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THE SUPREME COURT'S DECISIONS

The reader of the majority opinion in several of the insular status cases delivered by the federal supreme court, yesterday, is apt to conclude on the first reading that the supreme court does not know "where it is at," and contradicts itself. But, from Justice Brown's rendering of the opinion of the majority of five members, whatever may be the variant shades of interpretation, the dominant feature remains, both in the De Lima and Downes cases, that all precedent establishes the right of the United States to acquire territory and to govern it as congress elects and to dispose of it as it sees fit; that the constitution is not self-extending, but is applicable to territories acquired by purchase or conquest, only so far as congress shall direct; that congress must prescribe upon what terms the United States will receive the inhabitants of acquired territory, as was done in the cases of Louisiana, Florida, Northwest Territory and Alaska.

The decision that duties were illegally collected in the De Lima case by the United States is not inconsistent with the position taken by the majority, for the duties in question were collected during the period between the ratification of the treaty of Paris and the enactment of the Porto Rican tariff in the month of April following. Previous to the treaty of peace with Spain, under the military regime, the custom duties collected were perfectly legitimate, the territory, according to the court, remaining foreign territory, the flying of our flag over it not bringing the provisions of the constitution into operation. After the treaty the status of Porto Rico was domestic territory, but subject to congressional legislation as to tariff or anything else, and, of course, if congress delayed legislation several months, no customs duties could be legally collected. The court takes care to decide that the duties collected since last April under the Porto Rican tariff are valid.

It may be gathered from Justice Brown's deliverance for the majority that there must be a distinction between the character of these questions, the disposition and government of territorial acquisitions being questions belonging to the political departments of the government and these departments have practically unrestricted power to determine them for the best interests of the United States.—The American nation, such questions not being within the jurisdiction of the judicial power. Justice Brown thus fully concedes the very large powers of congress, noting that, while these vast powers exist, the people are protected in the matter of their personal rights under the provisions of the constitution, even aliens being protected in life, liberty and property.

The advocates of the ex proprio vigore doctrine can find nothing to comfort and encourage them in the decision of the supreme court except that the majority consisted of five members and four justices dissented, a division which suggests a remote possibility of reversal in the future. The position of the government is, however, sustained on the essential points and the islands will be dealt with according to their urgent necessities. They are not integral parts of the United States and cannot be until made so by the action of the political departments of the government, viz., the executive and congress.

Politics cannot be said to have determined the opinions of the supreme court on the question whether the constitution follows the flag. There are democrats and republicans on both sides of the Downes case—the case involving the power of congress to make special tariff laws for "possessions."

A WELCOME MOVEMENT

One of the most gratifying features of the Chinese situation is the announcement that General Count Von Waldersee, who has commanded the allied troops at Peking, has been ordered to withdraw his troops from Peking and come home. Waldersee has been the principal obstacle in the way of effecting a composition with the Imperial government. He went to China with Germany's contingent and inspired by the Emperor William's ferocious speech made upon the embarkation of the German soldiers, who were told that they were sent on a mission of "bloody vengeance. On the principle Von Waldersee has acted ever since he arrived in China. Not content with pillage, arson and murder and rape, all the way from Taku to Peking, and in that city revelling in plunder, he has sent his men on punitive expeditions into the interior for more plunder, the lawless policy doing more to keep up the native anti-foreign feeling than anything else. Our government has protested against these expeditions in which France joined, and the powers have all come to the conclusion that it will at least look better if they follow the American example and evacuate the Chinese capital, leaving only legation guards.

The condition upon which the Imperial court will return to Peking is the withdrawal of the foreign troops. They are apparently going. They could stay there indefinitely, but that would mean the purpose of depriving China of her independence, which has been badly impaired already. The destruction of the Taku forts is going on and will be completed in a couple of months. Walls and valuable legends have been blown up and the seaward defenses of Peking will be destroyed and the powers will occupy certain points between Peking and Taku to insure safe passage to the capital. China is to be kept under surveillance, paying \$25,000,000 in annual installments, paying 5 per cent. This will not suit either Great Britain or our government, the latter taking the ground that if such increase of the tariff is effected there should be compensatory diminution or abolition of onerous likin tax, levied in the interior upon goods passing from one province to another. Our government also desires the opening

of all the Chinese ports to outside trade. Our trade with China is largest in the northern provinces and in Manchuria, where Russia is now supreme and likely to close the ports to foreigners when it suits the interests of her own trade.

