the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

By Mr. GAMBLE: Resolutions of the Commercial Club of Sturgis, S. Dak., favoring the retaining of the public lands for the benefit of the whole people and for homestead settlers, and in favor of reclaiming the arid lands by irrigation inaugurated by the General Government—to the Committee on the Public Lands.

Also, resolutions adopted by the John A. Logan Regiment, No. 2, Union Veterans' Union, of Sioux Falls, S. Dak., protesting against the passage of House bill No. 3988—to the Committee on Agriculture.

By Mr. GARDNER of New Jersey: Petition of Elmer D. Prichett, of Mount Holly, N. J., and other druggists, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of officers of Post No. 107, Grand Army of the Republic, of New Jersey, in favor of House bill No. 4742, for military instruction in the public schools—to the Committee on Military Affairs.

Also, resolution of the employees of the Brooklyn Navy-Yard, advocating the building of naval vessels at the navy-yards—to the Committee on Naval Affairs.

By Mr. GRAHAM: Communication of T. A. Wood, grand commander Indian War Veterans of the North Pacific Coast, Portland, Oreg., urging the passage of House bill No. 53, granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive—to the Committee on Pensions.

By Mr. GREENE of Massachusetts: Resolutions of Boston (Mass.) Chamber of Commerce, calling for an increase in coast artillery—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Petition of Capitol City Lodge, No. 354, of Hartford, Conn., International Association of Machinists, in favor of House bill No. 5450, to protect free labor from prison labor—to the Committee on Labor.

By Mr. HITT: Petition of B. Eldredge and others, of Belvidere, Ill., favoring free trade between Puerto Rico and the United States mainland—to the Committee on Ways and Means.

By Mr. JONES of Washington: Resolution of the Seattle (Wash.) Chamber of Commerce, urging the organization of a territorial legislature, the election of a delegate to Congress, and the creation of four judicial districts in Alaska—to the Committee on the Territories.

Also, resolution of the Seattle Chamber of Commerce, in opposition to the leasing of grazing lands west of the ninety-ninth meridian—to the Committee on the Public Land.

Also, resolutions of the Tacoma (Wash.) Trades Council, in opposition to the Hanna-Payne ship-subsidy bill, favoring the continuance of the postal money-order system, and the establishment of postal savings banks—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNOX: Papers to accompany House bill No. 8793, to remove the charge of desertion now standing against Frank Donnelly—to the Committee on Military Affairs.

By Mr. LACEY: Petition of Journeymen Tailors' Union No. 63, of Ottumwa, Iowa, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union, of Woodbury, Gloucester County, N. J., for the passage of a bill giving prohibition to Hawaii—to the Committee on Insular Affairs.

By Mr. MADDOX: Petition of the heirs of John J. Smith, deceased, late of Barton County, Ga., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MOON: Papers to accompany House bill No. 2125, for the relief of Thomas Robert Harris—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Martin Van Buren McReynolds, of McMinnville, Tenn.—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Paper to accompany House bill to amend the record of Alfred Brown—to the Committee on Military Affairs.

Also, paper to accompany House bill to amend the record of George W. Beach—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Sarah O. Fields, widow of Pleasant Fields, of Company A, Sixty-seventh Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of John T. Brooks—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to James Cullison—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of the Union Labor League, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

By Mr. PUGH: Papers to accompany House bill No. 6917, for the relief of T. P. Salyer—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of the legal representatives of John G. Rowe, deceased, of Stafford County, Va.—to the Committee on War Claims.

By Mr. SHATTUC: Petition of the Cigar Makers' Local Union No. 4, of Cincinnati, Ohio, in opposition to admitting cigars from Puerto Rico at a nominal tariff of 25 per cent—to the Committee on Insular Affairs.

By Mr. HENRY C. SMITH: Petition of the Woman's Christian Temperance Union of Adrian, Mich., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WANGER: Petition of Keasbey & Mattison Company, druggists, of Ambler, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. WEEKS: Memorial of J. Caloca, municipal alcalde; Acisclo Diaz, custodian of the municipal funds; E. Acosta, councilman and ex-alcalde; Felix Monclova, member of the common council; Ramon Silva, councilman; Jose Rivera, and other distinguished officials of Rio Piedras, Puerto Rico; also, memorial of Antonio Jimenez, alcalde; Antonio Franqui, Celestino Sola, Pedro Jimenez, Gervasio Garcia, and other members of the common council of the city of Cagnas, Puerto Rico, relative to railway franchises, etc.—to the Committee on Insular Affairs.

SENATE.

FRIDAY, *February 23, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SOUTH CAROLINA STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a report of the Auditor for the War Department relative to the account between the United States and the State of South Carolina growing out of the claim for moneys expended by that State for military purposes in the Florida war of 1836 and 1837, etc.; which, on motion of Mr. TILLMAN, was, with the accompanying paper, ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.; and

A joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair thinks it may be proper for him to lay before the Senate a telegram from Puerto Rico to the President of the Senate:

Commissioned by people Puerto Rico attending celebration commemoration anniversary Washington, requests that by humanity sake a solution be adopted economic problems. Every day represents considerable loss, leading to total ruin.

The telegram will be referred to the Committee on Pacific Islands and Puerto Rico.

Mr. HOAR. I should like to have a ruling of the Chair upon the question whether it be a petition from citizens of a foreign country or no, because if it——

The PRESIDENT pro tempore. The Chair does not feel called upon to rule as to that question.

Mr. HOAR. The Chair is presenting it as a petition to the Senate.

The PRESIDENT pro tempore. And from the fact that the Chair has presented it, the inference may be drawn of the opinion of the Chair.

Mr. STEWART. I should like to inquire if the Senator from Massachusetts objects to it on the ground that Puerto Rico is a foreign country?

Mr. HOAR. I do not. I thought we had a very excellent opportunity to settle by the very highest authority a grave question that is puzzling many people.

Mr. STEWART. If the introduction will settle the question, it is settled now, I hope.

The PRESIDENT pro tempore. Petitions and memorials are in order.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of West Chester, Pa., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the Board of Trade of Harrisburg, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of members of Company H, Third Infantry National State Guard Militia, of Olivia, Minn., praying for the enactment of legislation to improve the armament of the militia of the several States and Territories; which was referred to the Committee on Military Affairs.

Mr. WARREN. I present a petition, which seems opportune at this time, signed by William R. Schnitger, mayor of Cheyenne, Wyo.; Joseph M. Carey, ex-United States Senator; Henry G. Hay, ex-treasurer of Wyoming; Alpheus P. Hansen, ex-United States surveyor-general, and some 50 more of the oldest citizens and those who have had experience in public affairs, in which they petition Congress, over the statement that woman suffrage is no longer an experiment, but it has been fully demonstrated that it is to become efficient, that there shall be nothing inserted in the statutes regarding Hawaii, Cuba, Puerto Rico, or any other newly acquired possessions which shall make it impossible to extend suffrage to women. I move that the petition be referred to the Select Committee on Woman Suffrage.

The motion was agreed to.

Mr. TURNER presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation granting to the people of Alaska a sufficient number of judges and places for holding court, and also for a Representative in Congress to be chosen by themselves; which was referred to the Committee on Territories.

Mr. GALLINGER. I present the petition of Frank W. Rollins, governor of the State of New Hampshire; Edward N. Pearson, secretary of state; Augustus Ayling, adjutant-general; Ferdinand A. Stittings, surgeon-general; John C. Linehem, insurance commissioner; Frank Battles, assistant adjutant-general; L. H. Carroll, commissioner of labor, and various other leading citizens, including quite a number of prominent physicians, praying for the employment of graduate women nurses in the hospital service of the United States Army. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CLAY. I present a petition of the Federation of Trades, of Atlanta, Ga., praying for the passage of the bill to prohibit the transportation of convict-made products from one State to another to undersell the products of free labor. I ask that the petition be printed in the RECORD, and referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Whereas a bill introduced in Congress by Representative COCHRANE of New York, prohibiting the transportation of convict-made goods from one State to another, and which is for the protection of free labor against the competition of convict labor, is, according to information from reliable sources, being assailed by the governor of Georgia and others in this State who are urging the Representatives in Congress from Georgia to work against the bill, and have protested against its passage; and

Whereas the said bill introduced by COCHRANE of New York is to the direct interest and benefit of all labor organizations and the entire working class in that it would keep convict-made goods out of States where they are now shipped and sold to the serious injury of free labor; and

Whereas, believing that this bill if made a law would be to the interest not only of free labor but to society at large, and, further, that the nonpassage would put a premium on criminals over free labor, and it having been conclusively shown in every State in the Union that convicts can be utilized on public roads, on farms, to the extent of supporting themselves, or in various other ways so that they will not enter the mechanical trades and make products that can be transported and sold throughout the country at less prices than free-labor products: and

Whereas by so transporting and selling convict-labor products results in creating an army of unemployed and in manufacturing criminals at a wholesale rate, and believing that the continuance of such a system is damning to the entire country: Therefore, be it

Resolved, That the Atlanta Federation of Trades, in regular meeting assembled, composed of representatives from the labor organizations of this city and vicinity, and believing also that we voice the sentiments of both organized and unorganized labor throughout the State of Georgia, unanimously indorse the bill now before Congress, introduced by Mr. COCHRANE of New York, to prohibit the transportation of convict-made products from one State to another to undersell the products of free labor.

Resolved, That since the organized labor is a unit on this measure throughout the country, we urge the Representatives in Congress from Georgia to support the said bill by Mr. COCHRANE of New York, and that the secretary of this Federation at once communicate the demand of this body to Representative LIVINGSTON and the other Representatives from this section in Congress.

Resolved, That all the unions represented in this Federation be requested to concur in this action, and to have their secretaries and other officers forward official communications, making their wishes known to their Representatives in Congress.

Resolved, That all labor organizations and their friends throughout this State and the South are herewith urged to take similar action immediately and to notify their Representatives in Congress, urging that they support the Cochran bill.

Resolved, That the officers of the American Federation of Labor in Washington be requested to furnish this Federation with a list of those members of Congress who either support or oppose this measure and that the said list be kept in the records of this organization for future reference.

Resolved, That these resolutions be spread upon the minutes, that a copy be forwarded to each of the Representatives in Congress from the State of Georgia, and that they be furnished the labor press and newspapers for publication.

Mr. McENERY presented the petition of Caroline E. Merrick, president, and B. B. Van Horn, secretary, on behalf of the Woman Suffrage Association of Louisiana, praying that the women of Hawaii and our other new island possessions be granted the right to vote on equal terms with men; which was referred to the Select Committee on Woman Suffrage.

Mr. COCKRELL presented a petition of Local Union No. 2, Stone Masons' International Union, of Kansas City, Mo., praying for the enactment of legislation to prevent the public lands from being taken from the people by land speculators and land syndicates through accession of the lands to the States and Territories; which was referred to the Committee on Public Lands.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the enactment of legislation to authorize the President to extend an invitation to the International Congress of Navigation to hold its ninth session in the city of Washington; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying for the establishment in the Indian Territory of a system of free public schools; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Mount Vernon, Mo., praying for the enactment of legislation to pension the members of the Missouri Militia and the Enrolled Missouri Militia who served for six months; which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 6, National Union Steam Engineers, of Kansas City, Mo., praying for the enactment of legislation limiting the hours of daily service of laborers, workmen, and mechanics employed upon public works of the United States, or on work done for the United States, or any Territory, or the District of Columbia, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry railway mail clerks of Clinton, Mo., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of 135 chapters of the Daughters of the American Revolution, praying for the establishment of a University of the United States which shall be a national university; which was referred to the Committee to Establish the University of the United States.

Mr. QUARLES presented the petition of Robert W. Davidson and 75 other citizens of Milwaukee, Wis., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented the petition of Maria McRae, president, and H. D. Moore, secretary, on behalf of the Woman Suffrage Association of Montana, praying that the women of Hawaii and our other new island possessions be granted the right to vote on equal terms with men; which was referred to the Select Committee on Woman Suffrage.

Mr. DANIEL presented the petition of J. B. Bolridge, W. H. Eggborn, J. W. Colvin, and sundry other citizens of Virginia, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented the memorial of H. H. Dudley, of Virginia, and the memorial of J. C. Clay & Co., of Dry Fork, Va., remonstrating against the enactment of legislation to provide for the regulation of shipment of game from one State to another; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the Board of Trade of New Orleans, La., praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the New England Shoe and Leather Association, praying for the enactment of legislation to provide for adding to and completing specimens and productions, both natural and manufactured, of the United States and foreign countries, to be exhibited in the Philadelphia Museum, for the purpose of increasing the trade of the United States; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3148) to correct the military record

of William Lapoint, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 2858) to amend the bounty laws granting bounties to soldiers, sailors, their widows and minor children, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2871) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890, reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2572) to amend an act entitled "An act for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.," approved February 21, 1899, reported it with an amendment.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 305) making an additional appropriation for a public building at the city of Seattle, in the State of Washington, reported it without amendment.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 1939) authorizing the President of the United States to appoint a commission to study and make full report upon the commercial and industrial conditions of China and Japan, and for other purposes, to report it favorably with amendments, and to submit a report thereon.

Mr. VEST. Mr. President, I simply want to say that the bill for the appointment of a commission to go to China and Japan is not unanimously recommended by the Committee on Commerce, but that a minority of that committee is opposed to the favorable report of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Commerce, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1021) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of China, and for other purposes;

A bill (S. 1022) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of Japan, and for other purposes;

A bill (S. 1948) authorizing the appointment by the President of the United States of a commission of not less than five members to investigate the question of trade relations of the United States in the Orient, and for other purposes; and

A bill (S. 2004) authorizing an investigation into the economic resources and other cognate questions in the Chinese Empire and adjacent countries of Eastern Asia, with special reference to the trade of the United States in such parts of the world and the possibility of its enlargement.

Mr. MARTIN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2055) for the promotion and retirement of P. A. Surg. John F. Bransford, of the United States Navy, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 2268) to carry into effect a finding of the Court of Claims in favor of Pamella B. Finney, administratrix of T. C. Finney, deceased, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (S. 3190) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2502) for the establishment of a general depot of the Quartermaster's Department of the United States Army at Omaha, Nebr., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2394) to authorize the President to place Samuel E. St. Onge Chapleau on the retired list of the Army with the rank of captain, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1374) appropriating money to pay the claim of the Western Paving and Supply Company, reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1468) authorizing the consolidation of independent post-offices in the boroughs of Manhattan, Bronx, Richmond, and Queens, N. Y., with the post-office at New York, N. Y., and making appropriation therefor, to ask that the committee be discharged from its further consideration, the reference to the committee having been evidently inadvertently made.

The PRESIDENT pro tempore. The committee will be discharged from the further consideration of the bill.

