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Defend the Flag!

It is disgraceful in Mr. CLEVELAND to call upon Gen. FITZHUGH LEE to stay in Havana without any protection against the muttering mob. Threats have been made against his life; foul language about his country has been used in his presence; the flag over his consulate is not safe against violence; he has asked his Government for protection, and it has been refused. There can be no doubt whatever that he is in danger at Havana, and he is all the more so because he is the representative of the Government of the United States, which is held in contempt by the Spanish dastard who rules the island of Cuba.

Gen. LEE is a brave man, and if he shall be assaulted, we have not any doubt that he will defend himself; but he cannot cope with a mob. It would go against his grain to ask WEYLER for help.

In these times the American Government ought surely to have a naval vessel at Havana in which American officials and other Americans there could find refuge in an emergency.

It is no matter of concern at all to the faithless creature who is the temporary occupant of the White House; but it is a matter of very serious concern to the American people. Is it not, Major MCKINLEY?

The "Official Information" That Has Been Transmitted to Senor Canovas.

Who can have given to Señor CANOVAS the "official information" which, as he says, he has got about the policy in the Spanish-Cuban-American case that is to be favored by the next President? We are confident that he did not get it from Major MCKINLEY, who is not yet giving out official information. He may possibly have got it from Mr. CLEVELAND, the author and enforcer of the policy which, as Señor CANOVAS has been officially informed, President MCKINLEY will carry out at the old stand. But then we don't believe that the last-named party has ever told CLEVELAND of his purpose, or given him any hint of it; and CLEVELAND is a poor hand at guessing. It would not be like JOHN SHERMAN to let out the false information, even if he were in possession of it. Mr. MARK HANNA may know what the President-elect thinks about lots of things; but he is not the man to discredit the next Administration by making such statements as those which CANOVAS has got wind of. You may be sure that MARK would never wrong his best friend. We do not think that the official information received by CANOVAS could have come from Secretary OLNEY. He is a Boston Yankee.

If the information got to Señor CANOVAS through the Spanish Minister at Washington, where did the latter get it? Not, for sure, from MCKINLEY, SHERMAN, or HANNA. It may possibly, after all, have come from CLEVELAND, though that person had no knowledge about the subject. If it was Señor DUPUY who sent the information to Señor CANOVAS, he may have picked it up, we can't say where.

It might be expected that CLEVELAND would think that his Spanish-Cuban policy was so magnificent, and had been so successful, and had given such complete satisfaction to the American people, as well as to Spain and to Cuba, that his successor would naturally and proudly embrace it as his own, and as in perfect conformity with the Cuban plank in MCKINLEY's platform. He may have repeated this idea to some one, by whom it may have been carried to the Spanish Legation, from which it may have been transmitted by cable to Señor CANOVAS, without referring the matter to Major MCKINLEY. This seems to us the very easiest way of accounting for the Señor's statement regarding the wrongful official information.

The information was false, and we can say that it did not come, officially or otherwise, from the man who will be President next Thursday. Señor CANOVAS has been deceived. If there were truth in it, what would the next Administration do?

This information was to the effect that President MCKINLEY would carry out the insensate, contemptible, cowardly, and disastrous policy of his dishonored predecessor in regard to the Spanish-Cuban-American question! No! we say; President MCKINLEY will do nothing of the kind. The stultified CLEVELAND will be to him as a warning, not an example. CLEVELAND's policy in this case will be a danger signal to his successor. It is a failure up to the close of his term. It has brought him to shame.

Major MCKINLEY has given no hint as to his policy in the case; but that it will differ from CLEVELAND's, Señor CANOVAS and others may rest assured.

The Danger of It.

One of the bad things about CLEVELAND's skulking policy in the Cuban case is the danger of it. This danger has suddenly been brought to the country's notice in an unexpected way, through occurrences associated with the names of RUIZ, SCOTT, and JULIO SANGUILY.

CLEVELAND failed to perform his duty in these cases, as he had previously failed to perform it in other cases that had been pressed upon his attention. We have seen the result of this failure, and the danger of it within the past few days. There have been outbursts of patriotic wrath in Congress, and in the country, so serious as to stir up the sluggish mind of the man at Washington. There has been a ferment at Havana which might at any moment have led to deeds that would have brought about a crisis in the relations between Spain and the United States. There has been anxiety at Madrid and Washington. There has been a protest from Consul-General FITZHUGH LEE, the like of which has never before been sent to this Government by any of its officers abroad. The situation has been strained. There has been danger in it.

All this has been the consequence of CLEVELAND's disregard of duties which could not be disregarded without imperilling the peace of two countries. It has been the result of a policy at once feeble and dishonorable, both clumsy and crotchetty, characterized by neither Americanism nor manliness.