Meantime it will be interesting to see what the emperor and his constant attendant the Jesuit doge express will do if they return to Peking. Jesebel is lo to be trusted anywhere.

BETTER THAN CONSTITUTIONS

There is discoverable in the dissenting opinions of the supreme justices a feeling of apprehension lest in taking the position supported by the majority opinion our government is entering upon dangerous ground. This concern is displayed by all the dissenting judges; it is well expressed in the following extract from Judge Harlan:

I take leave to say that if the principles now announced should ever receive the sanction of a majority of the court, the result would be a radical and mischievous change in our system of government. We will, in that event, pass from the era of constitutional liberty, guarded and protected by a written constitution, into an era of legislative absolutism, in respect to many rights that are dear to all people who love freedom.

We expect to see much of this by our democratic contemporaries, who have already expressed deep anxiety as to the fate of the inhabitants of our new possessions. It has been assumed by them that these poor people are to be the victims of harsh rule and are to suffer curtailment of rights, the loss of liberty and the denial of opportunity through the refusal of our government to concede to them the same status under the constitution which is guaranteed to the citizens of the United States.

Now, there is no occasion for any alarm on that score, either on the part of the justices of the supreme court or any one else. It is not the constitution which is the best guaranty of a benevolent attitude by our government toward the people of our new dependencies. It will take something more than the written pledges of a constitution to insure to them the enjoyment of all the blessings and benefits which our government ought to confer. That guarantee is found rather in the disposition of our people toward them, and in the character of our institutions.

This point was admirably illustrated by Senator Beveridge in his speech on the Porto Rican bill. We have referred to his illustration of the point before. It is applicable now. He was arguing that the constitution is not the best assurance of a benevolent purpose on the part of the United States toward the people of our new possessions, but that that assurance, as has been stated, is to be found rather in the temper of our people, in the benevolent character of our institutions, the disposition which prevails here to confer all the benefits which our flag represents in as large measure as these people are capable of receiving. For illustration he cited England, which in the sense that we speak of ours has no written constitution, but whose government everywhere throughout the world stands for stability, justice, security of life and property, and civil and religious liberty. Just across the English channel is France with, in many respects, an ideal constitution, but with a government at home and abroad vastly inferior to that of Great Britain, showing that it is not constitutions which make the governments, and that in the case of the Porto Ricans and other peoples recently brought under our dominion, it is not our written constitution but the benevolent attitude and disposition of our people which is their best assurance of the benefits they are to derive from having come under the protection of our flag.

Justice Brown refers to this in his opinion, where, in speaking of the large powers necessarily entrusted to congress, he says that "they may be abused under the constitution as well as outside of it. Human wisdom has never devised a form of government so perfect that it may not be converted to bad purposes. It is never conclusive," he continues, "to argue against the possession of certain powers from possible abuses of them. It is safe to say that if congress should venture upon legislation manifestly dictated by self-interest it would receive quick rebuke at the hands of the people."

And so it would. The conduct of our government toward the inhabitants of these new possessions thus far has been entirely benevolent. Even the Porto Rican tariff itself, though a mistake as we believe, was undoubtedly well meant by a majority of its supporters and believed to be the easiest method by which the people of Porto Rico could provide the money necessary to pay for their own local government. The institutions set up there have been calculated to promote the interests of the people. Our government has just called for a large installment of the teaching force organized for the Philippines to be sent out at public expense for the purpose of educating the Philippine people. In these and in many other ways the evidence is conclusive that the disposition of our people toward the people of these new possessions would never permit the exercise of authority toward them by congress in any other than in a kindly and beneficent spirit.

And this is due, not to the constitution, but to a fact much more important and powerful than any written document.

The St. Paul Dispatch had a clean scoop on all its contemporaries yesterday. It was the only paper that announced in big head lines that the supreme court had decided that "the constitution follows the flag." The credit for this brilliant exclusive seems to be due in part at least to the learned and lucid exposition of the opinions of the court by its Washington correspondent who said that the decision was such a sockdolager for the administration that it made Secretary Root pale. He assured the readers of his paper that this decision was going to pay hob with congress and compel it to pay more attention in the future to the admonitions of the Dispatch which he congratulated upon this endorsement of its courageous attitude by the supreme court.—The Dispatch having been in favor, as we infer, of the theory that the constitution goes with the flag. The remarks of the Dispatch to its correspondent for having imbibed an entirely wrong idea of the verdict of the court, we do not care to admit to the columns of a family journal.