Mr. PLATT of New York. I move that the bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 133) for the relief of Francesco Perna;

A bill (S. 123) for the relief of Margaretha Riehl;

A bill (S. 115) for the relief of John A. Narjes;

A bill (S. 116) for the relief of Christiana Dengler; and

A bill (S. 127) to quiet title to lot 11, block 12, South Brookland, D. C.

Mr. HANNA, from the Committee on Commerce, to whom was referred the bill (S. 3138) to provide for necessary repairs to the steamer *Thetis*, for service as a revenue cutter, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3105) for the relief of the mother of William R. McAdam, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2744) to create an additional life-saving district and authorizing certain changes in the serial numbers of existing districts, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7737) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (S. 2989) for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 71) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. KYLE on the 15th instant, proposing to increase the salary of the consul at Beirut from $2,000 to $2,500 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

REPORT OF THE PHILIPPINE COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound of the Report of the Philippine Commission 15,000 copies, 10,000 for the use of the House, and 5,000 for the use of the Senate.

REMOVAL OF REMAINS OF THE LATE GENERAL ORD.

Mr. HANSBROUGH. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va., to report it favorably without amendment and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD ALLSTON.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3239) for the relief of Richard Allston, to report it without amendment, and I ask the unanimous consent of the Senate for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to Richard Allston $50 as compensation for one sailboat, rented by the authorities of the United States from Allston and stolen while in the possession of the officers, thus entailing its loss to Allston.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 3289) granting a pension to Isabella Underwood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3290) granting a pension to Nancy Oats; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3291) for the relief of Charles W. Johnson, administrator of Mrs. Lydia Johnson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3292) to correct the military record of Robert M. Boyd; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FOSTER introduced a bill (S. 3293) granting a pension to Helen Harlow; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3294) granting a pension to Louesa Moulton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3295) to correct the military record of Reuben Seiler; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3296) to provide for the establishment of a port of delivery at Worcester, Mass.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCMILLAN introduced a bill (S. 3297) for the extension of Eighth street NE.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3298) granting an increase of pension to Charles W. De Rocher;

A bill (S. 3299) granting an increase of pension to Lucinda R. Johnson; and

A bill (S. 3300) granting an increase of pension to Luke H. Monson.

Mr. STEWART introduced a bill (S. 3301) to provide an American register for the barge *Davidson;* which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3302) for the relief of Riley Moutrey; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3303) authorizing the Secretary of War to provide condemned cannon and carriages for ornamentation purposes in the national cemetery at Knoxville, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 3304) for the relief of William I. Way; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 3305) to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3306) granting an increase of pension to Lucinda D. Dow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3307) for the relief of the estate of Samuel Noble; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3308) for the relief of the estate of Reuben Street, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a joint resolution (S. R. 94) relating to military badges; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

PUBLIC BUILDING AT CARTHAGE, MO.

Mr. COCKRELL. I ask unanimous consent that the Committee on Public Buildings and Grounds may be discharged from the further consideration of the bill (S. 563) for the erection of a public building at Carthage, Mo., and that the bill be indefinitely postponed, after which I shall introduce another bill for reference to the Committee on Public Buildings and Grounds.

I will state that I do this because the first bill is not in conformity with the requirements of the Committee on Public Buildings and Grounds in regard to such matters.

The PRESIDENT pro tempore. The Senator from Missouri asks that the Committee on Public Buildings and Grounds may be discharged from the further consideration of the bill named by him and that it be indefinitely postponed. In the absence of objection, that order will be made.

Mr. COCKRELL. I now introduce a new bill on the same subject, which I ask may be read twice by its title, and referred to the same committee.

The bill (S. 3309) to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCBRIDE submitted an amendment proposing to appropriate $10,998 for improvements at the Klamath Agency, Oreg., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to increase the appropriation for surveyor-general of Nevada from $1,800 to $2,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment providing for the retirement and pensioning of Government employees, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REVENUE-CUTTER SERVICE.

Mr. CHANDLER. I submit an amendment which I intend to propose to Senate bill 728, a bill to promote the efficiency of the Revenue-Cutter Service. I ask that the amendment may be read and referred to the Committee on Naval Affairs.

The amendment was read, as follows:

Amendment intended to be proposed to the bill (S. 728) to promote the efficiency of the Revenue-Cutter Service.

Provided furthermore, That whenever forces of the Navy and Revenue-Cutter Service shall be serving together, pursuant to law, the combined force shall be under the command of the senoir naval officer present, and no provision of this act shall be construed as giving any officer of the Revenue-Cutter Service military or other control, at any time, over the vessels, officers, or men of the naval service.

Mr. HALE. What bill is that amendment offered to?

Mr. CHANDLER. There is now upon the Calendar, reported by my colleague from the Committee on Commerce, the bill (S. 728) to promote the efficiency of the Revenue-Cutter Service, with Report No. 65, quite a lengthy report. My amendment is intended to bring before the Committee on Naval Affairs the expediency of reporting from that committee this amendment as a change in the bill in reference to the Revenue-Cutter Service.

Mr. HALE. So the amendment is offered to the bill reported by the Senator's colleague from the Committee on Commerce?

Mr. CHANDLER. Yes; from the Committee on Commerce. I want consideration given to this amendment by the Committee on Naval Affairs, and I also desire to have the Committee on Commerce take notice of the proposed amendment.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Naval Affairs and printed.

ASSISTANT CLERK TO COMMITTEE.

Mr. SHOUP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum.

EMILY M. JONES.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Emily M. Jones, widow of Thaddeus A. Jones, late chief engineer of the United States Senate heating and ventilating department, a sum equal to twelve months' salary, at the rate paid the said chief engineer by law; said sum to be considered as including funeral expenses and all other allowances.

HISTORY OF THE CENSUS.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Labor be, and he is hereby, directed to forward to the Senate, for its use, the manuscript prepared by him on the History and Growth of the United States Census.

THE SOUTH AFRICAN REPUBLIC.

The PRESIDENT pro tempore. Under an agreement made at a former day the Chair lays before the Senate the following resolution, and calls the attention of the Senator from South Dakota [Mr. PETTIGREW].

The SECRETARY. A resolution by Mr. PETTIGREW expressing sympathy for the South African Republic, and our best hopes for the full success of their determined contest for liberty.

Mr. PETTIGREW. I think the resolution had better go to the Calendar, so that I can call it up at any time when I may feel able to address the Senate.

The PRESIDENT pro tempore. The resolution will go to the Calendar.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. The morning business is completed.

Mr. PENROSE. Mr. President, I rise to a question of privilege. I ask the Chair to lay before the Senate resolution 107, which reads:

That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania—

Said resolution containing questions and motions arising or made upon the presentation of the credentials of Hon. M. S. Quay.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. The Chair hears none.

Mr. BURROWS. Mr. President——

Mr. CULLOM. I did not quite hear the request. I was interrupted. Will the Senator from Pennsylvania state his request again?

Mr. PENROSE. I asked that the Chair should lay before the Senate, as a matter of privilege, the resolution relative to the seating of Hon. M. S. Quay.

Mr. CULLOM. I know of no objection to that. I want this understood, however, that at 2 o'clock, or at any time after the Senator makes his speech before 2, I should like to resume the consideration of the bill to provide a government for the Territory of Hawaii.

Mr. PENROSE. I do not imagine that this case this morning will conflict in any way with the Senator's bill. At the same time I desire to inform him that, as a question of privilege, if it does the unfinished business will have to yield to this question.

Mr. CULLOM. So far as information is concerned, I have some information about it myself. I would not be disposed to be arbitrary if I could in the premises, but so far as that question or any other that may be considered by the Senate may come before us, I shall test the sense of the Senate upon taking up the Hawaiian bill at 2 o'clock every day until we dispose of that measure.

Mr. PENROSE. Now I renew my call.

Mr. BURROWS. I desire to suggest to the Senator from Pennsylvania a piece of information which has come to me this morning. The Senator from Tennessee [Mr. TURLEY], who is prepared to speak upon this resolution and who made the report for the majority of the committee, was ill yesterday. Knowing that he desires to be present when it is called up and to open the debate, I sent a messenger to his room this morning and received information that he is not only confined to his room, but to his bed, and can not, therefore, be present to-day. He hopes to be here on Monday or early next week, and I would ask the Senator from Pennsylvania, therefore, to permit this matter to go over until the Senator from Tennessee can be present. He is the Senator on the committee who made the report, and who naturally would open this discussion, and who ought to open it. I make this suggestion to the Senator, and I trust he will consent that the matter may go over until Monday.

Mr. PENROSE. I shall be very glad to answer the Senator from Michigan when my request is complied with, to which I arose, a question of the highest privilege, that the question of these credentials be laid before the Senate. I will then very cheerfully answer the Senator from Michigan or any other Senator.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. BATE. I wish to state that while my colleague [Mr. TURLEY] is ill, he will no doubt be able to be here Monday. I have talked with him about this matter. He made the majority report in it, but he said he did not care to open the debate and told me to state, if necessary, that he would rather speak along some time during the discussion. Therefore there is no necessity to defer taking up the resolution until my colleague may be present.

Mr. PENROSE. This discussion is out of order.

The PRESIDENT pro tempore. It is proceeding by unanimous consent.

Mr. HALE. What is the intimation that the Chair wishes to be given to the Senate when, in response to the request of the Senator from Pennsylvania that the resolution be taken up as a privileged question, the Chair asks if there is objection? Is there an intimation from the Chair in asking that question that a single objection would carry it over?

The PRESIDENT pro tempore. There is an intimation, perhaps, that in the opinion of the Chair, the resolution being on the Calendar, it can only be brought before the Senate for consideration by unanimous consent or by a motion to consider it which shall control a majority vote of the Senate.

Mr. HALE. I supposed that that was just what is in the mind of the Chair, and that the resolution can only come up upon a motion made in the morning hour, or by unanimous consent. I have very pronounced views upon the general question, but I do not desire to interfere with the Senators who are members of the committee, and who represent the majority report. If those Senators—if the Senator from Michigan [Mr. BURROWS] has made any arrangement by which this question is only to come up nominally in order that some Senator may speak upon it, I do not wish to interpose an objection. But as one Senator I do not wish to be considered as agreeing to the unanimous consent that the resolution shall be brought before the Senate, and then have the right of way against everything under the sun. I do not wish to be considered as agreeing to take it up, or that the Senate shall by unanimous consent take up this case, so that it may crowd out the bill in charge of the Senator from Illinois [Mr. CULLOM], the Hawaiian bill, or that it shall crowd out that measure which we are almost criminally culpable for, the measure for the government of the people of Puerto Rico, or the financial measure, which will be reported as a matter of privilege in a short time.

Therefore I suggest to the Senator from Michigan, who is representing the majority of the committee, whether he is willing that this case should come now by unanimous consent before the Senate with the privilege that will be claimed for it then, that it shall supplement every other measure.

Mr. CHANDLER. Mr. President, I did not suppose the Senator from Maine intended to bring on at this time a discussion of this question of privilege. I myself understood the request of the Chair concerning unanimous consent to mean that a discussion of that question of order was to be avoided. If the resolution came up by unanimous consent for present consideration, the question of order and the question of privilege would remain where it did before. That, I suppose, was what was intended. If that question of order is to be discussed, I have very decided views upon the subject. I think that the discussion of it had better be avoided at this time——

Mr. HALE. I agree with the Senator.

Mr. CHANDLER. Unless the Senator from Maine, who has brought up the question, chooses to bring on that discussion.

Mr. HALE. Mr. President, if the Senator will allow me, I had no thought of bringing it up, and it was only because of the suggestion of the Chair whether a single objection was to be made. That in itself in a measure precipitated not a full discussion. I do not think it is proper that that question——

Mr. CHANDLER. The Senator from Maine has discussed it and stated his views, and I have to state mine as being in the exact opposite. I hold that the resolution is continually before the Senate.

Mr. HALE. After it is taken up.

Mr. CHANDLER. That it is continually before the Senate after it is reported from the committee, that it is not necessary to make a motion to proceed to its consideration, and that when it is before the Senate it is not displaced by the unfinished business. But I did not care to bring on a discussion of the question of order in the Senate. I have noticed that such discussions are always unprofitable and never settle anything. I had thought that the Chair expected the resolution to come up without any discussion of these questions of order and questions of privilege, and that if any Senator was ready to speak upon the case this morning, the speech would be made.

Mr. CULLOM. If the Senator will allow me, if it is the purpose of the Senator making the request simply to take it up for the present for the purpose of enabling a Senator to make a speech, that is one thing; and I apprehend that the resolution would drop back to where it belonged immediately after the speech was concluded. All that I am seeking is that it shall not get in a position where it is going to interfere with the bill that is now under consideration, or which will be laid before the Senate at 2 o'clock, and that we may have an opportunity of passing that bill as quickly as possible, as the importance of the measure is very great.

Mr. CHANDLER. Mr. President, that is the reason why it would be unwise to discuss the question of order and to dispose of this subject this morning without any such discussion. As chairman of the committee, although only a member of the minority, in connection with these two reports I have given notice on two or three occasions that I should call up the resolution. The junior Senator from Tennessee [Mr. TURLEY] has been ready every time there has been a suggestion of calling up the resolution to make a speech upon it. This morning he happens not to be ready to speak, but the Senator from Virginia [Mr. DANIEL] is ready to speak. I do not myself see why there should be any objection to having the resolution taken up and the speech that the Senator from Virginia is ready to make listened to by the Senate, unless there is a desire to discuss this question of privilege; and if there is such a desire, it might as well be discussed now as at any other time.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent.

Mr. BURROWS. Just a word. I know how anxious the Senator from Pennsylvania [Mr. PENROSE] is to press this matter to a

hearing and how persistent he has been from the beginning, which is his right and which is proper; but in order that this question, which now threatens to be brought before the Senate as a question of order, may pass for the time being, and that we may proceed with the consideration of other business, I trust the Senator will yield to my suggestion to let the matter go over, under the circumstances, until Monday.

I have made inquiry in relation to the Senator from Tennessee [Mr. TURLEY] who submitted the report on behalf of the majority of the committee, and I am assured by his colleague [Mr. BATE] that he will be here on Monday and will be ready to proceed with the debate should the matter be then taken up. I submit that it is no more than courtesy, under the circumstances, to allow the Senator who made the report and who expected and who is ready to open the debate to-day to wait until he can appear in the Senate on Monday, which I am assured he will do.

Mr. BATE. Mr. President, I do not think that what I said in regard to my colleague [Mr. TURLEY] was distinctly heard on the other side of the Chamber. My colleague is absent, sick, but he will be ready, I have do doubt, by Monday morning to proceed with his speech. He would be ready to speak now if he were here, but he is unable to be here. He told me, however, that he did not desire any continuance of the case on his account. He said that some other Senator might proceed to-day if it was desired, and that he would be willing to speak at any time during the proceedings in the case. That is the situation of the matter.