Had CLEVELAND handled the Spanish-Cuban-American question from the first with any intelligence; had he caused Spain to know that it would be imprudent for her to trespass against us; had he given her to understand that the plighted faith of this Government to its citizens resident in Cuba would be maintained; had he remonstrated with Spain when first she encroached upon American rights, there would not have been any ground for complaint on the part of Spain, and we could have come to a satisfactory understanding with her at once, to the advantage of both parties; and the dangers which have arisen upon several occasions would probably all have been avoided. But he has done none of these things. In one instance after another he has permitted Spain to pursue an unjustifiable course toward our Government, and toward Americans resident upon her soil, and in the treatment of questions relating to important American interests. In a number of cases his conduct has been a disgrace to his office and a mockery of the American name. He has thus encouraged Spain to go on in her evil ways, and to perpetrate deeds the toleration of which has been discreditable to us. There have, in consequence, been dangers which would never have arisen if his conduct had been guided by reason and courage. Spain has seen all along that she could do as she liked, so far as this country was concerned. She could disregard the terms of treaties with impunity. She could ignore her own laws, to our detriment, with the consent of a subservient President at Washington. She could arrest, imprison, torture, and kill our citizens living under her jurisdiction without a word of remonstrance from CLEVELAND. It has seemed safe for her to treat this country as though it were too weak to resent an injury, and as though she were too strong to care for its displeasure.

There is risk in this kind of thing. There are ill omens in it. There is danger in it. Spain has taken the chances of it, without loss thus far; but she may yet jeopard her safety by too much rashness. It is because Spain has had the backing of CLEVELAND that she has been so very rash already. No President of the United States can save her from punishment if she shall further trespass against American honor. There is in this country a power to which Presidents must bend, and which is the guardian of the country's good name all the time. It has recently been stirred up to an unusual measure, and that to the knowledge of Spain, which has for once made a pretence of giving some heed to it. It may, however, need a storm to bring the Spanish Government to its senses. If there is danger in the situation, it is this recreant, CLEVELAND, the humbug, who has been the cause of it.

Gen. Lee and the Administration.

The underlings of the Administration are suggesting by hints and shrugs, if not openly retailing, the falsehood that Gen. LEE is impetuous and imprudent, a veritable Hotspur in temperament, and has allowed his sympathies for the Cuban insurgents to lead him beyond the limits of his duty and authority. In another breath they attribute his zeal for the protection of American citizens to personal and political motives, having for their aim another term as Governor of Virginia.

These intimations are thrown out with an assiduity and an air of authority which show that the purveyors of such slime have got the cue of calumny from higher sources, and are expected to use it for all it is worth to cover the craven betrayal of American rights and manhood by their superiors. No charge, under all the circumstances, could be more cowardly, treacherous, and false.

The Consul-General is a Hotspur only in his courage and patriotism. He is by no means "sudden and quick in quarrel," but exceedingly amiable and conservative in disposition and temper. Even under conditions most likely to betray the characteristic attributed to Gen. LEE, he has never been provoked to anything approaching rashness either in words or deeds. He has been properly secretive in regard to the differences he has had with the State Department, but doubtless it has been impossible for him to conceal entirely his disapproval of the unmanly and un-American policy which the Administration has pursued, in spite of the indisputable facts he has furnished, showing the bitter hostility of the Spaniards to all American citizens within their power, and their remorseless persecution. He has remained in his office only with the hope that he could prove serviceable to his oppressed countrymen, and that the Administration would sooner or later accept and act upon the facts he had conscientiously gathered and laid before it.

In the latter expectation he has been grievously disappointed. He has probably found at last a fatal error in his original assumption that the President and Secretary OLNEY wished the necessary evidence of the violation of our treaty rights on which to base a demand upon Spain for a discontinuance of the outrages, a full redress of the grievances of the victims, and the maintenance of the honor of this nation. His only blunders have consisted in the entertainment of this assumption and his reluctance to relinquish it.

No intelligent person who has closely observed the systematic course pursued can believe that the Administration, at any time within the past few months at least, intended to assert the rights of our flag or protect the persons and property of our citizens on the island. Gen. LEE was sent to Cuba merely to play the lackey and carry out a cowardly and dishonorable policy, with the hope that his high character would secure for such a policy the respect which it could not have acquired from a man less distinguished for integrity of purpose and manly courage. CLEVELAND was as much mistaken in his selection of an agent for such a purpose as the agent was mistaken in CLEVELAND. It seems that the President did not wish to know the full facts; and the best evidence that he did not wish the country to know them is furnished by the strenuous efforts made to conceal them after they had been collected and reported to the State Department.

All the information the Foreign Committee of either house have been able to secure has been wrung from reluctant hands. There has been no free conference between either committee and the White House, as would have been the case had there been an honest desire on the part of the Administration to uphold the dignity and reflect the wishes of the nation. Not even a warship has been permitted to approach the island, though at no time during the ten years' war did HAYES or GRANT fail to have at least one American man-of-war anchored in Havana harbor. The refusal of such support tended, of itself, to discredit the authority and impair the usefulness of the Consul-General. It offered an invitation to the torture and murder of American citizens. It not only gave encouragement to the haughty disdain of Spain whenever our grievances were presented for redress, but also tended to incite the derision and contempt of all foreign powers.

If Gen. LEE has an ambition to again become Governor of Virginia, it is an honorable ambition; but only the coterie of CLEVELAND's clerks will attribute his zeal for the protection of American rights in Cuba to such a motive. The accusation is well worthy of the class of persons from whom he demands such base service, and the eager readiness with which they render it is not surprising. "What," says POPE, "must be the priest where the monkey is a god?" What must be the slave where CLEVELAND is master?

The Hitch About the Venezuela Treaty.

