for the crime of which the Republican party was guilty.

It seemed best then, it is true, to most of the Anti-Imperialists to concentrate their forces to defeat, if possible, the ratification of the Treaty, trusting to the future for the negotiation of another which should not saddle the Philippines as a possession upon the United States; but there were other opinions, and it must be confessed that in retrospect it is apparent that the field of possible contingencies might have been contemplated with a larger view. The ratification of the Treaty would have left the absolute war power with the President, who might have plunged the country into inextricable complications, as, in fact, he had threatened to do when, on December 21, 1898, before the ratification of the Paris Treaty, he ordered, by a proclamation so violent that General Otis felt obliged to alter its terms before publication, the extension of the sovereignty of the United States over the whole archipelago—the United States having been pledged by the protocol strictly to observe the status quo until the ratifications of the Treaty were exchanged.

It is not then difficult to tolerate, perhaps it is possible to applaud, the point of view of a sincere Anti-Imperialist who felt that the whole question should be taken from the military power, and that it would be best settled and settled right by the American people under constitutional authority. It will be remembered that many of the Republican leaders in the Senate asserted that we did not propose to hold any subjects or to establish colonies, and that Senator Wellington's vote for ratification was secured by the President's direct assurance to him that such was the case. As a matter of fact, only the casting vote of the Vice-President prevented a declaration of the intention of the United States to give the

Philippine Islands independence as an appendix to the act of ratification.

Mr. Bryan has constantly and steadfastly advocated Philippine independence; and if the Democratic party is successful, by this candidate and by this platform it stands firmly pledged to proper measures to effect this independence without delay.

ERVING WINSLOW,
Secretary of the Anti-Imperialist League.

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LAND LAWS IN NEW ZEALAND.

Auckland, New Zealand, June 15.—Democrats and social reformers will be interested to know of the progress now being made in the direction of land value taxation in New Zealand.

Last year Sir Joseph Ward's government passed three bills dealing with land, land values and land value taxes. Putting the net results of the three bills together we find that considerable progress has been made.

In one bill there is an increase in the graduated land value tax.

In another bill there is set aside over eleven million acres (about two-thirds of the remaining crown lands) as an endowment, the revenue or rent of which is in future to be used by the government for education and old age pensions.

The Land bill provides numerous improvements in land tenure, one being that government land in future will not be leased for 999 years, but for thirty-three and sixty-six years only. Another provision is that wherever more than one application is received for one section of government land, the applicants who are already in possession of other land are disqualified, and the landless applicants ballot for the section amongst themselves.

GEORGE STEVENSON.

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AUSTRALIA.

Corowa, N. S. W., July 1.—The first session of the third Federal Parliament (p. 273) closed early in June. The principal acts passed were the Customs and Excise Act, the Surplus Revenue Act, and the Old Age Pensions Act.

The Tariff.

Though many of the duties proposed by the Government were reduced, the new tariff is considerably higher than that adopted in 1902. It is very uneven, some duties being very high.

Surplus Revenue Act.

The Federal Constitution provides that for the first ten years of federation, and afterwards until Parliament makes other arrangements, at least three-quarters of the revenue from customs and excise duties shall be paid over to the State governments. Hitherto the Federal government has spent less than a quarter of this revenue, and has handed all the rest to the States. The Surplus Revenue Act provides that the Commonwealth may retain a quarter of the revenue, even if it does not expend it all. Whether this is constitutional is doubtful.

Old Age Pensions.

The Old Age Pensions Act provides that from July 1, 1909, pensions will be paid to all persons who have resided in the Commonwealth for 20 years, are over 65 years of age, and are in poor circumstances. The rate of payment is to be $2.50 per week; and the total cost is estimated at $9,000,000 per annum. At present the States of New South Wales and Victoria pay old age pensions.

State Rights.

The Federal High Court has recently decided some very important cases bearing on State rights. Last year the State government of New South Wales imported a quantity of rabbit proof wire netting, to be sold on easy terms to farmers, and a consignment of steel rails to be used on the State government railroads. As the Constitution forbids the Commonwealth to tax the States, the New South Wales government claimed that these goods were exempt from customs duties. Probably the framers of the Constitution intended that goods imported by a State government for its own use, as in the case of the rails, should not be liable to duty. But the States could of course nullify any tariff if they had the power to import goods duty free and sell them to the public. The court decided that in both cases the State government must pay duty, though it is generally considered that the judgment was based on a somewhat strained reading of the constitution, one of the judges going so far as to argue that a customs duty is not a tax.

In 1906 the Federal parliament raised the import duties on harvesting machinery, but at the same time it passed an Excise Act providing that locally built harvesters should be subject to an excise duty. Manufacturers who could show that they paid their employes "fair and reasonable wages" were to be entitled to exemption from the excise duty. A provision was also made that the price of harvesters was not to exceed a certain amount. This proved ineffective because it referred to cash sales only; the price of machines sold on credit was not limited. For a long time no claims for exemption from excise duty were made by the manufacturers, but the government did not attempt to collect the duty, though frequently urged to do so. Then the employes of several firms made an application to the Arbitration Court for increased wages, which were granted, thus proving that the previous rates were not "fair and reasonable" as defined in the Excise Act, and that the manufacturers were not entitled to exemption from the duty. The government then demanded payment of duty on all machines sold since the act came into force, but the manufacturers appealed to the High Court on the ground that the act was unconstitutional. The court has decided in favor of this appeal. The constitution provides that the Commonwealth government has no jurisdiction regarding industrial matters except in cases where disputes extend beyond the boundaries of any one State. The court ruled that the act constituted an attempt to use the powers of taxation by the Commonwealth to do something which the constitution forbids; namely, to interfere with matters reserved exclusively to the States. This decision destroys the "new protection" scheme (vol. x, p. 1062) of the labor party, of which the Excise Act was a forerunner. The labor party, which includes a number of free traders, assisted the government to pass the tariff on the understanding that an act embodying the "new protection" proposals should be passed