Mr. HOAR. Mr. President, I do not wish to say anything that will interfere with what seems to be the disposition of Senators on both sides to postpone the discussion and decision of this very important queston of parliamentary procedure to another time. At some time that question has to be settled by the Senate, and the Senate is to determine whether, if the State of Pennsylvania or any other State have a lawfully appointed Senator entitled to be sworn in, that lawfully appointed Senator has a right to vote on the Hawaiian bill, or to vote on the bill in regard to Puerto Rico, or to vote on the bill in regard to Alaska, or whether that is a matter, like ordinary legislative business, to take its place on the Calendar, to be got up when you can get it up by vote, or when nobody else has the floor, or when no other subject is before the Senate.

I supposed, speaking only for one, with great deference, that the Senate had settled that question by a rule, which puts cases of the credentials of Senators on a higher ground even than conference reports. Conference reports, where they are on the Calendar, can be called up by anyone so desiring at any moment, and they take precedence of all other business. You can not make a motion to indefinitely postpone them, according to the ruling of a late Speaker of the House of Representatives.

Mr. STEWART. I suggest to the Senator from Massachusetts to have the rule read.

Mr. HOAR. I therefore wish at some time—I say this because the Senator from Maine [Mr. HALE] spoke of the matter as crowding out this bill, that bill, and the other bill—I understand that the right preserved by the rule is the right to be heard and to vote on this bill and that bill and the other bill. But I certainly do not wish to interfere with any tacit understanding which postpones this parliamentary question to a more convenient time, as I understand nobody wishes to speak now.

Mr. FORAKER. Mr. President, I thought the Senator from Massachusetts was liable to bring on a general discussion of the very question which I supposed we had practically agreed should be postponed.

Mr. HOAR. I rose to protest against the phrase used by the Senator from Maine of crowding out things.

Mr. FORAKER. But the closing sentence of the Senator relieved me from that apprehension. The statement made by the Senator from Maine [Mr. HALE] was in answer to a statement made by the Senator from Pennsylvania [Mr. PENROSE], who did intimate that if this case was once taken up they had a right, under the rule, to crowd out every other kind of business. However that may be, I understand that there is no such intention now. I rose only that it might be distinctly understood that in the taking up of this case at this time the purpose is to give the Senator from Virginia [Mr. DANIEL] an opportunity to speak, and that it is not to be claimed on the other side that, if we yield to them and postpone the consideration of this question, it shall be contended that, the Senator from Virginia having spoken, others have the right to speak and to continue the discussion indefinitely, to the postponement of all other kinds of business, including the unfinished business.

If that were to be insisted upon, I should feel like resisting it and having the discussion now, if we are to have one, because, as has been suggested, I share in the belief that the Puerto Rican bill, as well as the Hawaiian bill, is of great importance and ought to be disposed of at an early day; but understanding that the purpose is simply to give the Senator from Virginia an opportunity to speak at this time, I see no objection to it, if that is the understanding and nothing is claimed beyond that.

Mr. STEWART. Mr. President, before there is further discussion, I should like to hear the rule applicable to the question read, and I think the Senate ought to hear it, so that we may know where we stand.

The PRESIDENT pro tempore. The Secretary will read Rule VI.

The Secretary read from Rule VI as follows:

1. The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

Mr. PENROSE. Mr. President, I disagree entirely with the Senator from Ohio [Mr. FORAKER] in his view that I have called up this question solely to permit any single Senator to speak upon it. I have called it up as a question of the very highest privilege. I do not know, and can not be expected to know, how many Senators will speak, whether they be one or two or more; but I have requested the Senate this morning, as I notified them yesterday I would do, at the expiration of the routine morning business of the Senate, to take up the consideration of this high question of privilege.

The distinction which we are now discussing, as to whether this question of privilege must be taken from the Calendar of the Senate by a motion to do so, or whether it can be laid before the Senate as a question of privilege, upon the call of a Senator, is largely one theoretical in its nature. It seems to me it involves a most important question [of parliamentary practice. I am fully prepared to discuss that matter now or at any other time convenient to the Senate.

I will state candidly that I disagree with the ruling of the Chair, so far as I am individually concerned.

The PRESIDENT pro tempore. The Chair has not as yet made any ruling.

Mr. PENROSE. Or, rather, the indicated or suggested thought of the Chair that this resolution involving motions and questions pertaining to the credentials of a Senator has lost its high qualities of privilege by passing to the Committee on Privileges and Elections and being returned to this body. I believe that it still has those qualities, and that it is still, as every question of privilege is, capable of being called up at any time in this body.

I have the precedents here, Mr. President, and am ready to quote to the Senate the decisions and rulings of your predecessors in the high office of presiding officer of this body; but I do not desire to impose upon the patience of the Senate at this time if it is not the desire of this body that the question shall be discussed. I desire it distinctly understood, however, that in rising here to-day I rise to a question of high privilege, which, in my opinion, under Rule VI of this body, takes precedence of every question after the reading and correction of the Journal, and that even after the expiration of the morning business it can take precedence of the unfinished business of the Senate. I believe that, and in that contention I am supported by the precedents of this body.

I do not desire, however, Mr. President, recognizing that this debate is proceeding by unanimous consent, to go into a somewhat lengthy discussion of this subject, which, however, I am thoroughly prepared to do, unless it is the desire of the Senate that this matter should be proceeded with now; but I wish it distinctly understood that I shall adhere to this view and that upon every opportunity, unless unanimous consent is given, I shall press this question of the credentials of the Senator-elect from Pennsylvania until a prompt and early decision is given thereon.

Mr. FORAKER. I am somewhat disappointed in the remarks of the Senator from Pennsylvania in this, that he does not state explicitly, as I hoped he would do when he took the floor, that it is not the purpose of those having the matter the Senator represents in charge to at this time present it beyond having a speech made by the Senator from Virginia, and that as soon as that speech shall have been concluded——

Mr. PENROSE. I have stated the contrary as distinctly as possible.

Mr. FORAKER. What is that?

Mr. PENROSE. I say I have stated the contrary as distinctly as I was able to do.

Mr. FORAKER. That is, that you do intend to press it?

Mr. PENROSE. My purpose is to press the case.

Mr. FORAKER. Even to the exclusion of the unfinished business?

Mr. PENROSE. Not to the exclusion of the unfinished business, but that the case may have its full and fair recognition.

Mr. President, I am informed this morning that upon the side of the majority report of the Committee on Privileges and Elections there are not, at most, more than four Senators who intend to speak. I have been informed personally by the junior Senator from Tennessee [Mr. TURLEY] that he will not speak at most over an hour; and upon the side of the minority of the committee I am informed that there are probably not three Senators who will speak over half an hour upon this question, and not more than

two or three others who will speak more than ten or twenty minutes. The whole case can be disposed of in three or four hours in a continuous discussion, and in three or four days in a desultory discussion, if Senators will only be fair with the case and if there be no sinister or hidden motive to delay it or bury it in oblivion.

Mr. FORAKER. I do not know anybody who does not want to be fair with the case, and some of us want to be very favorable to the case. I do for one. I am thoroughly in sympathy with the interest the Senator speaks for, and shall vote to seat Senator Quay whenever that question is reached; but I should like to know of the Senator whether or not any other Senator besides the Senator from Virginia wants to speak to-day?

Mr. PENROSE. I had expected that the distinguished chairman of the Committee on Privileges and Elections [Mr. CHANDLER] would speak to-day, but I have been informed by him that his health is such that he is indisposed to proceed. I had fully expected that the Senator who drew the minority report of the committee, the junior Senator from Tennessee [Mr. TURLEY], would proceed to-day, but I have been informed directly by his secretary, that he can not proceed because he is confined to his house by sickness, though he is perfectly willing that the case may be proceeded with. Therefore, so far as I am concerned personally, I shall be perfectly satisfied if the Senator from Virginia be willing to speak, that he be permitted to speak and take the case up this morning.

Mr. FORAKER. And that there shall be no other Senator to speak?

Mr. PENROSE. And then it may give way to other business, with the understanding with the Senator from Michigan [Mr. BURROWS] that the matter shall come up on Monday next at the conclusion of the routine morning business, and that the Senator from Tennessee [Mr. TURLEY] shall be ready to proceed, or that somebody shall proceed on the part of the majority of the committee.

I wish to further state that unless that be done I shall feel compelled to offer a motion striking out from the resolution the word "not" and placing the affirmative upon the side of the minority of the committee, so that we may proceed in a logical parliamentary way to discuss this subject to a prompt conclusion.

Mr. GALLINGER. You can do that at any time.

Mr. TELLER. It seems to me we ought to have a ruling of the Chair on this question. The position, as I understand it, of the the Senator from Pennsylvania is that this is a question of privilege which comes up without the consent of the Senate; that is, no consent is necessary; that one objection will not prevent its being proceeded with, but when called by one Senator it must remain before the Senate until it is disposed of. If that be the correct rule—and I am not expressing any opinion about it—we ought to know it, and I should like a ruling of the Chair upon it.

The PRESIDENT pro tempore. The Chair sees no occasion for a present ruling.

Mr. TELLER. I do not wish to interfere with anybody who wants to make a speech, but it does seem to me that that is a question of a good deal of importance to the Senate and that we ought to have a decision upon it.

Mr. CHANDLER. If the Senator will allow me a moment, before the Chair rules upon that question, it is desirable that the subject should be discussed. The thought I had, and certainly I think the thought of most Senators, was that this matter might be disposed of to-day without a ruling or discussion upon that question, but if it is to be ruled upon it certainly ought to be discussed, and I shall desire to say something about it, as will the Senator from Pennsylvania [Mr. PENROSE].

Mr. TELLER. I agree with the Senator from New Hampshire that we would probably like to hear a discussion as suggested by the Senator from Pennsylvania. I confess I would. I should like to hear what is to be said in favor of his position. It is possible that position is correct; but if it is, it is different from what I supposed it was. I thought it had been differently settled. If the Senator from Virginia desires to make a speech and will do the customary thing—rise in his place and ask permission of the Senate to do so—we can avoid settling this controversy and leave it to some other day; but if the right of the Senator from Pennsylvania to call up the case is to be settled now, I want a ruling of the Chair and a ruling of the Senate upon it. We can, however, as I have said, avoid that by the Senator from Virginia saying that he would like to make a speech, and, of course, nobody would object to that.

Mr. ALDRICH. Mr. President, I believe there is no objection on either side of the Chamber to taking this question up for the purpose of allowing the Senator from Virginia to make a speech upon it, with the understanding that when the speech shall have been concluded the unfinished business shall resume its place.

Mr. PENROSE. I will say to the Senator from Rhode Island that there is no understanding.

Mr. ALDRICH. Well, then, the Senator from Pennsylvania, as I understand it, expects to precipitate this question to-day?

Mr. PENROSE. So far as my information goes, Mr. President, there will be no other Senator desiring to speak after the Senator from Virginia; but I have no understanding, and I wish distinctly to disclaim such.

Mr. HALE. Mr. President, I object.

Mr. PENROSE. Then, Mr. President, although it is contrary to my view of the parliamentary requirements of the case, I will move that the Senate proceed to the consideration of the resolution.

Mr. WOLCOTT. I call for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the resolution reported by the Committee on Privileges and Elections, which will be read.

The Secretary read the resolution, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania.

Mr. CLAY. This is simply a vote to take up the resolution, as I understand, Mr. President?

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the resolution, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE.] If he were present, I should vote "yea." I desire to ask the senior Senator from Massachusetts [Mr. HOAR] if he can tell me how the junior Senator would vote, if present?

Mr. HOAR. I have no right to state my colleague's position on this particular question. He has voted always, on the general question of the right of the governor to appoint under circumstances like these, in favor of the right. A few days ago, when talking with me—I should think within a week—he stated to me that he remained of that opinion, and considered it applicable to the present case of Mr. Quay. So, I suppose, as at present advised, my colleague is in favor of seating Mr. Quay. Upon the question of the time of taking up the case, or the right to take it up, I have no information whatever, except to say that some Senators have said to me that they understand he agrees with the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Maine [Mr. HALE] in regard to the time of taking up the case. I have, however, no personal information from my colleague on that point.

Mr. HALE. Let me state to the Senator from Massachusetts [Mr. HOAR] that his colleague [Mr. LODGE], if here, would vote against taking up the Quay case. Of that I am absolutely sure.

Mr. CLAY. Mr. President, I decline to vote, as the junior Senator from Massachusetts, with whom I am paired, is not present.

Mr. DEBOE (when his name was called). On this question I am paired with the Senator from Florida [Mr. MALLORY], and therefore withhold my vote.

The PRESIDENT pro tempore (when Mr. FRYE'S name was called). I am paired with the junior Senator from Arkansas [Mr. BERRY].

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. I do not see him present, and therefore I withhold my vote.

Mr. PENROSE. I would inform the Senator from Oregon that the Senator from Mississippi [Mr. MONEY] called to see me this morning, and told me that if he were in the Chamber when the vote was taken he would vote in favor of bringing up the resolution.

Mr. MCBRIDE. Then, Mr. President, I withhold my vote. If the Senator from Mississippi were present, I should vote "nay."

Mr. TALIAFERRO (when Mr. MALLORY'S name was called). My colleague [Mr. MALLORY] is ill, and therefore necessarily absent from the Senate. As has been stated, he is paired with the Senator from Kentucky [Mr. DEBOE].

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]; but he notified me that if present he would vote in favor of seating Mr. Quay. I therefore take it that he would vote "yea" on this question, and I vote "yea."

Mr. TILLMAN (when his name was called). I have had a general pair with the Senator from Nebraska [Mr. THURSTON] ever since I have been here; but when he left the city last week he asked me to pair him with his colleague [Mr. ALLEN], who was going to be absent; and that would leave me free to vote. I announce the pair of the two Nebraska Senators with each other, and I vote "nay."

Mr. BATE (when Mr. TURLEY'S name was called). My colleague [Mr. TURLEY] is paired with the Senator from Wisconsin [Mr. SPOONER]. I do not see either of the Senators present.

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], and therefore withhold my vote.

The roll call was concluded.

Mr. HANSBROUGH. I have heard from the senior Senator from New Jersey [Mr. SEWELL], requesting that he be paired in

the affirmative on this case, and I suggest that he stand paired with the Senator from Maryland [Mr. WELLINGTON].

I have a telegram also from the Senator from Kansas [Mr. BAKER] who is absent, and desires to be paired in the affirmative. I suggest that he stand paired with the Senator from Nebraska [Mr. THURSTON].

Mr. WOLCOTT. The Senator from Nebraska has already been paired.

Mr. HANSBROUGH. Very well.

Mr. BUTLER (after having voted in the negative). I should like to inquire if the Senator from Maryland [Mr. WELLINGTON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BUTLER. I am paired with that Senator——

Mr. WOLCOTT. Another pair has been made with that Senator.

Mr. PLATT of Connecticut. The Senator from Maryland has been paired with another Senator.

Mr. BUTLER. Then my vote may stand.