Some light is thrown upon the qualifications of so-called "trained diplomatists" by the blunder committed at Washington in the execution of the Anglo-Venezuelan agreement for the reference of the British Guiana boundary to arbitration. It appears that both duplicates of the treaty signed by the plenipotentiaries were in the English language; and the result of this piece of stupidity is that the Venezuolan Congress cannot ratify or even discuss the copy of the instrument which has been sent to Caracas. Why? Because the Venezuelan Constitution provides that all documents submitted for the consideration of the Congress must be expressed in the Spanish language. The treaty, therefore, cannot be confirmed until a Spanish translation, the correctness of which shall have been approved by the British Foreign Office, is forwarded from London to Venezuela.

It is evident that neither Mr. OLNEY nor Sir JULIAN PAUNCEFOTE, although they have been engaged for considerably more than a year in debating the terms of this Anglo-Venezuelan treaty, has ever taken the trouble to examine the Venezuelan Constitution. There is the less excuse for this neglect, because THE SUN has repeatedly called attention to an important clause in the latest revision of the Venezuelan organic law, which forbids not only the Executive, but the Executive and Congress combined, to alienate any portion of the national domain. It was this clause which rendered it impossible to settle the boundary controversy in any other way, except by a decision of arbitrators as to what the boundary really was. One would have thought that, if only to verify our assertion, the negotiators of the treaty would have deemed it worth while to read the Venezuelan Constitution through. Had they done this, they could not have overlooked the provision of the Constitution prescribing the use of the Spanish language in all documents intended to be acted on by the Venezuelan Legislature.

It is bad enough that Mr. OLNEY and Sir JULIAN PAUNCEFOTE should have been guilty of such an oversight; but it is still more inexplicable that Señor ANDRADE, who signed the two copies of the treaty as plenipotentiary for Venezuela, should not have insisted that one of them should be couched in the Spanish language. Are we to infer that he, also, was unfamiliar with the text of the Venezuelan Constitution? Even if he were, his lack of knowledge would be by no means unique, for we have known a German Minister to acknowledge his inability to define the functions of the Bundesrath, as they are set forth in the organic law of the German Empire; and we have also known a French Minister to exhibit a very imperfect acquaintance with the provisions of the French Constitution of 1875, which provided for just such an unfortunate contingency as the assassination of President CARNOT. We mention these things to show that Señor ANDRADE is no more disqualified for his position by ignorance of his country's organic law than are some of his colleagues in the diplomatic corps. Such incidents, however, ought to put an end to the silly talk about our needing a school of diplomacy, and about the alleged superiority of Europe's "trained diplomatists" to the veteran politicians whom we usually select for diplomatic functions. Our diplomatists may not be trained in the fine arts of dining and wining, dancing and flirting; but we have never yet sent a plenipotentiary abroad who could not pass an examination in the Constitution of the United States.

Some of our foreign friends at Washington, when they have wished to be ironical, have suggested that it might be well for the United States to abolish the State Department, and let THE SUN direct the foreign policy of the Government. There is many a true word uttered in jest.

The Prophecy of the Seventy-Two.

One of the most extraordinary documents in the history of American politics was drawn up at Chicago on June 20, 1892, and signed by every man of the seventy-two New York delegates to the Democratic National Convention.

The Hon. GROVER CLEVELAND was at that time a citizen of New York, and he was a candidate for the Democratic nomination for President. He did not have the support of the Democracy of his own State. When Democrats from other parts of the Union turned to the New York delegation for advice and information as to the probable effect of Mr. CLEVELAND's nomination upon the general prospects and prosperity of the Democracy, this was New York's answer:

"ROOMS OF THE NEW YORK STATE DELEGATION,
"CHICAGO, June 20, 1892.

"In reply to inquiries addressed to us by delegates from States instructed to vote for Mr. GROVER CLEVELAND of New York, the delegates of New York, with a deep sense of responsibility to the Democracy of the United States, are constrained to make answer that in our best judgment Mr. CLEVELAND's nomination would imperil the success of the party and would expose it to the loss of the electoral vote of the State."

This was signed, as we have said, by every delegate from Mr. CLEVELAND's State. Among the seventy-two signers were EDWARD MURPHY, ROSWELL P. FLOWER, DANIEL E. SICKLES, PERRY BELMONT, JOHN R. FELLOWS, W. BOURKE COCKRAN, RICHARD CROKER, WILLIAM C. DE WITT, and FRANKLIN BARTLETT. Yet against the protest and warning of the New York Democracy, the Hon. GROVER CLEVELAND was nominated by the convention.

The electoral vote of New York was not lost that year to the Democratic party, a circumstance due mainly to the accident of the Force bill issue and to the heroic and disinterested efforts of the signers of the above warning, and of their sympathizers, to prevent the immediate fulfilment of their own prediction. Fortunate would it have been for the Democracy, however, if the disastrous results so clearly foreseen by the seventy-two New Yorkers, and inherent in Mr. CLEVELAND's personal and political character, had developed instanter. Democratic defeat in 1892 with CLEVELAND on the ticket would have been an incident in the vicissitudes of a great political organization; and it would have left that organization alert, united, and aggressive for the conflicts of the future. It required the election of Mr. CLEVELAND, and four years of Mr. CLEVELAND in the White House, to bring the Democracy to its present pass, and to justify the apprehensions so frankly expressed by the New York delegation in 1892 concerning the politician whom the party of JEFFERSON, JACKSON, and TILDEN raised from obscurity, and in whom it found at last its Fate.

As the Democratic candidate of 1892 passes away from Washington, not to New York again, but to the unexploited political associations of New Jersey, let us in justice remember the warning of the seventy-two New York Democrats who saw the truth and told it.