Walt Mason, in a learned article on "Hog Cholera," feelingly tells an experience of his own thus: "Many people have a superstitious belief that there is a 'government prescription' which is a dead sure cure. We tried the alleged government prescription upon a large pig which was in a very bad way. In an hour after taking the remedy the unfortunate creature heaved a great sigh and went to sleep with her fathers. If the government is

really back of that remedy it ought to be prosecuted or converted into a monarchy. The only safe way to avoid hog cholera is to get a brand of pig that does not believe in cholera.

The King of the Belgians is having an automobile built with a sleeping-room in it. A good many scores of cars are being made in Belgium and the king is taking a nap and letting the wheel do the rest.

Mr. Briggs now has nine indictments. Anybody wanting a stock of second-hand indictments, hardly shown, will do well to see him before purchasing elsewhere.

If iron is found at Cook Creek, there will be a jubilant outcry from the Anoka Union, which has stood by the Cook Creek dam on the other.

A Chicago theatrical gentleman consumed twenty-two bottles of champagne, not on a wager, but because he liked it. Incidentally, he died.

The South universities are said to fear that it will cost them too much to accept Mr. Carnegie's \$10,000,000 gift. Hoot, hoot!

Great Northern freight train collided with two cars of dynamite yesterday. Unlike the cat, the train did not come back.

J. Ham Lewis says the tariff will be the issue in 1904. Tariff, tariff—seems as though we had heard of that issue before.

Colonel Olcott says Dr. Dowle is "a fake." Dr. Dowle's opinion of the colonel would not be nearly so complimentary.

Allice Stone Blackwell says the American woman is no longer a hen, but an eagle. Well, she's a bird, anyhow.

A farm has been discovered in Texas on which there is no soil. A stock company has been formed to promote it.

The missing man probably fell into one of the holes in the asphalt on Second avenue S.

A dog had several teeth broken off trying to bite a book agent.

AMUSEMENTS

Vandeville at the Metropolitan. The craze for high class vaudeville which has been raging in the various metropolises of the country for a year or more has apparently struck Minneapolis squarely amidst. Packed houses have been the rule at the Metropolitan since the management announced Jessie Bartak Davis and her talented vaudeville company. Mrs. Davis is still the Jessie Bartak Davis of the old Bostonians, with the same wonderful contralto voice, the same regal air, the same magnetic presence and the same musicianly methods which have delighted tens of thousands. Mrs. Davis sings four songs, two of which, "Beyond the Gates," and "The Way to Win Woman's Heart," were written expressly for her. Another "Just Because I Love You So," is her own composition. And of course she sings "O Promise Me," with all the sweetness and mellow richness of tone that made the song and the songstress famous.

Gus Williams, who had a national reputation as a singer and fun-maker when most of the men now living were boys, is one of the top catches in the vaudeville circuit. Mr. Williams is an artist and with an artist's gifts he sings songs with scarcely any voice at all but the audience listens as if it really were singing in his own voice. His songs are great and his voice is a voice attuned to the truest harmony. His piano playing, and about all his eccentric piano playing, are highly entertaining.

Smart and Williams, "Just two coons," are a clever pair of colored boys who contribute a very funny turn. March and Sartella, in their "The Merry Old Time," are a comedy duo, well received. Morrissey and Rich, Irish comedy boomers, were agreeably entertaining in songs and parades.

The De Haven Young misses and a boy present in a pretty staid comprising song, songs, and dances. One of the young ladies accompanied the audience by playing the "Stars and Stripes" on the piano in rag time, an "then exciting" "The Palms," with her back to the instrument.

The orchestra, which was as unreliable as April weather on Sunday evening, had quite recovered from its embarrassment last night, and the performance was highly enjoyable in all respects.

"Knobs o' Tennessee" at the Bijou.

"Knobs o' Tennessee," a melodrama dealing with mawkish sentiment and double dealing, is playing at the Bijou this week. Hal Reid, the actor-author of "Human Hearts" and other plays designed to draw salt tears from an audience, is responsible for "The Palms," which has been the success of the Bijou in its preparation. Like all great dramatists, Mr. Reid is compelled to write under pressure, and his work is therefore marred by crudities for which he has never been able to make good his own excuses.

There are passages in "Knobs o' Tennessee," persons, pictures, performances which properly disposed, would make a splendid smart melodrama, as they would say in "sunny Tennessee," but the disposition, the arrangement is bad. As Macaulay said of the words in Robert Montgomery's poems, they are all right, and placed in proper order would make good poetry.