Mr. HANSBROUGH. I am requested to announce that the senior Senator from New York [Mr. PLATT], who is absent, if present would vote in the affirmative. He stands paired with the junior Senator from Idaho [Mr. HEITFELD], who, I understand, would vote in the negative if present.

The result was announced—yeas 34, nays 28; as follows:

YEAS—34.

Allison,	Depew,	McComas,	Pritchard,
Bate,	Fairbanks,	McEnery,	Shoup,
Beveridge,	Foster,	McLaurin,	Stewart,
Carter,	Gear,	Martin,	Taliaferro,
Chandler,	Hansbrough,	Morgan,	Vest,
Clark, Mont.	Hawley,	Nelson,	Warren,
Culberson,	Hoar,	Penrose,	Wolcott.
Daniel,	Jones, Nev.	Perkins,	
Davis,	Kenney,	Pettigrew,	

NAYS—28.

Aldrich,	Cullom,	Kean,	Quarles,
Burrows,	Foraker,	Lindsay,	Rawlins,
Butler,	Gallinger,	McCumber,	Ross,
Caffery,	Hale,	McMillan,	Simon,
Chilton,	Hanna,	Pettus,	Teller,
Clark, Wyo.	Harris,	Platt, Conn.	Tillman,
Cockrell,	Jones, Ark.	Proctor,	Turner.

NOT VOTING—24.

Allen,	Elkins,	Mallory,	Spooner,
Bacon,	Frye,	Mason,	Sullivan,
Baker,	Heitfeld,	Money,	Thurston,
Berry,	Kyle,	Platt, N. Y.	Turley,
Clay,	Lodge,	Scott,	Wellington.
Deboe,	McBride,	Sewell,	Wetmore.

So the motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. DANIEL. Mr. President, this is the third time since I have been a member of this body that a question similar to the one now pending has been before it. On each occasion I have taken the ground that the Senator appointed by the governor of a State during the recess of a legislature was entitled to be seated. The more I have studied and reflected over that question and the more I have seen the inconveniences of a different ruling, the stronger has grown my conviction that this is a correct interpretation of the Constitution. I do not believe that this question will ever be settled in the Senate of the United States until this body has settled itself into that conviction and practice. A vacancy now happens in one of the two seats which the State of Pennsylvania is entitled here to fill. That it is not filled at this moment is due to the fact that the person appointed by the governor of Pennsylvania to fill it has not been admitted to this body.

But the credentials of his appointment are here. It is shown that this vacancy began on the 4th of March, 1899, at which time the term which had been filled by the Hon. Matthew Stanley Quay expired by efflux of time; second, that at that time the legislature of Pennsylvania was in session and continued to be until the 20th day of April, 1899, when it adjourned without having chosen a Senator to fill the vacancy then existing; third, that the legislature of Pennsylvania being in recess and a vacancy happening in the Senate at the same time, the governor of Pennsylvania, on the 21st day of April, 1899, made a temporary appointment of Hon. Matthew Stanley Quay to fill that vacancy until the next meeting of the legislature of Pennsylvania.

To my mind this credential is as perfect as any that has ever been presented to this body. All the conditions existed which authorized the temporary appointment of a Senator by the governor of a State according to the grammatical language and according to the true intent and meaning of the Constitution. But a majority of the Committee on Privileges and Elections declare the contrary, saying:

> On behalf of Mr. Quay it is insisted that whenever a vacancy exists during a recess of a legislature, no matter when or how it happened or occurred and no matter how often the legislature may have had an opportunity to fill it, the governor may appoint.
>
> In the opinion of your committee, whenever the legislature has had the right and an opportunity to fill a vacancy, either before or after it begins, the executive can not lawfully appoint.

There is no language in the Constitution upon which, as it seems to me, this ground can be maintained and none from which it can be inferred except in a vague and far-fetched manner. On the contrary, no matter how a vacancy has arisen, no matter whether the legislature has had an opportunity to fill it or not, it is, in my opinion, the duty of the executive to fill it whenever it happens and whenever a recess of the legislature of the State coordinately happens. The recess of the legislature of Pennsylvania began on the 20th day of April, 1899. The recess happened then, and it still happens now. The vacancy began on the 3d of March, 1899. It happened then, and it still happened during the happening of the recess on April 20, 1899. The two happening also on April 21, 1899, at one and the same time—that is, the legislative recess and the United States Senate vacancy from Pennsylvania—the governor did right in filling that vacancy and making the appointment which is now accredited to this body.

THE DIFFERENCE BETWEEN "VACATING" AND A "VACANCY."

The ground is also taken that if a vacancy in a Senate seat begins while a legislature is in session, the governor of a State is thereby precluded from ever filling that vacancy by his temporary appointment, however long the legislature may fail to fill it. In order to put this construction upon the Constitution a word must be put in the Constitution that is not there and a word must be taken out of the Constitution that is there, and we must read it as if it said:

> If the vacating of seats happen by resignation or otherwise during the recess of a legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

But the Constitution did not use the word "vacating," or any word which would describe the mere act that creates a vacancy. It used a word which describes not an act, but the result of an act—a condition; and what it plainly meant was that if a condition of vacancy in a seat happen in the United States Senate during the condition of recess of a State legislature, the executive of the State may appoint to fill it. A recess is not an act. It is the result of adjournment. A vacancy is not an act. It may be the result of many acts.

Mr. President, let us read the Constitution. It shows to my mind that a plan was adopted by which all vacancies in the Senate and in all executive appointments might be instantly and continuously filled. Article I, section 3, of the Constitution provides:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.
>
> Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Article II, section 2, of the Constitution makes a somewhat similar provision with respect to executive appointments. It provides:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

In considering these two clauses of the Constitution these reflections naturally occur to us:

First. That they are of similar import, the one applying to the Senate, and designed to keep it full with Senators, the other applying to executive offices, and designed, in like manner, to keep them filled with officers.

Second. That the appointment of Senators made in the recess of the legislature of a State and the appointments by the President of the United States of officers during the recess of the Senate are alike mere temporary appointments, those to the Senate lasting until the next meeting of the legislature of a State, and those made by the President expiring at the end of the next session of the Senate.

Third. That in each case the moving thought and predominant purpose of the Constitution is to provide the mechanism for keeping the Senate complete in its numbers through the agency of the governors of States when the legislature has not acted or can not act, and to keep Executive appointments filled through the agency of the President.

It is a familiar principle of construction that words in a written instrument should be interpreted in the light of similar words in another part of the same instrument. The similitude of words used in these two clauses of the Constitution and the common purpose pervading them is to preserve the continuity of both legislative and executive government, and they ought to be construed to the same end and with the same spirit.

The Presidents have had the same question to decide for themselves that the Senate has now to decide for itself, and it is well worthy of our considerate attention that all of the Presidents of the United States to whom the question has been presented have

decided it in the same way, under the advice of their legal advisers. They have concluded that vacancies happen during the recess of the Senate whenever vacancies exist and the Senate was not in session. And the law officers of the Government who were consulted have been men at the head of the legal profession, enjoying the confidence and respect of the country alike for their learning, their ability, and their wisdom.

But let us ask ourselves, Mr. President, What is a vacancy? It is not an act, but it is a condition. The first definition of the term given in the Century Dictionary is:

> The state of being empty or unoccupied.

And a secondary definition is:

> An unoccupied or unfilled position or office, as a vacancy in the judicial bench.

Let us read the Constitution with the definition of the word, instead of the word, inserted, and how plain the interpretation! It would then read, "The seats of Senators shall be vacated at such and such time; and if any of them happen, by resignation or otherwise, to be in the state of being empty or unoccupied during the recess of the Senate, the Executive may make temporary appointment," etc.

Much stress has been laid by those who have opposed this view upon the meaning of the word "happen." The word "happen" is one of the most elastic terms in the English language. It is a middle English form of the word "hap," and it means, according to the dictionary, "to occur by chance; occur unexpectedly or unaccountably; in general, to occur; take place."

In John Smith's Works (first volume, page 220) we have this description:

> It was the Spaniards' good hap to happen in those parts where were infinite numbers of people.

And another variation of its meaning is given by W. Wallace in Epicureanism, both of which examples I extract from the Century Dictionary:

> All that happens is only transference of matter from one place to another.

Those who think that those things only happen which are instantaneous utterly lose sight of the meaning of this term. Conditions happen as long as they exist. They have a beginning and they have an ending. The happening of them is a line drawn from a beginning to an end and is not a mere point marking the beginning. Some things begin and end instantaneously, such as death, resignation, installation into office, a sale of property, an enlistment in an army. A thousand things happen at a particular point of time when one condition instantly changes and turns into another condition.

But there are other things which cover prolonged and indefinite periods of time in their happening. Sickness happens as long as a person is sick, and may cover a lifetime; a plague happens to a community as long as the community is afflicted by it; a battle, a campaign, a siege, a war, each of these conditions may cover a long period of time. A flood in a river, a rain, a snow, a freeze, a storm, these happen from the time they begin until they cease, and the happening may be very brief or very long. So with the recess of a legislative body, and so with a vacancy in a seat in that body. A vacancy and a recess are both conditions the result of acts, and they may happen for a long or a short time. The design and object of the Constitution was to close the vacancy in the Senate seat as soon as possible.

Mr. President, let us make some practical illustrations of the application of this term. If a law of Congress provided that if floods happen in the District of Columbia during the recess of Congress the Executive may use a certain fund to defend against them or to relieve suffering caused by them, and if a flood happened in the Potomac River while Congress was in session, and just before adjournment, and immediately after its adjournment it were to pour its waters over Washington and cause great suffering and distress, would anyone urge that the President might not relieve against the flood then happening because it began while Congress was in session?

If a plague were upon the city, and there were a law of Congress that the District Commissioners might employ physicians to administer to the plague which happened during the recess of Congress, and the District Commissioners, in the dire distress of the people, were to appoint physicians to relieve them, Congress having adjourned, what would the community think of a lawyer who raised the point that the plague having first appeared while Congress was in session, and Congress having failed to provide against it, the District Commissioners could do nothing? Who would not say that the plague was then happening and happened every day of its existence and that its happening unprovided for during the recess of Congress was the condition that Congress contemplated for the action of the Commissioners?

If an enemy were at the gates of Washington, as the British were in 1814, and if there were a law of Congress to the effect that if war happened in this country during the recess of Congress the President might organize all men over 16 years of age to defend the capital city, and if it were to appear that the war had commenced while Congress was in session, would anyone say that that fact should stop the President from organizing the men after its adjournment and with the stimulus and necessity of self-defense thrown upon it?

On the contrary, would not any lawyer say that this was the very condition which Congress had provided for the President to meet?

The history of the clause in the Constitution which provides for the filling of vacancies by the governors of States clearly sustains the construction of the Constitution which we give it. The clause, as reported to the Constitutional Convention of 1787 by Mr. Rutledge, from the committee on detail, read as follows:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

When the objection was taken by Mr. Wilson, of Pennsylvania, to vacancies in the Senate being filled by the executive of the State, Mr. Randolph, of Virginia, replied that it was necessary in order to prevent inconvenient chasms in the Senate, and that as the Senate would have more power and consist of a smaller number than the other House, vacancies there would be of more consequence. This was the spirit, the animus, and the purpose which led to the adoption of the clause authorizing the executive to fill vacancies.

Mr. Madison, in order to prevent doubts whether resignations could be made by Senators or whether they could refuse to accept, moved to strike out all words after "Vacancies" and insert the words "happening by refusal to accept, resignation, or otherwise may be supplied by the legislature of the State in the representation of which such vacancy shall happen or by the executive thereof until the next meeting of the legislature," and this motion of Mr. Madison was adopted without a dissenting voice. And the clause then read as follows:

> The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies happening by refusal to accept, resignation, or otherwise may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

The Constitution as thus framed was then referred to the committee on style, and it was reported by them as it stands now, in this language:

> And if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The doubt in Mr. Madison's mind as to whether resignations could be made by Senators arose from his knowledge of the common law and the parliamentary practice of England, where neither a public officer nor a member of Parliament had the right to resign at pleasure. He intended that that right should be recognized and provided for in the Constitution, and the constitutional convention agreeing with him this was done, and no amendment was made to the Constitution which originally put it in the hands of the executive to fill all vacancies, except to include the word "resignation," because it was doubtful whether or not a Senator could resign, and then to expand it to include all other methods by which a vacancy had happened by putting in the word "otherwise."

In Edwards *vs.* United States (103 U. S., 471) it was held by the United States Supreme Court that the common law would be presumed to be in force in Michigan, it not appearing to the contrary, and accordingly that the resignation of a public officer in that State was not complete in that State until the proper authority accepted it or did something tantamount thereto, such as to appoint a successor, Judge Bradley observing that—

> In England a person elected to a municipal office is obliged to accept it and perform its duties and be subjected himself to a penalty by refusing, and an office was regarded as a burden which the appointee was bound, in the interest of the country and of good government, to bear; and from this it followed, of course, that if an office was conferred and assumed it could not be laid down without the consent of the appointing power.

The rule in England applied to members of Parliament; and as May says in his Parliamentary Practice (pages 637, 638):

> It is a settled principle of parliamentary law that a member, after he is duly chosen, can not relinquish his seat; and in order to evade this restriction a member who wishes to retire accepts office under the Crown, which legally vacates his seat and obliges the house to issue a new writ. The offices usually selected for this purpose are those of steward or bailiff of Her Majesty's three Chiltern Hundreds of Stoke, Desborough, and Bonenham, or of the manors of East Hundred Northstead or Hempholme, or of escheator of Munster, which, although they have sometimes been refused, are ordinarily given by the treasury to any member who applies for them, unless there appears to be sufficient ground for withholding them, and are resigned again as soon as their purpose is effected.

It was because of the knowledge of Mr. Madison and of the Constitutional Convention that a question might arise as to the right of a Senator to resign that that word was put in the Constitution, but that they did not intend to limit vacancies, did not intend to limit the right of the legislature to fill a vacancy only when the vacancies happened by resignation or in some similar manner, is shown by the fact that they put in the word "otherwise," flying off at a tangent from the vacancy which occurs by resignation

or in a similar manner, and making it applicable when the vacancy arises in any other way soever.

I can not, therefore, concur with the Committee on Privileges and Elections when it says:

We conclude that the power of appointment—

That is, by the governor to fill a vacancy—

was not to be exercised unless the vacancy occurred—

That is, began—

in the recess of the legislature, and was occasioned by some casualty like death or resignation.

The simple meaning of the word "otherwise" as given in the dictionary is, "in a different manner or way; differently, not in a similar manner or way." In the Mantel case it seems to me that three Senators who spoke clearly showed that this was the meaning and intent of the Constitution. Well did Senator Turpie, of Indiana, say:

"Otherwise" means "other ways." Gentlemen may examine Johnson, the contemporary authority with the Constitution of the United States, the nearest contemporary, the first of English lexicographers, not the last nor the least in learning. He defines the term "otherwise" to mean "other ways, in another manner, in a different mode or manner, not in a similar way, not in the same way, not in a way like the first named." And the real question in this debate is not how a vacancy occurred, but whether it exists.