The Guilty Party.

Schemes to cut or alter the Union Square Park, or the cable road's approach to it, will turn themselves out of court the moment it is asked seriously why they are proposed at all. The answer follows of itself, and it is conclusive.

The entire excitement is because of the presence of an unnatural and intolerable feature of city traffic, namely, an uncontrollable power in the streets. When rounding the curve at Fourteenth street, one of the most crowded of thoroughfares, the cable cars are confessedly beyond control; they cannot be stopped. The road was built this way with deliberation, both as to the knowledge of its dangers and as to the negligence of the remedy at hand. It was like turning a tiger loose. The proposition that anywhere in the streets there shall be an uncontrollable power, and that at some portion of a street car line the cars shall have their grips jammed, as if by a frayed cable, impossible to stop until the stoppage of the power-house engine, suggests either the idiotic or the homicidal.

The Fourteenth street curve has been condemned publicly. Punishment must not fall on Union Square, but on the uncontrollable power of the cable. That is something to be dealt with by the cable company; and an understanding of this fact should be impressed upon it by the proper agency with whatever promptness and energy may be commensurate with its offence.

A Bill to Suppress Outrage.

A newspaper in this city recently printed a page full of portraits of young women moving in fashionable society, and explained that it did so because each one of them was in an interesting condition. The outrage was as bestial as it was original; it was a type of the infamies of the new journalism and of what it promises for the future.

Still more recently a newspaper here printed on Sunday morning a portrait of the daughter of one of our foremost and most respected citizens. It accompanied this portrait with an imputation upon her young life so gross and abhorrent that had some relative of hers shot down the editor of the paper, he would have been acquitted on the spot by the acclammation of the whole community.

The recent experience of citizens who have had the misfortune to be called to serve upon juries, or as witnesses in cases of exceptional public interest, has also furnished startling evidence of the destruction of individual privacy that is in progress. No one can now be summoned into the public view without the certainty of having not merely his portrait flaunted to the rabble, but of having the same subjected to every conceivable distortion and deformity. No more outrageous assault upon the privacy of a citizen can be devised than is implied in these infamous publications. Their purpose and effect is to hold him up to ridicule by the most vulgar and offensive expedients; to prejudice him permanently in the eyes of the community at large, and to wound with undisguised brutality the sensibilities of his family.

If there ever was an evil that called for wholesome restraint by law it is surely this. The individual has, by all natural reasoning, a right of property in himself. The law should protect him in defending that right, and every sense of decency is now daily outraged by the manner in which that right is assailed.

The bill introduced at Albany by Mr. ELLSWORTH should become a law. There is the most imperative need of it. If amended at all it should be simply to exempt from its provisions fugitives from justice and other criminals.

What has beaten Dr. DEPEW and deprived him of the distinction of serving as the American Ambassador at the court of the most estimable and noble of royal ladies, is probably his alleged intimacy with the *New York World* and its nefarious proprietor.

PARKHURST has interposed one of his blackguard letters into the Police Department controversy; but both decency and reason require that the distraction of his paragraphic reputation should not be allowed to disturb the balance of the judgment which the public needs to render in a matter concerning the discipline and consequently the efficiency of the Police Department. No matter how offensive anybody else may be, he cannot be so intolerably offensive as the unspeakable PARKHURST.

We learn interesting things about the Populists from the Nashville *Banner*. The two Populist factions have held conventions, one at Memphis and the other at Kansas City. The Middle of the Road Populists, who, at St. Louis, were against combining with the Popocrats, met at Memphis. The Fusionists, the BRYAN men, met at Kansas City. The Middle of the Road men declared fusion to be a conspiracy to destroy the Populist organization, and many Populists, momentarily enthusiastic for BRYAN, have been convinced that the St. Louis combination was a great mistake. Sectionalism is said to divide Populism. The Middle of the Roaders are mainly from the South, while the compromisers are from the West.

Mr. CLEVELAND says that he is going to live the life of a retired gentleman, so far as he may be permitted to do so, and will not engage in the practice of law. He has arrived at the age of nearly sixty years, and, being in the possession of a comfortable competence, will devote the remainder of his life to quiet pursuits.—*St. Louis Republic.*

Our contemporary omits to state the noticeable feature of the case. Mr. CLEVELAND will be the first President to retire on a "comfortable competence," acquired mainly through opportunities for money making conferred upon him because of his tenure of the Presidency.

Mr. HANNA will be eminently a business Senator.—*Minneapolis Tribune.*

Why this sad prophecy? Isn't Mr. HANNA qualified to hold a public office? Isn't he a past master in politics, well trained for public life? No other failure can equal that of a "business man" in politics, until he learns what it is to be a politician. Don't make Brother HANNA out to be unworthy of his expected honors.

THE TREATY-MAKING POWER.

The Senate Should Help to "Make" as Well as Ratify Treaties.

TO THE EDITOR OF THE SUN—*Sir:* The recent debates on the arbitration treaty justify some consideration of the treaty-making power, and its exercise in recent years, as compared with the requirements of the Constitution and the usage of the early Administrations immediately succeeding its adoption. Article II., Section 1 of the Constitution provides:

He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

A fair construction of this language is that it contemplates concurrent action of the President and Senate in the making of treaties. The present usage is for the President, through the Secretary of State or one of our Ministers abroad, to negotiate the terms of the treaty with the representative of the foreign power, and when they have agreed upon them, the treaty is submitted to the Senate for confirmation or rejection. So far as the public is informed, this course was pursued with the arbitration treaty, and the first intimation the Senate had of its terms, and perhaps even of the fact that it was being negotiated, was the transmittal of the treaty to that body.