The play is loosely constructed and white abounding in stirring scenes is defeated by an ocean of drivels and "words, words, words" which are not only unnecessary, but which are talk ought not to have employed. In other words, it sounds like a novel and utterly lacks the directness and compactness essential to a successful play of any kind.

There are the moonshiner's still, the government detective, the moonshiner's wife, and his bud of a daughter, in love with Mr. "Right," of course, and a villain as is a villain. The company fits the crime, although it is impossible to say what the players might do under more favorable conditions. The handicap of "Knobs o' Tennessee" is a terrible one to overcome.

Foyer Chat.

One of the most beautiful plays of the season, "Nathan Hale," will be seen at the Metropolitan for four nights and Saturday matinee starting Thursday. Howard Kyle will be seen in the role of the patriot spy, surrounded by a cast of 25,000, but the original scenic effects will be used here.

E. H. Sothorn's production of "Hamlet" is the costliest venture he has ever been associated with. It has aroused more newspaper controversy than all the parts he has hitherto played, and is an event one cannot well afford to miss. The engagement is for three nights only beginning next Monday evening.

The last half of next week at the Metropolitan another big vaudeville bill, headed by "The Girl With the Auburn Hair," will be presented. Among the other stars are Dorothy Studenker, Eddie Girard and Jessie Gardner, and Junie McCree and company.

"At Valley Forge," William Roberts' picturesque colonial drama which will be seen next week at the Bijou, is said to be a dignified forceful and logical drama of the Revolutionary period. The love story is vividly told and punctuated with many stirring episodes. The comedy is wholesome and refreshing.

Promoted.

A man who was appointed superintendent of the Missouri Pacific to-day, was a section foreman eight years ago. It is his opinion that there are plenty of good places for good men. If you are not promoted, you have too high an estimate of the value of your services and are careless as a result.

Looks That Way.

St. Louis Globe-Democrat. In the course of time it will probably occur to the czar of Russia that some of his constituents have a personal grievance against him.

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COLONIAL GOVERNMENTS OF TO-DAY.

By Walter Hodgson, M. A. of Keeble College, Oxford.

Copyright, 1901, by Victor F. Lawson. Ceylon is the largest, the most populous and the most prosperous and progressive of Great Britain's "crown colonies," so-called because the administration of their affairs is directly under the control of the British colonial office.

Geographically Ceylon is an appendage of India, as Sicily is of Italy; but though it has roughly followed the fortunes of India in its history, it has never been an Indian province, but always a separate dependency. Its varied resources make it a land to be desired for its own sake by a commercial nation. The harbor of Trincomalee is sufficient inducement to make a naval power with an interest in the eastern seas glad to possess it and eager to keep it, holding as it does a singularly central position as a place of call on the route from the west to the south and east. So great, indeed, from the first has been the value put upon Ceylon that at the general peace in 1815, after the conquest of Kandy, Great Britain elected rather to give up Java to the Dutch than to let the hands of the "key of India," inferior though it was in area, in population and in natural resources.

Resources of the Island.

The island has large resources, mainly agricultural. Its mountains are grouped in the center instead of lying like barriers along the coast. There are variations of climate and of rainfall; consequently the products also are various. But though the soil is rich there is no good natural water communication, the rivers of Ceylon being of but little use for navigation or for storage. In olden days this want was partially met by canals and reservoirs constructed under the authority of the natives. These, while there is no pretense of invasion these channels and tanks were allowed to go to ruin, and it is only in comparatively recent years that the government has applied itself to the task of restoring them.

Elements of the Population.

Within an area of 25,355 square miles dwells a population of close upon 2,550,000, of whom 91 per cent are natives, the remainder being Buddhists and the remainder Christians. The Tamils number 900,000; the Moors—half Arab, half Tamil—who are the Mohammedans, and who are, as they always have been, the leaders of the island, and together with the Malays, Veddas and various other races, 300,000; the burghers, including those of pure Dutch descent, as well as Eurasians, who are the most numerous of the European races, but who are not more than 100,000 in all.

Attracted by the peculiarly beautiful climate, the beauty of the country and the suitability of the soil, large numbers of colonists from Great Britain and other countries have taken advantage of the great opportunities offered by the already established coffee-planting industry, which, in spite of a speedy and serious check, recovered almost soon and for some years returned a rich reward for their invested capital and labor. But from 1880 onward first the "coffee bug" and then the "leaf mold" proved so disastrous that very many have risked their fortunes on coffee and abandoned its cultivation. With characteristic British "pluck," they rooted up acres upon acres of their plantations, preferring all the risk of a new enterprise to what appeared to be inevitable ruin. Hence sprang that great cultivation which has caused Ceylon tea to become a household word throughout the civilized world.