The Senator from Connecticut [Mr. HAWLEY] amply disposed of the suggestion that "otherwise" coming after resignation meant some similar way, by saying:

It takes a lawyer to find out that "otherwise" is simply one of the species of "other."

Instead of being right along and in the continuation of the same line, it is at right angles to that line.

And well did the honorable Senator from Wisconsin [Mr. SPOONER] say that the framers of the Constitution certainly could not have intended that the word "otherwise," which means, both philologically and popularly, a "different manner," should be construed to mean a "different like manner."

This to my mind is the argumentum ad absurdum.

Mr. President, we have these two coordinate provisions in the Constitution, one looking to the filling of seats in the Senate, which is a branch of the legislative department of our Government, the other looking to the filling of executive appointments. Similar language is adopted, which devolves the right of appointment on the President in the recess of the Senate and upon the governors of States in the recess of their legislatures.

Now, Mr. President, it so happens that in all the cases which have arisen under this Government from the Administration of James Monroe down to the present time the eminent men who have held the office of Attorney-General of the United States have all concurred in opinion on this subject, and from William Wirt to Miller, in the Administration of President Harrison, they have all construed the English language and applied that plain construction to the Constitution in the identical manner that I am trying to maintain it here.

In the Administration of President Monroe the commission of Swartwout, who was navy agent at New York, expired while the Senate was in session, and the vacancy in the office then began. The vacancy continued to exist during the recess, and William Wirt, Attorney-General, construing the words all vacancies that may "happen during the recess of the Senate," said:

The doubt arises from the circumstance of its having first occurred during the session of the Senate. But the expression used by the Constitution is "happen;" "all vacancies that may happen during the recess of the Senate." The most natural sense of this term is "to chance, to fall out, to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place," that is, "to originate;" under which sense the President would not have the power to fill the vacancy. It may mean, also, without violence to the sense "happen to exist;" under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me most accordant with the letter of the Constitution; the second most accordant with its reason and spirit.

I fully concur, Mr. President, in the conclusion that was reached by that eminent and learned man, William Wirt, but I dissent from his statement that that construction is less consonant with the letter than the spirit of the Constitution. His mind did not seem to advert to the fact that the word "happen" is as applicable to those transitions of human nature which occur in history and in the lives of men and which cover long periods of time as short ones; and had his attention been called to that fact I think he would have gone a little further than he did and found the letter and spirit of the Constitution fitting into each other like perfect music unto perfect words.

That question was presented when Andrew Jackson was President, and Roger B. Taney, a name honored and venerated and learned in the law, was Attorney-General. He gave a like opinion as William Wirt. Of the same opinion was Attorney-General Legare in the Administration of President Tyler, and of Attorney-General Bates in the time of President Lincoln; of Attorney-General Stanbery in the Administration of Andrew Johnson; of Attorney-General Williams in the Administration of President Grant; of Attorney-General Devens in that of President Hayes, and of Attorney-General Brewster in that of President Arthur; of Attorney-General Miller in that of President Harrison.

This incumbent, General Miller, of the office of Attorney-General, I think most aptly stated the whole case.

The word "vacancy" in the Constitution refers to offices, and signifies the condition where an office exists, of which there is no incumbent. It is used without limitation as to how the vacancy comes to exist. The vacancy may have occurred by death, resignation, removal, or any other cause, but, regardless of the cause or manner of the existence of the vacancy, the power is the same. In the case submitted the law has created the office. The office, therefore, exists. There is no incumbent. There is, therefore, a vacancy, and the case comes under the general power to fill vacancies.—*Opinions of Attorneys-General*, volume 19, page 263.

The precedents in the Senate on this subject as to the appointment by the governor of a State of a Senator to fill a vacancy at the beginning of a full term seem to have run in sections and to have gone first one way and then another. They are like Swiss troops, fighting on both sides. The first case arose soon after the adoption of the Constitution, when the legislature of Virginia had elected George Mason, the author of the Bill of Rights. He declined the office and the legislature adjourned. The governor appointed John Walker on the 31st of March, 1790, one hundred and ten years ago. His credentials were then recognized when the Constitution was finished, and he was admitted and took his seat at the beginning of a term and served until November 9, 1790, and yet one hundred and ten years later we find ourselves worse off than we were in the beginning.

The next case that came along was that of Kenzey Johns, two years later, from Delaware, in 1793, George Reed, his predecessor, having resigned during the recess of the legislature. That body met in January and adjourned in February, 1794. Kenzey Johns was appointed by the governor to fill the vacancy, and he was denied his seat in the Senate by a vote of 21 to 18.

The next case occurred in 1797. It was that of William Cocke, of Tennessee, whose full term expired on the 3d of March, 1797. There had been no election of his successor, although the legislature had had full opportunity to elect him. Mr. Cocke, however, was appointed to fill the vacancy and was admitted.

So in the first three cases under the Constitution, to which I have adverted, the Senate first went one way and then the other way, and then reverted back, as they must ever revert back, to the original proposition, that when a vacancy occurs in a seat in the Senate the governor of the State has the right to fill it.

In 1801 Uriah Tracy, of Connecticut, was appointed prior to the 4th of March to fill an anticipated vacancy which would then occur. He was admitted.

In 1801 William Heineman, of Maryland, was appointed and admitted to fill a vacancy occurring by the expiration of the term of his predecessor.

In 1803 John Condit was appointed and admitted in the same circumstances.

In 1809 Joseph Anderson, of Tennessee, and Samuel Smith, of Maryland, were both appointed and admitted under like conditions.

In 1813 Charles Cutts, of New Hampshire, and in 1817 John Williams, of Tennessee, were each appointed and admitted in the same way.

In each of these cases the legislature had failed to elect a Senator.

And though case after case piled Ossa upon Pelion in behalf of the principle upon which I stand here to-day, the denial of it is the predicate of the opinion which says that Matthew S. Quay is not entitled to a seat in the Senate.

A little later, Mr. President, in 1825, the Senate diverted from this mass of precedent, and James Lanman, of Connecticut, was appointed on February 8 to fill a term commencing March 4. His case was like that of Cocke and Tracy, he having been appointed before the anticipated vacancy arrived; and although the Senate had construed the Constitution to permit the appointment by anticipation to fill a vacancy by the governor, Mr. Lanman was denied his seat.

Then comes the case of Ambrose H. Sevier, of Arkansas, who was appointed in January to fill a vacancy arising from the expiration of his term March 3, 1837, the legislature having elected no successor. The last precedent of Lanman was against his admission, but under the peculiar circumstances of the case, although the Constitution has no language to apply to them, he was admitted, it being held that he, having selected by lot his term and no legislature having been in session that could know the fact which created the vacancy in it, he should be admitted.

No such circumstances as those upon which the Senate so soon renounced the Lanman precedent are found in the Constitution, but the case indicates that the Senate will ever attempt by one method or another to get back upon the solid ground on which the Government started, and when there is a vacancy in the Senate the governor of a State has the right to appoint to fill it.

Then, Mr. President, for a long period the Senate ran along in the old-fashioned constitutional groove.

Then came a series of cases—C. H. Bell, of New Hampshire, in 1879; H. W. Blair, of New Hampshire, in 1885; Gilman Marston, of New Hampshire, in 1889; and Samuel Pasco, of Florida, in 1893. In each of these cases prior terms in the Senate had expired by efflux of time, and each of the four Senators was appointed to

fill a vacancy existing—a vacancy existing just as the vacancy now exists, at the beginning of a term—and all four were admitted.

In 1893 the Senate wheeled about again. Lee Mantle was appointed by the governor after the adjournment of the Montana legislature, which had failed to elect a Senator to succeed Mr. Saunders, whose term expired on March 3. The cases of Allen, of Washington, and Beckwith, of Wyoming, at the same session of the Senate were dealt with according to the Mantle decision.

All of them were denied their seats. A little later, in the case of Henry W. Corbett, of Oregon, in 1898, a like decision was rendered.

These latest decisions are against the view that I maintain, but the great weight and number of authorities preceding them are such and the considerations of law and public policy are so strong against their validity that no invocation of the doctrine of stare decisis can have much value. All views that can be taken on this question have been time and again taken by the Senate. Any decision of the Senate can therefore have no weight other than such as attaches to its intrinsic merit. It was well observed in the Mantle case, and by the minority of the Committee on Privileges and Elections, that—

At that time there was an earnest division on an important question relating to the currency which created for the time being more earnest differences of opinion than those existing between the two great political parties on other questions. It was a time not favorable to a dispassionate, nonpartisan judgment.

I know not, Mr. President, when the time will come when a political body, as the Senate is, will not be agitated in some degree, more or less, by partisan considerations. I do not claim to be wiser or better than others; but in the changes of party in the Senate, whosoever may have been he who held such a credential as is now held by Hon. Matthew Quay, I have favored admission to this body, believing he had as much right to his seat as I had, and that to deny him that seat would be to violate that clause in the Constitution which declares that no State shall, without its consent, be denied its actual suffrage in the Senate.

But, Mr. President, this body and all bodies of like nature must be open at all times to the suggestions of partisan opinion. We have those eminent and wise in the law who through different Administrations of party in this country have construed this language for it. It is notable, whether Democrat or Republican or Whig was President, whether there was peace or whether there was war, no matter what was the condition of the political sentiment in this country, all the Attorneys-General of the United States who have been consulted as to the meaning of this language concurred in giving one opinion.

So, Mr. President, we must construe the Constitution in order to carry out the contemplations of its authors and to meet the conditions which constantly press upon practical existence. To construe them otherwise would be to disregard the maxims of statesmanship and jurisprudence alike and to defeat the very definition of government as given by Edmund Burke, who said it was "a contrivance of human wisdom to provide for human wants."

There is no rule or maxim for the construction of written instruments that will sustain what seems to me, with all respect to those who differ, the narrow, technical, vague, far-fetched, and contracted view of those who impugn the credentials which are now before us. We find in Coke's Littleton that wholesome maxim of the common law borrowed from the old civilians—

A liberal interpretation should be put upon written instruments, so as to uphold them, if possible, and carry into effect the intention of the parties—

so aptly expressed by the Latin phrase, ut res magis valeat quam pereat, that the thing shall live and not perish. The construction, as said by Lord Brougham, must be such as will preserve rather than destroy.

The construction that would to-day reject the governor's appointee from the great State of Pennsylvania not only destroys the grammar of the Constitution, but destroys the integrity of the Senate as a body of complete numbers and destroys the equality of the States in representation and contravenes the declaration of the Constitution that no State shall, without its consent, be deprived of its equal suffrage in the Senate. It is a construction that tears down and pulls to pieces and not a construction that preserves, continues, and builds up. It is a construction that opens a path to dissolution and not one that treads the highway of life.

Story has well observed on this subject:

Where the words admit of two senses, each of which is comformable to the common usage, that sense is to be adopted which, without departing from the literal import of the words, best harmonizes with the nature and objects, the scope and design, of the instrument.

If the happening of a vacancy were a phrase which admitted of two constructions, who would say that we should not select of the two that construction which was consistent with the preservation of the rights of States and the continuity in good order of the great Government which they compose.

Look to the inconvenience and ill consequences that are precipitated upon the States and upon the country by a different interpretation. Many of our legislatures meet but once in two years; in Mississippi it meets but once in four years. Suppose that just before a legislature adjourns a Senator dies or resigns; is the vacancy to remain and a State to go unrepresented and the Senate to be mutilated in one of its parts by its continuance for an indefinite period of time?

Blackstone, too, gives a canon of construction that, it seems to me, applies here. He says that the intention of a law is to be gathered from the words, the context, the subject-matter, the effects and consequences of the reason and spirit of the law. The whole reason and spirit of this constitutional provision is directed to the preservation of the Senate as a complete body. The words consist with this construction; the context of the Constitution uses similar words to provide for Executive appointments, which have always been construed as I think these words should be construed; and the ill effects and consequences of a different construction all lead the same way.

Now, Mr. President, as a result of a contemplation of the Constitution in its entirety, and especially from the contemplation of these coordinate provisions respecting appointments to vacant seats in the Senate and appointments to vacant offices, I think this proposition may be collected from them and may be legally demonstrated, that there can exist no vacancy in any office.

And in construing it I start with this general proposition—that there can exist no vacancy in any office in the United States at any time, and no vacancy in the Senate of the United States which can not be instantly filled, however that vacancy may have arisen.

Nature abhors a vacuum; government abhors a vacuum; the Constitution abhors a vacuum, and, just like nature, has provided an instant means of filling it.

With respect to the House of Representatives, the large and populous body of the lawmaking department of this Government, the case is a little different from executive appointments from the Senate. Necessarily so. It springs not from constitutional design, but is inherent in the nature of things.

When vacancies happen in the representation from any State, the executive authority shall issue writs of election to fill such vacancies.

This is the language of Article I, section 2, paragraph 4, of the Constitution.

Chosen as the Representative is by the electors of the State, some little time must elapse when vacancies in representation happen in any State before writs can issue, elections duly held, and the vacancies filled. But the Constitution provides the machinery for filling them as speedily as the nature of the case admits of. The delay is only that which could not be avoided, for the Representative can only be chosen by the electoral body of the people. No substitute can temporarily supply his place, and no secondary method of election or appointment could have been properly provided.

The lack of a secondary method of filling a seat temporarily in the House of Representatives is not felt as it would be felt if applied to the Senate; and it was the fact that it would not be so felt that led the framers of the Constitution, according to their own declaration and proclamation, to deal with it differently.

The States of this Union are not equal in the House of Representatives, but as various as their numbers. Elections can always be held, and the electoral body can always speedily act. With respect to the Senate it is different. Here the States are equal, whatever be their size, their wealth, or their numbers. That equality is made perpetual. It is also made continuous and unbroken; and so important did the framers of the Constitution deem it that they declared against its deprivation without the consent of the State.

There were reasons, Mr. President, for this careful discrimination between the Senate and House of Representatives, important alike to the States, to the United States, and to the people. The Senate is indeed a coordinate lawmaking body with the House; but it is far more than a coordinate lawmaking body; it is also an executive body. It shares with the President the power of making all judicial and executive appointments to office. What could be more essential to the interests and to the dignity of a State than that it should have at all times here an equal voice in saying who should be its Federal judges, its collectors, or represent it as ambassador, minister, or consul?

The Senate is also a judicial body. A President has been impeached before it; judges of the Supreme Court have been impeached before it; all Federal officers may be impeached before it. Let us not disparage the authority or the importance in dignity of one vote. One vote, Mr. President, has decided the gravest matters which were ever presented to this judicial body. We know not what it has saved the country; but time and again all has turned on one vote before this body of judges.