I submit that this is not a compliance with the constitutional provision. The framers of the Constitution, as its language shows, contemplated that the Senate should be consulted on the threshold of the treaty. If they had intended that the treaty should be the act of the Executive, subject only to the approval of the Senate, they would have said so. But they used language which shows they intended that the President should advise with the Senate *ab initio* as to the provisions of the treaty. The advantage of this process over the present usage is evident. In the first place, it gives the President the benefit of the advice of the Senate as to each article of the treaty, and enables him to avail himself of any suggestions that Senators especially conversant with the subject matter of the treaty might make during its preparation. In the second place, it avoids any appearance of antagonism between the President and the Senate, and, by giving them an opportunity of reconciling differences of opinion, enables them to present a united front against the foreign negotiators. Under the present practice the President sends a treaty which he approves, and the Senate is then reduced to the alternative of approving it, though some of its provisions are objectionable, or of amending or rejecting it, thereby impugning the judgment of the Executive in the eyes of the world.

One of the most difficult subjects that the Constitutional Convention was called upon to consider was the treaty-making power. The first plan presented to the convention was that of Edmund Randolph, embodied in a series of resolutions introduced May 29, 1787, one of which, the sixth, declared: "That the national Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation." As Congress, under the Confederation, possessed the sole power of making treaties, it was understood that this resolution would commit that power to Congress under the Constitution. The same day Charles Pinckney submitted a "Plan of a Federal Constitution," Article VII. of which gave to the Senate the exclusive power to make treaties. On June 18 Alexander Hamilton introduced his plan, which provided that "the supreme Executive should have, with the advice and approbation of the Senate, the power of making all treaties." These various propositions were discussed long and exhaustively in the convention. It was objected to Randolph's proposal to give the treaty-making power to the two houses of Congress that it would be difficult to maintain the requisite secrecy if the House of Representatives was associated in the matter, owing to the number of its members; but to this Mr. Wilson of Pennsylvania, one of the ablest lawyers in the convention, replied: "That as treaties are to have the operation of laws, they ought to have the sanction of laws also. The circumstance of secrecy in the business of treaties formed the only objection; but this, so far as it was inconsistent with obtaining the legislative sanction, was outweighed by the necessity of the latter." Gouverneur Morris supported Wilson, upon the ground that if the treaties were to be made by both houses it would compel foreign Ambassadors to come here to negotiate them, and he thought it would be well to have them on the spot. But to this Mr. Gorham objected "that negotiators on the spot were not to be desired, especially if the whole Legislature is to have anything to do with treaties. It will generally be influenced by two or three men, who will be corrupted by the Ambassadors here." Perhaps Mr. Gorham had a prevision of the "champagne treaty" described in a recent editorial article of THE SUN.

The proposition to give the treaty-making power to the two houses failed. Pinckney's plan to confide it exclusively to the Senate was opposed upon the ground that it gave to the smallest State an equal share with the largest in making treaties which would bind the whole country. Hamilton's plan to give it to the President, by and with the consent of the Senate, was finally agreed upon, as a compromise which recognized the superior weight of the larger States through the President, in whose selection they would have the advantage by reason of their larger electoral vote; while at the same time it gave the smaller States an equal voice with the others in the Senate, without whose consent no treaty could be made. Madison supported this arrangement upon the ground "that the Senate represented the States alone, and that for this as well as other obvious reasons it was proper that the President should be an agent in treaties." But it seems that he was willing to give the House of Representatives a voice in permanent treaties, for he suggested that "the President and Senate might be allowed to make treaties eventual and of alliance for limited terms, and the concurrence of the whole Legislature might be required in other treaties."

George Mason opposed the Hamiltonian plan, declaring that "the more difficulty in making treaties the more value will be set upon them." In fact, he was so much opposed to this and other features of the Constitution, as agreed on, that he absolutely refused to sign it, and went home to Virginia, where he issued his protest against it. In this opposition he was joined by Patrick Henry, and their influence was so great that Washington at one time almost despaired of its ratification by Virginia.

There is no doubt that if the treaty-making clause of the Constitution had been so worded as to give the President the power of making treaties without the advice and consent of the Senate, but subject to its approval, it would have been rejected. The framers intended to make the Senate coördinate with the President in their jurisdiction over treaties. This view is supported by the comment of Hamilton, the author of the clause, who, in defending it in the *Federalist*, after stating "that it would be utterly unsafe and improper to intrust that power to an elective magistrate," goes on to say: "It must, indeed, be clear to a demonstration that the joint possession of the power in question by the President and Senate would afford a greater prospect of security than the separate possession of it by either."

That the treaty making power was intended to be as Hamilton describes it, a "joint possession," may also be inferred from the manner in which Washington, who presided over the convention and perfectly understood its purpose, treated this power when he became President. He was in the habit of consulting the Senate, not after, but before he negotiated a treaty, and for that purpose, for a time, went in person to the Senate chamber and talked the matter over with its members.

I find in the "journal" of William Maclay, a Senator from Pennsylvania in 1789, the following account of one of these visits, under date of Aug. 22, 1789:

The President was introduced and took our Vice-President's chair. He rose and told us bluntly that he had called on us for our advice and consent to some propositions respecting the treaty to be held with the Southern Indians. Said he had brought Gen. Knox [Secretary of War] with him, who was well acquainted with the business.