The revenue is derived mainly from the railways, which are the property of the government, customs, licenses and stamps, as well as from the duty on imported rice and the salt monopoly. In the last decade, consequent upon the rapid extension in the cultivation by natives and Europeans of the coconut and other palms, additional activity in plantations, and the striking development of an ever-fascinating kolochose, Ceylon has become a land of great wealth.

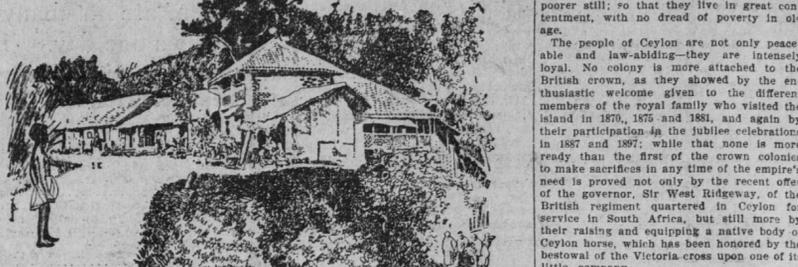
GENERAL POSTOFFICE, COLOMBO, CEYLON.

The administration of the law is vested in a supreme court, consisting of a chief justice and two puisne judges, and by district judges and police magistrates many of the natives holding lesser judicial offices.

Sources of the Revenue.

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merical strength is no measure of their great importance as a class. Of European colonists there are barely 6,500. The executive and administrative power is in the hands of the governor and six official members, all British, while the legislative council consists of the governor, with ten official and eight unofficial members, the latter being nominated by the governor after consulting the various public bodies and opinions; three of them are Europeans.



ROAD SCENE NEAR KANDY.

ment of the great planting enterprise, chiefly in the hands of the colonists, of cocoa and cardamoms, but, above all, of tea, there has been a marked advance in the trade and revenue of the island. In the case of tea, the export trade, which began in 1873 with twenty-three pounds, has grown in less than thirty years to the gigantic dimensions of 125,000,000 pounds. In the early days of British rule when the island imports amounted to about \$1,250,000; they are now about \$22,500,000.

As regards education, the natives of Ceylon owe a great debt of gratitude to the various missionary societies, which, since 1815, have been at work among them. It was they who gave the first impetus to the instruction of the people; it was not until the seventies that the government, under Sir Hercules Robinson, gave any official encouragement to education. Now in making liberal grants for public instruction the government of Ceylon pays special attention to technical and industrial training, which, in the case of which is to be seen in the great improvement in appearance of the Cingalese youth, especially in the towns, under the influence of western instruction and athletic training, and the fact that the government has not only provided a valuable means of supplementary defense, but has gone far to improve the physique and bearing of the young men of the country.

As an illustration of the general policy of the Ceylon government toward the natives, it is interesting to note that in the last thirty years free grants of 40,000 acres of land have been made to the natives, and to the people, while a large extent has been granted at half value, and a still larger area of clearly proved "encroachments" has been transferred at a moderate valuation.

But while Ceylon undoubtedly owes very much to the enterprising spirit of the British officials, and to the enterprise of the European community generally, the "energy, ability and real grit" of the 3,000,000 native inhabitants of the island have proved beyond question to be the chief factor in the progress of the country. In the civil service or in trade—in all ranks and in all classes—the native can "not only imitate, but emulate the skill and the attainments of the European colonist."

In Behalf of Education.

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Water Hoop.

"Nannie, I have sworn to kill him. I shall keep my vow." "No, no! You must not. It would be terrible. You are promising him, for my sake, to promise me that you will forgive him."

"I could only stare at the floor and try to frame words of strength, of determination. 'Come,' she whispered, and, taking my hand, she led me to the end of the ward, where a screen hid a cot from view. 'It is the meaning of that ominous screen. Noisily she pushed it to one side. There lay the man whom, for months, I had been pursuing. The ghastly pallor of death was on his features. The life was flickering in the eyes and a screen hid a cot from view. 'It is the meaning of that ominous screen. Noisily she pushed it to one side. There lay the man whom, for months, I had been pursuing. The ghastly pallor of death was on his features. The life was flickering in the eyes and a screen hid a cot from view. 'It is the meaning of that ominous screen. Noisily she pushed it to one side. There lay the man whom, for months, I had been pursuing. The ghastly pallor of death was on his features. The life was flickering in the eyes and a screen hid a cot from view. 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