More than this, Mr. President, the Senate, under our Constitution, is a part of the treaty-making power. Two-thirds of their number is necessary, in concurrence with the President, to the making of a treaty. By treaties we have annexed over two-thirds of our territory; by treaties we have established an international

court of arbitration; by treaties we conclude peace and fix the boundaries of nations. The States can have no foreign relations; they can do nothing about the vast, world-wide concerns that may forever affect for weal or for woe their destinies and come home forever to the business and the bosoms of their people, save through their two Senators. Well did they provide in this compact and clearly written Constitution against ever being stripped of their equal suffrage here; and it is for that equal suffrage and for the continuity and the integrity of this body that I speak.

Mr. President, when I hear Senators say that we should lay aside this case that a Puerto Rican bill, or a Hawaiian bill, or a financial bill, or any other kind of a bill should be considered, it seems to me that they have not bowed to the dignity of the Constitution, under which they hold their places, and that they are not treating their brothers as they would wish to be treated if they were knocking at the gates of this body with a perfect credential and their brothers were in here attending to business, which they have as much right to participate in conducting as anyone here, according to their views and according to their right to be heard.

Mr. President, I shall never vote, unless indeed in some great public exigency, when everything else must give way to the necessity of the country, to postpone the credential of a Senator to anyone's convenience, or even to any other consideration of public policy.

The first step in the organization of any body is to ascertain who are its members. According to the Constitution it has been ascertained that we are members; but there is one who has as much right to sit in this Senate, according to my conviction of the meaning and true intent of the Constitution, as anyone who so placidly votes to postpone his case and let him cool his heels, waiting for it to be heard.

I shall vote in this case, Mr. President, as I have voted in every other similar case. There is no reason why we should be jealous of the governor of the Commonwealth of a great State, or of any State of this Union. The Constitution of the United States has dignified them by making them its agents, and we are sworn to support that Constitution and to recognize its agents.

More than this, they come immediately from the people. There is not a State in this Union whose governor is not chosen by the people, and his responsibility is greater to the people than that of any legislative body, either State or national. Whenever responsibility is distributed and diffused over a large number, it becomes weaker. One says, "I voted this way or that way because another voted this way or that way;" one says, "I followed the committee;" another says, "I voted with my party." The governor of a Commonwealth must stand out single-handed and alone before the people and say, "I did this on my sole responsibility, and I am ready to answer for it."

The governor of Pennsylvania, according to the Constitution, according to the great majority of the precedents which this body has made, and according to the uniform precedent of construction which has prevailed with the President and Attorneys-General of the United States for over a period of eighty years, has appointed a Senator, who has a right to his seat. Give him that right and fix that principle in this Constitution which will forever recognize the equal suffrage of the States in the Senate and ever preserve this body as a perpetual and continuous one that can not be picked to pieces by the technicalities of law.

During the delivery of Mr. DANIEL'S speech,

Mr. CULLOM. Will the Senator allow me to interrupt him for a moment?

Mr. DANIEL. Certainly.

Mr. CULLOM. Simply for the purpose of asking that the unfinished business be laid before the Senate. I do not desire to interrupt the Senator.

Mr. DANIEL. I shall not take much longer.

Mr. CULLOM. The unfinished business should be laid before the Senate at 2 o'clock.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. PENROSE. I should like simply to state that I shall adhere to the proposition I maintained early in the session this morning, that the unfinished business must give way to this question of privilege. But I have no desire to delay the proceedings. I desire simply to file my protest.

Mr. CULLOM. I understand the Senator.

Mr. HOAR. I ask unanimous consent that the unfinished business be taken up at the conclusion of the remarks of the Senator from Virginia, and that he now proceed with his remarks.

Mr. CULLOM. That is all that I desire.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senator from Virginia proceed with his remarks and that the unfinished business be taken up after the conclusion of his remarks. If there is no objection, it is so ordered.

Mr. HOAR. That does not commit us to anything either way.

Mr. PLATT of Connecticut. That is right.

After the conclusion of Mr. DANIEL'S speech,

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the Exposition in Paris, France, in 1900.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. MORGAN. Mr. President, when this matter was last before the Senate I had the floor, and, after a great many interruptions, I succeeded in getting before the Senate my views upon the particular amendment now under consideration. I desire, in order that we may understand exactly what the question before the Senate is, now to have the Secretary state the proposed amendment with the text as it will stand after it shall have been amended as proposed.

The SECRETARY. It is proposed to amend section 81, on page 35, as follows: In line 22, before the word "shall," to strike out "governor" and insert "President;" in line 23, after the word "senate," to strike out "of the Territory of Hawaii;" in line 25, after the word "courts," to insert "and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint;" in line 11, on page 36, after the word "may" and before the word "remove," to insert "by and with the advice and consent of the senate of the Territory of Hawaii;" in line 16, after the word "removed," to strike out:

Except the chief justice and justices of the supreme court, who shall hold office during good behavior, and the judges of the circuit courts, whose terms of office shall be six years, and;

and on page 37, after the word "provided," at the end of line 12, to strike out:

Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant;

so that, if amended as proposed, the section would read:

SEC. 81. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant, but not beyond the end of the first session of the senate, unless reappointed as herein provided.

Mr. MORGAN. I would suggest to the Senator from Connecticut [Mr. PLATT] who offered this amendment that, after the changes he proposes to make in it, there ought to be a more distinct expression of the fact that the nomination of the officers appointed by the governor should be confirmed by the senate of Hawaii. The words "the senate" are used there instead of "the senate of Hawaii," which might be confused with the Senate of the United States.

Mr. PLATT of Connecticut. Will the Secretary read the first part of the section as it will read if amended?

The Secretary read as follows:

SEC. 81. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, and the governor shall nominate, and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, etc.

Mr. MORGAN. Mr. President, the first proposition that is presented here is this: The Government of the United States must assume the payment of all the salaries of the judges of the supreme

court and of the circuit courts. If we appoint the officers and appoint those judges, of course we have got to provide the salaries, because they become then officers of the United States Government. No provision is made in the bill, or none has been suggested, I believe, in regard to this point of difficulty; and I will suggest to the Senator from Connecticut, if his amendment shall prevail, that he bring in some provision for the purpose of ascertaining and declaring what the salaries of those judges shall be. The laws of Hawaii fix those salaries, and the legislature has the power, not while they are in office, but in respect to future legislation, to reduce them if it chooses to do so, or to increase them.

The government of Hawaii has maintained itself, and will continue to maintain itself, upon the basis of the expenditures that are provided for in this bill. The people of Hawaii, of course, ought not to object to the Government of the United States taking these burdens off of their hands, but they are quite willing to retain them, if they can have the privilege, which I think every community ought to be accorded, of having some voice in the selection of their judicial officers.

The other day, when I was discussing this subject, I adverted to the proposition, which I think is an entirely correct one, that a judicial office is as much an office to be conferred with respect to the will of the people in a Territory or a State as any other office. If we break away from the system that is recommended here and assume the appointment of those officers by the Government of the United States, why not go further and have the President of the United States appoint all the executive officers of that Territory, and why not require the President to appoint the legislative officers also? Why should we retain the feature of representation in respect of the legislative and executive officers of that Territory, and abandon that feature in respect of the election of the judicial officers? The only argument that I have heard in that direction is that we have not heretofore done it.

Well, Mr. President, we have heretofore permitted in a very large degree the people of the Territories, through their legislature or governor, or by election, to choose their judicial officers; and this bill, as it will be left after the amendment of the Senator from Connecticut has been put upon it, if it shall be adopted, will leave the district judges of the islands under the power of appointment of the governor and confirmation by the senate. These district judges have a more important jurisdiction, so far as the administration of justice is concerned, than the judges of the circuit courts or of the supreme court. There is united in the jurisdiction of the district judges that which belongs ordinarily in the United States to the justice of the peace. They also have other and very important powers relating, for instance, to the probate of wills and the administration of estates. A number of important powers are left in the hands of the judges of the district courts. These powers reach the people in every neighborhood in Hawaii. The people in the different judicial districts naturally look to those judges as the conservators of the peace and the administrators of justice in respect of cases that do not involve certain very important constitutional or other questions or very large amounts of money and property.

So, if we commence this work of transferring the appointing power of the judges into the hands of the President of the United States, we ought to continue it, to be consistent with ourselves, as to the appointment of the judges of the district courts. There is, therefore, no logic in the proposition presented by the Senator from Connecticut. It is entirely unimportant, entirely illogical, except in this respect, that the people of Hawaii have the right, as every other people have, to know the judges who are appointed amongst them and over them. No country can be described that is in a worse condition than a state where a foreign judge is seated in the seat of judgment. A foreign judicial rule is of all things the least to be approved, and it is the last thing that the people of any self-governing community in the United States or in the Territories desire.

I am opposed, Mr. President, to having the political parties in the United States choose the judges for Hawaii. In the hands of a President of the United States the appointment of a judge in a Territory is a purely political question. The present excellent and eminent President of the United States, in whose personal integrity and character I have the highest confidence, would hesitate a long time before he would confront the politicians of his own party in making a selection of a judge for the Territory of Arizona or New Mexico from the Democratic party. It would make no difference what the man's qualifications might be; it would make no difference what might be the desires of the people of the locality; he would make the appointment in every case, as he has done and will do in every case, from the political party to which he belongs. I do not know what other motive there can be for having this power transferred from the governor of a Territory into the hands of the President, unless it may be a political motive, a motive to increase the patronage of the party in power at this time; and I object to it on that ground, as being unseemly and unjust to the people of Hawaii. If we intend now to take the offices of Hawaii and make them a part of the Presidential patronage, let us take them all, let us take the whole of the judges, including the judges of the district courts, also the members of the legislature, and all of the members of the executive department of that Territorial government.

Mr. President, this bill first received the consideration of five commissioners, all of whom agreed in respect of its provisions in this particular which I am now discussing, and made their report. It then went before the Committee on Foreign Relations during the last Congress, and was there considered and reported, retaining this provision. At the present session of Congress it has again gone before the Committee on Foreign Relations, and has been again reported with this feature in it, and now, at a time when the bill is about to pass this body, a new contrivance is set up here which is entirely disorganizing, and which destroys the scheme of the entire bill as to the judiciary.

I beg the attention of what few Senators have consented to linger in this body, for the purpose of attending to the public business, for a little while to the proposition that this bill contains a new provision in respect of the entire judicial establishment of the Territory of Hawaii. The first proposition is that the judges, the juries, and those functionaries who exercise judicial power in that Territory shall be selected so far as may be possible from the worthy people of those islands, people who are capacitated to fill those important places. In that view of the subject I do not feel that the committee have strayed away from any proper doctrine for the Government of the United States or any of its Territories.

Local self-government is as much included in the administration of justice as it is in the election of officers or in the execution of the law, and the principle of local self-government is the one to which this commission and the Committee on Foreign Relations have appealed in this case as the basis upon which we predicate the entire frame of this bill.

It has been the custom heretofore—and a very bad custom, indeed—to appoint the judges of the Territorial courts for four years, a very short time, during which they are strangers to a community; they can scarcely become acquainted with its laws or with its people, and when another Administration shall come in those judges are removed for political reasons and a new set appointed, so that political influence, instead of a high sense of propriety in judicial administration, is that which quadrennially invades every Territory of the United States and carries to its people a new administrator of justice who is unacquainted with the people and with the laws of the Territory in which he presides. That system of itself is faulty in principle and it has been very injurious in its administration.

But there are other views of this question; there are other circumstances which have been forced upon the attention of Congress hitherto, chiefly by the sparsity of an educated and trained population in the Territories which we have heretofore organized. Heretofore, up to the present time indeed, except, I believe, in the case of Alaska, we have conferred upon what they call the United States courts in the Territories—the same courts the Senator from Connecticut is now trying to put upon the island of Hawaii—we have conferred upon them the power to enforce the laws of the United States, assuming under the decisions of the Supreme Court that Congress as the supreme sovereign over the Territories has the right to combine the powers of the State government and the powers of the Federal Government in the appointment of judicial officers for the Territories. We have conferred upon them the double duty, and sometimes the irreconcilable duty, of passing upon questions that arise in the Territories themselves, and which concern private interests entirely, combining them with questions that arise under the laws of the United States and are entirely different in their purposes and in the means of execution from the Territorial or local laws. For instance, we have conferred upon those Territorial courts the power of admiralty in several cases.

Now, what greater inconsistency can there be than that of a Territorial court exercising all of the local jurisdiction that belongs to a State court or county court or probate court or criminal court and uniting that with the jurisdiction conferred under the laws of the United States upon the district and circuit courts in admiralty? How are we to expect to find judges of sufficient breadth of learning, sufficient ability to manage these diverse and incongruous conditions? We have escaped heretofore for the reason that it has very seldom happened that our Territorial courts have been called upon to administer admiralty jurisdiction, but I can conceive of nothing more unseemly in legislation to provide judicial jurisdiction and officers than to place in the hands, for instance, of a circuit judge of the State of Alabama the power to determine and execute the laws of the United States in Alabama. If he can not do it properly in Alabama, if there are public reasons connected with the harmony of the judicial establishment

why a circuit judge in Alabama can not exercise such power, how can we justify conferring double jurisdiction upon a Territorial court?

The Territorial court, under the decisions of the Supreme Court, derives from Congress, in view of its competent powers, all of the rights of a circuit court of Alabama or any other State, and also all of the rights, powers, and jurisdiction that belong to Federal courts. Those courts in practice have two dockets, one of which is for the disposal of cases that are local in their origin and in their effect—purely local litigation. The other docket relates to cases of the Government of the United States or cases in which the Government of the United States is involved. This committee, and the commission, also, having some idea about this matter, undertook to get rid of this incongruity, this unnecessary mixing of two jurisdictions in the mind of a man serving two masters upon the bench, and we first of all separated the local courts in Hawaii entirely from the courts of the United States, and gave to them that kind of local jurisdiction that a circuit or other court in a State possesses.

Then, in order that the Government of the United States might have its rightful powers exercised judicially in the Hawaiian Islands, the committee recommended that a district court of the United States should be established in those islands having a jurisdiction that is unequivocal, that is plenary, that has been defined by statute and by judicial decisions so that there is no doubt or dispute about its powers at all, and that in that jurisdiction that judge, representing the Government of the United States, should preside in all cases where the laws and rights of the Government of the United States were involved.

Now, is there any serious objection, is there any constitutional objection, can there be any objection in theory or in practice to establishing in the islands of Hawaii the two separate jurisdictions just as they exist in the States? I can see no difficulty in the way. I have sought in vain for some constitutional difficulty, and it has never occurred to me or to any other member of the commission or to any other member of the Committee on Foreign Relations. The subject has been fully discussed, and the committee have been of the opinion that we had just as much right to establish a district court in Hawaii as we have to establish a district court in any State in the American Union.