It seems that some of the Senators wanted the papers read, and Maclay himself moved their reference to a committee to report the following Monday. Washington, with his usual promptness, wanted the matter settled then and there, and Maclay reports him considerably nettled at the delay:

As I sat down the President [of the United States] started up in a violent threat. "This defeats every purpose of my coming here," were the first words that he said. He then went on that he had brought his Secretary of War with him to give every necessary information; that the Secretary knew all about the business, and yet he was delayed and could not go on with the matter. He cooled off, however, by degrees. Said he had no objection to putting off this matter until Monday, but declared he did not understand the matter of commitment. A tedious debate took place on Monday, and the President proposed "secure port" in place of "free port." Agreed to. The treaty was passed and the President withdrew.

It is quite possible that Washington was disgusted with the dilatory methods of the Senate, but he did not for that reason ignore its constitutional prerogative. He continued to advise with it as to treaties. I find in Jefferson's "Anas," under date of April 10, 1792:

QUESTIONS TO SENATE COMMITTEE.

If the President should enter into a provisional convention with the Government of Algiers, for a sum not exceeding $40,000, will the Senate advise and consent to its ratification, the Government of Algiers being made clearly to understand that we are not to be bound by the treaty until it shall be ratified?

By another entry of March 11 it appears that the committee had informed the President "they would call on him the next day to know whether he would think it proper to redeem our Algerine captives, and make a treaty with the Algerines on the single vote of the Senate, without taking that of the Representatives." Washington consulted Jefferson, who advised against it, saying:

The subsequent approbation of the Senate being necessary to validate a treaty, they expect to be consulted beforehand, if the case admits. So the subsequent act of the Representatives being necessary where money is given, why should not they expect to be consulted in like manner?

The Senate, it seems, proposed to act without the House, because they feared the Representatives could not keep the secret. But Jefferson says that Washington had no opinion of the secrecy of the Senate:

In this very case Mr. Izard (of the committee) made the communication to him, sitting next to him at table, on one hand, while a lady was on his other, and the French Minister next to her; and as Mr. Izard got on with his communication, his voice kept rising, and his stutter bolting the words out loudly at intervals, so that the Minister might hear him if he would. He said he had a great mind at one time to have got up in order to put a stop to Mr. Izard.

This is funny, but admitting that the propensity to leak is as characteristic of Senators nowadays as it was a hundred years ago, would it not be well for our Presidents to go back to the practice of Washington and keep the Senate advised, through its Committee on Foreign Relations, of the progress of all foreign negotiations? The committee might then, whenever advisable, give information to the Senate in executive session, and that body might communicate through it any advice deemed pertinent to the subject. If this had been done in the case of the arbitration treaty, much time and labor might have been saved, and some embarrassment avoided.

WASHINGTON, Feb. 24. J. S. T.

A Great Scandal and a Great Shame.

TO THE EDITOR OF THE SUN—*Sir:* I cannot recall anything in the long history of the Presidential office which has been so indecent and so disgraceful, or which has approached in its stolid insensibility to the honorable traditions and requirements of that exalted place, the conduct of Mr. Cleveland in issuing the Perrine grant.

Here is a claim for 23,000 acres of land in Florida in which Mr. Cleveland himself is interested through his marriage, yet he himself adjudicates it in his own favor; for, of course, the officers of the Government who decided favorably to the grant were merely his creatures. He alone is responsible, and as much responsible as if the business had been done directly by himself. It is as if the Judge should sit on the bench to adjudicate a case to which he was one of the parties.

The impropriety, the indecency, the utter stolidity of Mr. Cleveland, so far as concerns moral considerations and the obligations of honor, are not affected by the merits of the Perrine claim, indefensible in both law and morals though it seems to be. They are in his consenting to deal with it at all under the circumstances, instead of leaving it to a disinterested Administration for impartial adjudication.

The whole affair is a great scandal and a great shame. A NEW YORK LAWYER.

NEW YORK, Feb. 26.

The Grant of Union Square Park.

TO THE EDITOR OF THE SUN—*Sir:* Mr. Samuel B. Ruggles, who died in 1882, and who lived at 24 Union square to the time of his death, founded the square in 1832, and donated the present site of the park to the Mayor, Aldermen, &c., of the city of New York for that purpose. I cannot see what right the Park Commissioners and Mayor Strong have to grant or allow the Metropolitan Traction Company to run their cars through any portion of the same under said grant by Ruggles, as above mentioned.

A BROOKLYN READER OF THE SUN.

The Lead Pipe Cinch.

TO THE EDITOR OF THE SUN—*Sir:*—The answer to "Jackson's" inquiry as to where the lead pipe comes in in a lead pipe cinch is easy. The story goes that there were once two thieves, one tall and slim, one short and fat (thieves have a way of pairing off like that), who prowled about o' nights together seeking what they could steal. One night, after a long spell of hard luck, they ran across a lot of lead pipe. It was the custom of the tall thief to conceal their plunder under his clothing. He removed his outer garments, and the lead pipe was coiled about him. When his clothes were on again the two started for Jersey. It was very early in the morning and the ferryboats were on half-hour headway. Just as they reached the ferry house the gong sounded. The gateman started to close the gate, but seeing the two men coming, shouted to them to hurry, and held the gate open to let them through. The short, fat one, not hampered by a hundred pounds of lead pipe, got down the bridge and on the boat, but the tall one couldn't run, and was left.

