in the ordinary pursuits of mankind.

All of these questions arose in the early years of our government following the revolution, and also in connection with the Chinese immigration on the Pacific slope prior to the Chinese exclusion act, and in every instance the treaty was held to override the state law that was in conflict with it. As early as 1817 the supreme court decided that by virtue of our treaty with France, Frenchmen could inherit land in Maryland, although this was contrary to the state law (Chirac vs. Chirac, 2 Wheat, 259). This and a number of similar cases seem to show conclusively that should California pass the legislation now pending and which our secretary of state is attempting to thwart, the supreme court would hold that the treaty renders such legislation void, if actually found to be in conflict with it. But it does not follow that all civil rights will be so protected in defiance of the state's legislation on the subject. The constitutional validity of the regulation of education by treaty is at least an open question. The public schools are the property of the local governments, and their management is a typical function of those governments. A state government could assume and place under its own control the city schools, just as it may assume and place under its own control the city police, but the federal government may do neither of these things, directly or indirectly. Why? Because by the words of the constitution our government is a unit of units, and each unit is guaranteed independence in its internal affairs. Therefore the argument of the San Francisco authorities a few years ago in favor of segregation of the Japanese in schools was by no means an empty one. Suppose, again, the right of racial intermarriage between whites and Mongolians, or between whites and blacks, be guaranteed by treaty contrary to a state law, clearly such a treaty would not be considered paramount.

Turning now to the second class of rights—namely, political rights—our government has never undertaken by treaty to deal with or to relieve foreigners of the disabilities of alienage affecting their political rights, or in other words, affecting their participation in the management of the government. Of these political rights the most typical example is the right of franchise. Entirely apart from the utter inexpediency of attempting, for example, to enfranchise Japanese residents of California by treaty contrary to the laws of that state, it is emphatically believed that such a treaty would be unconstitutional.

It is important not to confuse the limitations upon the power to make treaties with the limitations upon the power to enforce treaties when valid. The former limitations are limitations imposed by the constitution itself—they are inherent upon the very exercise of the power, while the latter limitations arise simply out of the failure to set forth in the treaty itself or in act of congress the provisions necessary to make the treaty effective by resort to the courts. Such was the difficulty growing out of the Chinese riots in Denver in 1880 and in the Mafia riots in New Orleans in 1891.

In dealing with this admittedly difficult question of the extent of the supremacy of treaties over state laws, the interests of the people of any given locality are, as Mr. Root has said, three-fold:

First, their special interests as citizens of their own city, represented by the government of that city; second, their interests in common with all the people of the state, represented by the government and legislature of their state; and lastly, their interests in common with all the people of the United States, represented by the national government at Washington. Is not this argument of Mr. Root's a strong diplomatic rather than a strong constitutional one? Of course, the great advantage lies with Mr. Root and with all other advocates of a broad federalist doctrine, that the supreme court has never passed upon the more difficult questions of treaty interference with the police powers of the states and every argument that has to be met by them is necessarily largely academic in nature. But they are by no means empty arguments, for however ill advised and hasty the action of California may be in the present movement from the point of view of expediency, the state's rights contention lying behind it all is certainly not without some merit from the point of view of constitutional law. WILLIAM C. COLEMAN.

McADOO STANDS THE TEST

When President Wilson went to Wall street for a secretary of the treasury, doubters shook their heads. But the president knew William G. McAdoo—knew him as the country gradually is coming to know him.

The McAdoo order requiring banks to pay 2 per cent interest on government deposits afforded one testimonial of McAdoo's loyalty to the nation's interests. There is another and not so recent order which has not attracted the attention it merits, giving another line on him.

During the administrations of several secretaries of the treasury, the National City (Standard Oil) bank of New York had enjoyed the privilege of desk room in the controller's office. As the regular monthly reports of national banks have come in, the clerk at the National City's desk has been given access to the banks' statements, thus affording the National City information regarding the condition of every national bank in the country.

Describing as irregular and improper the appearance of the National City bank's clerk in the department, Mr. McAdoo ordered an end to the privilege, which, he said, "tends to establish intimate relationships with the employes of the government and the acquirement of information of a confidential nature that ought not to be given to private individuals or corporations, and which, if given at all, should be published to the entire country."

Seeking to justify itself, the National City bank attempted to explain that the information so obtained was such as may be furnished to anybody who desires it. "This," the American Banker says, "may seem a reasonable explanation for the general public, but every banker knows that the reports submitted to the controller of the currency contain much information that is sacredly confidential, and should under no circumstances be submitted to the gaze of any third party, especially a competitive banking institution. If the prying into these reports is not illegal, it is not far removed therefrom.

"Wonder is that such a practice has been permitted for 'eight or ten years.'"

It was one of the favorite practices of the Standard Oil company to station its agents as clerks in competitors' offices without the competitors' knowledge of the clerks' skull-duggery, and thus get possession of secret information. What the Standard Oil company did, the Standard Oil bank did, but, shame to tell, with the consent and approval of the treasury department. In William G. McAdoo, however, the nation has a secretary of the treasury whom the Standard Oil nor any other interest can browbeat or cajole.—Dubuque (Ia.) Telegraph-Herald.