Now, if there is no such difficulty, it behooves us in providing a good government for those people there to keep those jurisdictions separate, and in order to keep them separate the appointing power ought to be kept separate. The appointing power of the local jurisdiction ought to be the local government and of the Federal jurisdiction the Federal Government. Is there any collision between them? Is there a possibility of collision between them? No more in the islands of Hawaii than there is in the State of Alabama—not at all. They have separate functions to perform, separate jurisdictions to give them authority and power, separate officers for the purpose of enforcing their judgments and decrees, and there is no reason and no man can state a reason against this proposition except to say we have not heretofore done it. That is all you can say about it.

Heretofore, Mr. President, we have never had the power and the opportunity to legislate for a country situated as Hawaii is. I take it for granted that the Hawaiian Territory is now fully incorporated into the United States, and according to the very terms of the act of annexation the Constitution of the United States is in force there in all of its self-executing powers, except so far as Congress has seen proper to withhold the positive introduction of those provisions of the Constitution and to retain for the present time and until Congress has further directed the local government of Hawaii in all of its full force and effect, except in respect of its foreign relations.

The islands of Hawaii are an outpost in the sea 2,000 miles removed from our coast. It is a maritime territory, strictly speaking. It has no connection with anything on any side except with the open ocean. Separated from the continent of the United States, responsibilities rest upon any government that may be found there which differ almost wholly from those that affect a Territory like Arizona or New Mexico, that is locked up in the bosom of the continent. What are the questions that arise in Hawaii every day, whose determination is absolutely essential to the preservation of any form of government there that is supposed to be at all complete or effective?

I will take the collection of customs, if you please. Customs cases arise and must arise in Hawaii very frequently in which judicial determination is absolutely necessary to ascertain the rights of the parties. Will you refer those questions to the local court in Hawaii, which court may not be fully informed in respect of the laws of the United States on the subject of duties and customs? Criminal cases, smuggling, and a large class of criminal cases are continually arising in this outpost in the sea which can be dealt with efficiently only by a district court of the United States. I will not dwell upon these different topics to elaborate them at all, but I will refer to them rather by their heads.

We will take the subject of immigration from China, a subject that properly falls within the jurisdiction of a Federal tribunal. Shall we not have a Federal court in Hawaii to intercept the Chinese who may attempt to smuggle themselves onto this continent contrary to law? Shall we leave it to a local court, and a local court whose interest may be directly in favor of introducing Chinese labor into those islands, if not into the United States? Is there not more likely to be a conflict of interest in a local court upon the question of Chinese immigration than would occur if that court had no jurisdiction of the subject whatever and a Federal court was there to deal with that very important matter? And so as to the importation of persons from Japan and from other countries under labor contracts. They are properly the subject of judicial action by a Federal tribunal.

So the still more important question of quarantine, the handling of these great masses of Orientals who come across the Pacific Ocean and are crowding like the salmon crowd in the fiords of Alaska, for the purpose of getting upon this continent, in order to find an easier place of existence and a better home than they can find in China and Japan, and in India also. Should there not be some independent United States power and authority upon those islands for the purpose of dealing with this question also? Then take the large number of cases that arise in admiralty in time of war and also in time of peace. Prize questions are continually being introduced to the judicial tribunals by captures at sea both at war and in peace, captures for violations of the revenue laws as well as the laws of blockade and the laws of war and the laws relating to the importation of contraband of war—prize cases, originating in a great many ways, that are to be determined and ought to be determined at the nearest point to which the prize can be taken for adjudication. Shall we deny to ourselves, not to the people of Hawaii—shall we deny to the Government of the United States the right and opportunity to have a prize court in Honolulu, and force the captors of prizes, no matter what the offense may have been for which the capture was made, to come 2,000 miles to the coast in order to find a court in San Diego or San Francisco or Los Angeles? It is an absurd situation.

Then take the questions that arise under the admiralty jurisdiction of a Federal court, and they are very numerous. The classifications even are very numerous, and cases of the greatest magnitude arise in those courts. There are seizures for forfeitures and penalties against the laws of the United States. There are possessory actions for ships triable in admiralty, questions of pilotage, fees of pilots, rights and duties of pilots, questions of salvage, where vessels are in collision, or for any cause where a question of salvage may arise, always very important and frequently very delicate for decision; questions of liens for repairs. Almost every ship that passes Hawaii must have some repairs put upon her at Honolulu. It is a rare thing for a ship to cross the Pacific Ocean without having some necessary repairs made at Honolulu. There are questions of liens upon tackle, apparel, and furniture for the payment of those repairs in the event that they are not paid according to the agreement between the parties, which must be decided in admiralty.

If it is a State court, you can not give to it jurisdiction requisite for the decision of these cases. It is only in virtue of the fact that Congress has the supreme power to confer the jurisdiction both of the State and the Federal Government upon a court of admiralty that the court proposed by the Senator from Connecticut can take any jurisdiction whatever of a lien for repairs upon a ship. There is that vast sweep of maritime contracts, very important in themselves and involving questions of the greatest possible difficulty and interest; questions of seamen's wages and questions of collisions, to which I have already referred. I do not care to detain the Senate by calling attention to some of the decisions upon these questions, because I suppose the law as I have stated it here now upon the question of the jurisdiction of these courts will hardly be disputed. I am referring to it merely for the purpose of showing the necessity of having an independent separate district court of the United States located in the Hawaiian Islands.

Then we will take the internal revenue and the violations of the internal-revenue laws—the questions of illicit distilleries and the thousands of questions that arise continually under the internal-revenue laws of the United States. Are we going to execute our internal-revenue laws in Hawaii? Of course we will. The bill provides for it. The bill constitutes the Hawaiian Islands an internal-revenue collection district. It also constitutes those islands a customs district of the United States, and we appoint there our custom-house officer, and all of the laws and all of the regulations that relate to the customs are put in force there by this bill.

Now, shall we have behind these powers that we carry into Hawaii no judge of the district court to control and regulate those matters as between the Government of the United States and the people of Hawaii? Shall we take away from a people who have already elaborated in their judicial decisions a splendid system of admiralty law all of that system and confer upon them a jurisdiction

which is mixed, consisting in part of a local Territorial jurisdiction for local affairs and also a broader jurisdiction to cover all the powers of the different courts of the United States in those islands?

For my part, Mr. President, I take great pride in the fact that this commission and the committee have introduced this subject into the bill and have brought forward and presented to the Congress of the United States an opportunity to take that one step which is more necessary than any other that we can take at all for the purpose of introducing the real authority of the United States Government into those islands. I will not for the present discuss what might be the effect of such an establishment in Puerto Rico and in the Philippines, but it will be but a very short time until the Congress of the United States will find itself compelled by the necessities of the situation to go into the Philippines and also into Puerto Rico with these district judges. Why is it, when we are extending the whole constitutional authority and power of the Government of the United States over the islands of Hawaii, we should deprive those people or the Government of the United States of the opportunity of having a full sweep of jurisdiction as provided for the States of the Union in our large and elaborate system of legislation and judicial decisions? I can not understand it, Mr. President. I can not see any objection to it, and I shall listen with attention to the real point of any objection that can be made to the introduction of these courts into the Hawaiian Islands.

It is urged or it has been urged that it is unconstitutional to establish a district court of the United States anywhere in the world except within the body of a State. If that is true, we made a very wide and very serious breach of the Constitution, which is now pretty nearly a hundred years old, in respect of the District of Columbia, for here we have a supreme court and a court of appeals of the District of Columbia, and exactly the same jurisdiction is conferred upon them that is conferred by the general laws upon the district, circuit, and appellate courts of the United States.

We have judges who hold their constitutional tenure also during good behavior. Those courts in every possible respect, except in the mere name, have all of the power, all of the jurisdiction, that are possessed by the circuit and district courts of the United States, with one solitary exception, and that is that where a plaintiff sues in a district court of the United States, if he stand upon his character as a citizen merely without reference to the nature of the question he brings into court, he must be the citizen of a State and can not be a citizen of the District of Columbia or the citizen of a Territory. That is the only difference. That, however, does not in the slightest degree operate as against the jurisdictional powers which he may invoke, no matter of what State or Territory he may be a citizen, if the question presented in the cause is one that arises under the laws or the treaties of the United States.

It is no argument against the constitutionality of this court that a man living in Hawaii can not sue another man who may live in California. A man living in California can sue a man who lives in Hawaii by this law; but if he lives in a Territory, he can not sue in a district court of the United States. He would have to go into the local courts in order to have his redress. He is the only man who is excluded from that power or right. More than that, it is not quite settled—it was not settled in the first case decided upon this question, and it is not settled yet—whether the Congress of the United States has not the right to confer upon a man who lives in a Territory or the District of Columbia the right to sue in a Federal court. Chief Justice Marshall kept that expressly as an open question in the first decision ever delivered on the subject.

Now, I do not care to elaborate this subject before a Senate so thin as this is, because when our colleagues come to vote upon this question of course they will simply know nothing about it, unless we take the pains to go over the whole ground and explain it again, but I wanted to ask the Senator from Connecticut, unless he could state some real constitutional ground of objection to this legislation, to forbear his opposition to it in deference to the views of the men—not myself, but of others—who have carefully scanned this whole subject, and who have presented a system here which will be broken into and very badly injured, if not destroyed, by the effect of his amendment; and I hope the Senator from Connecticut, when he comes to consider the subject more maturely, will not insist upon his amendment.

Mr. President, it is intimated here that we should proceed with this bill in a hurry for the reason that the bubonic plague is affecting the people of the Hawaiian Islands. It has now originated, as we are informed this morning by the newspapers, in the island of Maui. In that connection, I should like to say that the bubonic plague in the island of Maui, according to the newspaper statement, which gives the only account we have, was introduced into that island by some Chinese sweetmeats, brought forward and eaten by the people. The island of Maui has no connection whatever with the island of Oahu, on which the city of Honolulu is situated. The strictest possible quarantine is kept up, and there is no possibility of getting from Honolulu to Maui otherwise than upon a ship, a seagoing vessel. The quarantine there has been absolutely perfect, and the origin of the bubonic plague in the island of Maui and also the one case in Hilo are not in the slightest degree to be attributed to the prior existence of the disease in Honolulu. On the contrary, the measures taken by the people of Honolulu to stamp out the disease have been so effectual that it has been ten days, up to the latest account, since any new case originated in the city of Honolulu.

But I call attention to this now for the purpose of trying to quiet the apprehensions of some of our friends on the subject of very hasty legislation in favor of these islands. It is very true that we have left the islands in the most peculiar and the most unsatisfactory condition that has ever existed in respect of any part of the country over which we have had the power of government. Our neglect of the people of those islands up to this time, considering all of their antecedents, considering who they are and what they are and what they have accomplished, is discreditable to the Government of the United States. There can not be anything said of it less stringent than that. It is discreditable. Those people have now for the third time encountered, in the most heroic way that any people ever have, a great epidemic of disease.

The first was the leprosy, which they have conquered so far as concerns its being a contagious or infectious disease in any of those islands. Those people have done for the lepers, who were affected first of all from some persons who came across from China, what no nation in the world has ever attempted to do for that most miserable and unfortunate class of people. They have established for them a home, a sanitarium, covering 10,000 acres of land in a beautiful situation, surrounded on three sides by the sea and on the fourth side by precipitous mountains, and upon that plain, through which run several beautiful streams, they have located homes for these lepers, where no man can turn to his neighbor and say, "Thou art defiled." It is the only place in the world where a leper has been provided with home comforts, with the protection and care of excellent physicians, with every appliance of civil and Christian society, with all necessary amusements, and with work at which they can make money, and with every possible facility for comfort that can be given to people in such an unfortunate condition.

In that respect the people of Hawaii have accomplished a triumph of medical sanitation that has drawn the admiration of all of the scientific world, and no people have so greatly honored themselves as have those people in dealing with that terrible disease. There is no more danger of becoming a leper by contagion or infection in one of the Hawaiian Islands to-day than there is in the city of Washington, and I do not think there is half so much, because of the strict regimen and control that they have exercised over this trouble in their islands.

The second great battle they had to fight was with the cholera. They ascertained through the skill of their physicians, whose skill is not inferior to that of any set of physicians, I suppose, in the world, that the cholera was communicated not from a ship which landed, because the ship that was suspected of having the cholera aboard of her was quarantined in such a way that no person went on board and no person came away. She did not enter the harbor except a very short distance, and the authorities informed her and required them to clean the ship absolutely, to fumigate it in every particular, and then to leave, not to land any person. They washed the ship out, and the washing fell into the sea, and it was taken up by the fishes and communicated to the people through their food. The cholera broke out in Hawaii against all possible precaution, and without any admonition whatever in consequence of any case having landed of a person who was troubled with that disease; and it at once spread among the people. The authorities of the Hawaiian Government at Honolulu took the subject in hand and they crushed it out; and although there were hundreds and perhaps thousands who were affected with the cholera, there were only 41 deaths in the island, and the cholera disappeared.

Now they have the bubonic plague there, and the people of Hawaii have resorted to the old remedy that cleaned it out of London three centuries ago—fire. They have burned up 25 or 30 acres of valuable houses, made them a sacrifice, turning their tenants and their occupants out on the world, but taking religious, Christian care of all of them, taxing their purses and the receipts of their government to the last possible point of endurance. They have conquered the bubonic plague in Oahu; but it has come across the sea in sweetmeats that were sent from China as a part of the celebration of their fête on the 1st of January and gone to the island of Maui, and there it has broken out, and some eight or ten persons, Chinese and Japanese, have died, and one case has occurred in the island of Hawaii, at the town of Hilo.

We can not, Mr. President, afford to treat people like that with any degree of neglect or injustice. In every possible direction and for every reason that can be stated they have a right to our

careful and our affectionate consideration. They have a right to our trust and our confidence. There is no such thing in the government of Hawaii as fraud or robbery, failure to account, or anything of that kind. Those people have commended themselves to us by every consideration, so that it is our duty to reserve to them, or rather, I should say, to preserve to them, something of the establishments and institutions that they have built up. They have built them splendidly. They have administered them with purity and justice. The fruits of their administration and the effects of their laws are manifest on every side in Hawaii; and we ought not to take those people whom we have been inviting to come into the American Republic since the days of Franklin Pierce, who made the first treaty with them—we ought not to take them, now that they have become annexed, with their consent, to the Government of the United States, and treat them either as if they were children or ignorant bands of Indians or early settlers in a wild country; but we ought to take them as we find them, people of developed institutions, who understand the very highest arts of civilization and who have in all of their establishments, both domestic and public, the strongest evidence of the highest possible culture.

So I insist, Mr. President, that there can be no harm, there can be no wrong, there is no invasion of the Constitution of the United States in our giving to those people that privilege of local self-government which relates to the selection of their own judicial officers. If there is any one part of local self-government that is more important to the people than any other, it is to have some control, some voice, in the selection of those men who have in their hands the issues of life and death and whose judgments dispose of all rights of persons and property.