"Jump, Bill," shouted the fat one—his pal. "You'll make it."

Bill tried to jump, but failed and fell into the river. The ferry hands rushed up and the Captain shouted:

"Stand by to throw a buoy. He'll come up."

"Bet you ten he don't," shouted the fat thief.

Nobody took him up and he increased his offer.

"Bet you twenty he don't come up," he exclaimed. "Bet you fifty. Bet you a hundred. Bet you five to one, ten to one, twenty to one. Damn it all, won't anybody bet? I've got a cinch, a lead pipe cinch, and I can't get a bet." JOHNSON.

NEW YORK, Feb. 25.

TO THE EDITOR OF THE SUN—*Sir:* The term "cinch" became incorporated in the American-English vernacular about fifteen years ago in the race-track parlance. It is a Spanish-Mexican word meaning a surcingle, and implies a strip of rawhide used by the vaqueros, or stablemen, to hold the Mexican saddles upon the horses. One end is attached by a slit to a horn on the saddle, and it is then passed under the animal's belly and held tight through a ring on the opposite side of the saddle, and the loose end tucked in. The word was adopted by touts and race-track frequenters to indicate a "sure thing." The "lead pipe" comes in from the fact that stable boys have used lengths of half-inch lead pipe instead of rawhide as cinches to bind their saddles.

BALLSTON SPA, Feb. 25, M. R. SONE.

Brooklyn Shoes Brighter, but Still Imperfect.

TO THE EDITOR OF THE SUN—*Sir:* I am happy to state that, owing to the letter you published some time ago calling the attention of Brooklynites to the disgraceful condition of their shoes, a radical change for the better has taken place. But why don't they use "daubers," instead of using their fingers directly in conveying the blacking from the box to the shoe? How do I know that such is their method? It wouldn't take a Sherlock Holmes to arrive at that conclusion. I can see nearly a sixteenth of an inch of blacking under the finger nails of nearly all of those who have their shoes polished. A friend suggests that it may be an emblem of mourning to show that they are dwellers in the "city of cemeteries." It may be, but I don't think so. And I believe that if you call their attention to the use of the "dauber" an unpleasant feature will disappear. HOBO KEN.

NEW YORK, Feb. 22.

Birds Come Again.

TO THE EDITOR OF THE SUN—*Sir:* This is to inform all such as care for such information that for the past two days the migratory singing birds, particularly several song sparrows in good voice, have put in an appearance, and can be both seen and heard in our parks. The writer saw several of them, and on inquiry of the policemen at the park they said they had seen several within two days. All of which will go to show that we may expect an early spring, and that from now on no storms are likely, that is storms of long continuance or great severity of cold.

FEB. 25, 1897. A PARK WANDERER.

Steinitz Cared For by Our Consul.

TO THE EDITOR OF THE SUN—*Sir:* I just happened to see a letter of our Consul in Moscow, addressed to Mrs. Steinitz, the wife of the chess player, who is living in Astoria, L. I. Our Consul says that as soon as he was informed of Mr. Steinitz's illness he called at his lodgings, and upon finding him in need of treatment he called at the Moscow Chess Club and caused proper care of him to be taken. Steinitz is an American citizen. E.

JAMAICA IN A BAD WAY.

A Deficit in Revenue and a Famine Threatened—Proposed Duties on American Goods.

KINGSTON, Jamaica, Feb. 18.—At the next session of the Legislative Council of this island the Government will announce that at the close of the financial year there will be a deficit in the public revenue of nearly $250,000. This will mean a gross shrinkage of $570,000 in revenue, as the year commenced with a surplus of $320,000. The loss in revenue is ascribed to the general dulness of trade during 1896, the comparative failure of the orange crop, the cattle disease, the closing down of the logwood trade and sugar industry, and other minor causes.

A severe drought toward the close of the year has accentuated the general depression. In the St. Elizabeth district of the island a state of actual famine prevails. The people of the district depend entirely on their provision grounds, in which for the most part sweet potatoes, corn, and cassava are grown. There has been no corn for years, owing to continued droughts; the potato crop has this year entirely failed, and the cassava, while not entirely destroyed, has failed to reach maturity, owing to want of rain. The general depression has closed down several of the estates in the neighborhood, with the result that no work can be obtained. R. G. Haliburton, a son of the famous "Sam Slick," has addressed energetic representations to the Government on the subject with a view of establishing some system of relief. At a public meeting recently held he stated that unless immediate action were taken hundreds of lives would be lost from thirst and starvation. The only remedy he can suggest is emigration en masse to some more favorable district. Several deaths from starvation have been reported, and in one district the people have been subsisting on roots and penguin, a species of cactus.

To meet the deficit in the revenue of the island it is stated that the Government intends to reimpose the duties on imports from the United States, relinquished under the agreement of 1890. By this agreement, in consideration of the favored treatment of Jamaica exports, especially sugar, by the United States, the Jamaica Government relinquished from $100,000 to $150,000 in customs duties on American imports. The agreement expired in 1894, when the higher duty on sugar was resumed by the United States, and although a bill was introduced into the Legislative Council to restore the old conditions by the reimposition of the duties on United States imports, it was thrown out by the elected members on the ground that the condition of the island finances did not warrant further taxation.

Notwithstanding the flourish of journalistic trumpets in the London press regarding the opening up of the fruit trade between Jamaica and London, the opinion expressed in previous despatches to THE SUN is confirmed by the result of the Port Victor's last cargo, and is indorsed by the majority of business men here. One half the cargo was unfit for food, while the entire consignment by the sister steamer, the Elderslie, was condemned by the health officer, and thrown overboard before the ship went into port. The latter steamer has been put in dock at London for entire refitting, and is for the present withdrawn from the trade. The prices obtained for the portion of the Port Victor's cargo which was placed on the market are extremely disappointing to growers here, and would leave but a bare margin of profit even were the whole consignments to arrive in good condition. With 50 per cent. loss in transit, the experiment up to the present has been a disastrous failure.

JAMES GORDON BENNETT.

His Sound and Wholly Creditable Views.

From the New York Herald.

Shakespeare says:

"Who steals my purse steals trash * * *
But he that filches from me my good name
Robs me of that which not enriches him
And makes me poor indeed."

That is the kind of stealing which the *Evening Post* practises. There is hardly an American eminent in public life whom this sheet, if and because he differs from its views, has not calumniated, vilified, and systematically slandered. It never hesitates to impute the basest motives to its opponents, simply because they are its opponents. It is its misfortune not to believe in good motives. It has done its best to filch the good name of those whose policy it wishes to thwart. That is, to our mind, the most contemptible form of dishonesty and the least honorable kind of journalism.

Wheels and Beauty.

According to the opinion of a lay bicyclist who addressed the Brooklyn Health Culture Club on Tuesday last, wheelwomen have still much to learn before they can appear with grace and comfort.

"Out of over 300 riders," said the speaker, "that I counted on Riverside Drive yesterday, only four were sitting correctly in their saddles and pedalling right. Sixty per cent. of the weight should be put on the pedals, and the remainder divided between the handle bar and saddle, a little more than half resting on the latter. The body should be inclined at an angle of 25 degrees."

This, presumably, is the formula for insuring wheelwomen against the discomforts and ungainliness of which they themselves complain. From the viewpoint of men riders such a prescription for the women is entirely superfluous. For what son of Adam has ever criticised the riding attitude of a bicycle girl, or has ever accused her of having a monkey back, like her brothers? Before requiring the ladies to wheel with mathematical precision, why not let's have a set of rules calculated to straighten the spines of wheelmen and soften the features of the bicycle face? Certainly the Brooklyn Health Culture Club cannot hope to perfect perfection.

A Degenerate Play, by the Author of "Degeneration."

From the Home Magazine.

Dr. Max Nordau's new play, "The Right to Love," is an erotic drama, with a degenerate woman, *Mme. Bertha Wahrmund*, her husband, *Joseph Wahrmund*, and her lover, *Otto Bardenholm*, as chief characters. *Mme. Bertha*, as the climax to her degeneracy, comes to the conclusion that, as she no longer loves her husband, it is not right for her to continue to live with him, but *Bardenholm*, her mercenary lover, refuses to support her away from her family.

Dr. Nordau's treatment of the theme reminds us forcibly of some of Ibsen's prose dramas. As Dr. Nordau in "Degeneration" pays his compliments to Ibsen in no favorable language, he will scarcely relish the above statement concerning "The Right to Love."

Coming Into the Union.

From the Pittsburgh Dispatch.

The Hawaiian islands will be a part of the American Union within one year from the time of the inauguration of President McKinley. No matter what opinion individual citizens may have on the subject (and the best intelligence of the country is undoubtedly opposed to a beginning of the business of annexation), it will be done. Attorney-General Smith of the Hawaiian republic will be on hand the moment the new Administration gets down to work, and the thing will soon be accomplished. Not all the charms of Liliuokalani can prevent the consummation. McKinley's ear is not as finely attuned to the song of the Kanakas as that of Cleveland. After all, President McKinley will but be making good the policy of his last Republican predecessor. One week longer of Harrison four years ago would have brought Hawaii into the Union.

Brave!

From the Pioneer Press.

A colonial euchre party was given yesterday afternoon by Mrs. J. P. Hoffman of Ashland avenue. In the parlor was a Jerusalem cherry tree loaded with ripe fruit. At the base was a golden hatchet. The portières were of the national colors. The score cards were miniature golden hatchets tied with red, white, and blue ribbon.

One Way to Settle the Jonah Question.

From the Boston Republic.

It ought to be very easy to settle the question upon scientific lines. Whales are caught every week and sometimes oftener. Why does not science take an exact measure of the dimensions of a whale's throat, then ascertain how large Jonah was; and then—there you are.

Not All Alone.

From the Yonkers Statesman.

"So you want to marry Fred, do you?" said the father.

"Yes, papa," replied the daughter, with her arms about his neck.

"And go away and leave me all alone?"

"Why, no, papa! I know Fred will be willing to leave mamma with you!"

Strictly for Self-Preservation.

From the Indianapolis Journal.

"And you have the impudence to say that the jimmy found on you was not intended to be used in breaking into houses?" said the Judge.

"Of course it ain't," said the wanderer. "It is fer breakin' out o' freight cars."

Progressive.

From the Chicago Record.

"Is Scrymser progressive?"

"Progressive? Why, that fellow can tell when his wife is going to make mince pie; he always has the nightmare the night before."