I can not see why it is that the President of the United States should have imparted to him the power to appoint judicial officers there, except merely that they may become an appanage or a part of the patronage of his office; and I detest the very idea of having men sent into the Hawaiian government who go there merely as the selected agents of a political party in the United States. You do not select the judges for Alabama or Connecticut or Ohio according to their political complexion. None of the people of the different States would tolerate the idea of having the Government of the United States appoint judges for them because, forsooth, they are not qualified to select their own judges through their own agents; and there is no reason for having that done.

We hear very much said, Mr. President, of late about imperialism. I do not know of any definition of imperialism as it is being used at the present time, and I have a difficulty in locating my own attitude in regard to imperialism because of the want of a definition of what that may mean. The imperialism that I am opposed to is that which takes away from the people of any part of the United States a proper participation in the right of local self-government. That is the imperialism I am opposed to. The imperialism that I am afraid of is not the natural growth or expansion of our influence in the world, for it was made to expand and it ought to expand, because it is good. No human being ever has been, and I hope that no human being ever will be, included in the power and jurisdiction of the United States who does not receive that blessing in consequence of the fact that he is placed within our jurisdiction. But the imperialism that I as a Democrat have always resisted, and I resist it now, and will always resist it, is the magnifying of the power of the Federal Government and extending it into every cranny and corner of the United States that it may reap a harvest of political power or patronage or something of that kind.

If I were going to define the idea of imperialism I would take up the amendment of the Senator from Connecticut, and I would take away from that enlightened and splendid community in Hawaii the right through their governor and their senate to select their judges for local affairs and local jurisdiction, and confer it upon the President of this imperial Government at Washington. I could not find a better definition of imperialism, it seems to me, than that, and I am opposed to it with that definition in all of its phases and in all of its applications. I believe in the right of local self-government. I believe that there is not an intelligent community in the United States, I mean of white people, who are not entirely competent to select for themselves their local officers, whether they are executive, legislative, or judicial, and any bill which gives the selection of the legislative officers into the hands of Hawaii and denies to them all participation in the selection of their judicial officers I find a contradiction which is entirely illogical, and unless some necessity can be pointed out for it, I must be opposed to it.

Now, that is all I care to say now. I understand the Senator from Rhode Island proposes to make a report, perhaps a conference report, and I yield the floor.

THE FINANCIAL BILL.

Mr. ALDRICH. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill No. 1.

The report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with amendments as follows:

Strike out all of the matter inserted by said Senate amendments and insert in lieu thereof the following:

That the dollar consisting of 25.8 grains of gold nine-tenths fine, as established by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

SEC. 2. That United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in the first section of this act, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set apart in the Treasury a reserve fund of $150,000,000 in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section 3700 of the Revised Statutes of the United States. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore the same to the maximum sum of $150,000,000 by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of not exceeding 3 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. That United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of $150,000,000.

SEC. 3. That nothing contained in this act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

SEC. 4. That there be established in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the division of issue and the division of redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve, all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

SEC. 5. That it shall be the duty of the Secretary of the Treasury, as fast as standard silver dollars are coined under the provisions of the acts of July 14, 1890, and June 13, 1898, from bullion purchased under the act of July 14, 1890, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $20, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed.

SEC. 7. That hereafter silver certificates shall be issued only of denominations of $10 and under, except that not exceeding in the aggregate 10 per cent of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of $20, $50, and $100; and silver certificates of higher denomination than $10, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of $10 or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United

States notes of less denomination than $10 shall from time to time be retired and canceled, and notes of denominations of $10 and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

SEC. 8. That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States, purchased under the act of July 14, 1890, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: *Provided*, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate $100,000,000. Whenever any silver bullion purchased under the act of July 14, 1890, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

SEC. 9. That the Secretary of the Treasury is hereby authorized and directed to cause all worn and uncurrent subsidiary silver coin of the United States now in the Treasury, and hereafter received, to be recoined, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated.

SEC. 10. That section 5138 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 5138. No association shall be organized with a less capital than $100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 3,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000."

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at 5 per cent per annum, payable February 1, 1904, and any bonds of the United States bearing interest at 4 per cent per annum, payable July 1, 1907, and any bonds of the United States bearing interest at 3 per cent per annum, payable August 1, 1908, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of 2 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of 2½ per cent per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section 3694 of the Revised Statutes: *And provided further*, That the 2 per cent bonds to be issued under the provisions of this act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of 1 per cent of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

SEC. 12. That upon the deposit with the Treasurer of the United States by any national banking association of any bonds of the United States, in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section 5167 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of $5: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per cent bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

SEC. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of 2 per cent per annum, issued under the provisions of this act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section 5214 of the Revised Statutes.

SEC. 14. That the provisions of this act are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Amend the title so as to read: "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes."

And the Senate agree to the same.

The PRESIDENT pro tempore. The question before the Senate is on agreeing to the report of the conference committee.

Mr. ALDRICH. Mr. President, I ask that the report of the conference committee may be printed separately, that the bill as it passed the House, the bill as it passed the Senate, and the bill reported from the conference committee may be printed and stitched together, and that 1,000 extra copies of the conference report may be printed for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the conference report bill be printed, that the House bill be printed, and that the Senate bill also be printed; and he further asks that the three prints be attached one to the other by stitching, and that 1,000 extra copies be printed as a document.

Mr. ALDRICH. One thousand copies of the conference report simply.

The PRESIDENT pro tempore. One thousand extra copies of the report of the conference committee. Is there objection?

Mr. ALDRICH. The Senator from Iowa [Mr. ALLISON] suggests that 1,000 extra copies of the three bills be printed together.

Mr. TELLER. It will not cost any more.

Mr. ALDRICH. I modify my suggestion, and now suggest that 1,000 extra copies be printed of the three bills together.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. ALDRICH. I wish to give notice that on Wednesday, after the routine morning business is over, I shall ask the Senate to proceed with the consideration of the conference report.

Mr. JONES of Arkansas. I had some conference with the Senator from Rhode Island about this matter before we came into the Senate Chamber, but from a talk I have had with a number of Senators since, I find there is a general feeling among the Senators who have expressed themselves that there ought to be more time than would be afforded by Wednesday for taking up the bill, as all Senators have matters which require their attention, and it will take time to examine it. I therefore will be glad if the report shall not be called up until Thursday.

Mr. ALDRICH. The report will be printed in the RECORD and will be printed separately as a document. I hope Senators will be able to agree to the proposition to take up the report on Wednesday next.

Mr. JONES of Arkansas. I think it will be much more satisfactory to Senators to make it Thursday. If that be done, it will probably save time in debate and give Senators a full opportunity to examine the proposed bill before it is taken up.

Mr. ALDRICH. I suggest to the Senator that we might commence on Wednesday. Some member of the committee might then make a statement as to the changes which are proposed, and their force and effect; and then we can go on with the consideration of it on Thursday. There will be no disposition to unduly discuss it on Wednesday; and perhaps the discussion will be confined simply to a statement of what the conference report proposes. But I do not desire to press the matter if the Senators on the other side object.

Mr. JONES of Arkansas. A number of Senators on this side have expressed the desire that the bill shall not be called up before Thursday next. They think that they will not then have more time than will be necessary for a careful examination of the bill. Of course I do not myself want to insist; but I think it would meet with more general approval to have the bill called up on Thursday next instead of Wednesday.

Mr. ALDRICH. Very well. Then I will again modify my notice, and give notice that I shall call it up on Thursday, instead of Wednesday, after the routine morning business.

Mr. WOLCOTT. I should like to ask the Senator from Rhode Island when he or his colleagues on the committee expect to make a statement to the Senate giving their explanation of the changes which have been made in the bill and their effect?

Mr. ALDRICH. On Thursday.

Mr. WOLCOTT. And there will be no statement by any member of the conference committee until Thursday as to the scope and character of the conference report?

Mr. ALDRICH. No, sir.

Mr. JONES of Arkansas. There will be no objection to that explanation being made at any time it may suit the convenience of the chairman of the committee. It might be considered as a part of the report of the conference committee.

Mr. ALDRICH. Very well. Then I will again modify the notice, and say that on Wednesday the report will be called up to enable either myself or the Senator from Iowa [Mr. ALLISON] to

make a short statement as to the effect of the changes which are proposed, and for no other purpose.

Mr. JONES of Arkansas. I think that will be preferable.

Mr. TELLER. And then that the report go over until Thursday?

Mr. ALDRICH. And then that it shall go over until Thursday.

Mr. TELLER. That is right.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. VEST. Mr. President, no one opposed the annexation of Hawaii more intensely than myself, but that is now a dead issue, and of course it is the duty of every Senator to secure the best possible government, the most equal and fair, for the inhabitants of those islands.

I shall vote for the pending bill, because in its general outlines it is beyond and above constitutional criticism and raises none of the issues which will be raised in regard to Puerto Rico and the Philippines. I think that the thanks of the country are due to the Senators who prepared this bill. There is no provision in it changing the tariff and, even by implication, publishing to the world that Hawaii is not a part of the United States, or, if a part of the United States, that it can be held as a colony, a province, without the people of those islands having the slightest shadow of self-government.

I shall not repeat, Mr. President, my views at length in regard to the extraordinary assumption that any territory under the jurisdiction of the United States is not a part of the United States. It is to me, with all respect for my colleagues who hold the opposite ground, the most outrageous, the most dangerous, the most unrepublican, the most undemocratic assumption that I have ever heard during my public life or ever expect to hear.

In the last Congress, when discussing the relations of these newly acquired islands to the United States, I undertook to show that by the historic argument, if I may so term it, it was impossible that the men who fought the Revolutionary war and made the Constitution of 1789 could ever have contemplated establishing a colonial system in this country. I said then and I say now—and it can not be successfully contradicted, in my opinion—that the larger portion of the Declaration of Independence was devoted to stating the outrages and wrongs committed upon the colonies by the King of Great Britain, those wrongs being the acknowledged and established features of the colonial system as practiced by European nations.

I have before me that Declaration of Independence in the textbook of the Senate, the Manual and Rules, an old-fashioned edition, which I was compelled to search for in the Senate library, published in 1872. We have now a gaudy, morocco-bound, and gilt-edged edition, purporting to be the same work, from which the Declaration of Independence has been expunged. When I came to the Senate, the Rules and Manual contained the Declaration of Independence and Washington's Farewell Address. Both are now eliminated; I do not know why, unless they had become so old-fashioned and antiquated as to be considered ancient history and simply academic in their form and effect.

Mr. PLATT of Connecticut. Why, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. VEST. Certainly.

Mr. PLATT of Connecticut. I hope the Senator is mistaken in supposing that the Declaration of Independence has been eliminated from our Manual, and I think he is, because on page 389 of the edition of the Manual published in 1899 the Declaration is to be found. I think the Senator must have overlooked it.

Mr. VEST. I do not think I did. I looked very carefully for it in the last edition, as I understood it to be, of the Rules and Manual. But it is a matter of no importance. It might have been left out by inadvertence. I do not know how this book is prepared; but I was astonished not to find, or, I was unable to find, in the edition that was placed on my desk at the beginning of this session, any copy of the Declaration of Independence or the Farewell Address of Washington. I shall not undertake to say that it was done because the doctrines in those two great papers had become obsolete, or even that it was intentionally done.

Mr. TELLER. It was put in the back of the volume; that is all.

Mr. VEST. Mr. President, it does not matter whether it is published or not. I repeat that the Declaration of Independence is devoted, much the larger part of it, to an arraignment of the King of Great Britain for applying to the colonies in America the oppressive and despotic features of the colonial system as practiced by the nations of Europe.

It is true that in this Declaration of Independence the colonial system is not denounced specifically and eo nomine, but all of its salient and essential features of despotism are singled out by Jefferson and denounced.

"He," says Jefferson, referring to the King of Great Britain, George III, "has oppressed the people of the colonies by denying them just and fair trial in the courts; has quartered soldiers upon them in time of peace, and committed all the other wrongs that the monarchs of Europe under the colonial system inflicted upon their subjects."

If the men who fought the Revolutionary war could to-day take cognizance of the affairs of the living, they would be astonished to know that they suffered and died, half clothed, half fed, and half armed, for seven long years in order that their descendants might inflict upon other peoples, of any color, the wrongs and outrages which Jefferson denounced in this Declaration.

There was, and it can be seen in the original Declaration of Independence, written by Jefferson's own hand, another indictment besides those found in the Declaration of Independence as we now have it. In the archives of the Government can be found this original Declaration, and it shows upon its face that when Jefferson reported the Declaration it contained the most terrible arraignment of the King of England for introducing African slavery into this continent that ever came from the lips or pen of mortal man.

He has, says Jefferson, made war upon an innocent and helpless people in Africa, torn them from their homes, captivated them—using the old Revolutionary term, which we have now turned into "captured"—captivated them, brought them to this continent, inflicted them upon an unwilling people, and then attempted to incite servile insurrection in order that fire and sword might be put into the hands of the slaves against their owners and masters.

Virginia as a colony had for years protested against the African slave trade, but in vain. The King of England had nullified in every instance the acts of the colonial assembly of Virginia endeavoring to prohibit the importation of slaves into her domain. Jefferson knew this; but when this indictment against the King of Great Britain for bringing into this country African slaves was considered by the Convention, there was then, as always afterwards, a sensitive feeling in regard to the institution of slavery; and at the instance of John Adams and others this part of the Declaration was stricken out.

There is a curious history, Mr. President, in regard to the institution of slavery, or the existence of that institution in the colonies and afterwards in the United States, which has always seemed to me one of the most remarkable features in the formation of the Constitution of 1789. We can now afford to allude to it in this era of fraternal feeling, when our President says that the graves of men on both sides who fell in battle during the civil war should be decorated alike. The debates of the Convention of 1789 show that when the question of the importation of African slaves into this country came up for discussion, Mr. Madison, of Virginia, the leading member of the Convention, denounced the African slave trade as inhuman, un-Christian, and unworthy to exist amidst a free people. He said, using his own language, "it was a shame and disgrace that in a Republic African slavery should be instituted with the consent of its people."

Gouverneur Morris, a member of the Convention, alluding to what had been said by Mr. Madison, deprecated the excited controversy that would follow in regard to the African slave trade, and said that in the same article was a provision to which New England greatly objected, and it was to the effect that the navigation laws could be abrogated by a bare majority of the members of both Houses of Congress. New England was then the great shipbuilding and ship-sailing portion of this country, and the navigation laws gave a monopoly to the shipbuilders of the United States, no foreign-built ship being admitted to the coastwise or foreign trade in this country. "If," said Gouverneur Morris, "the navigation laws, in which New England is greatly interested, and the importation of African slaves can be sent to a committee, I have no doubt that an adjustment or a compromise can be made agreeable to all sections." The motion was carried, and two days afterwards this committee of adjustment reported, requiring two-thirds of both Houses of Congress to repeal the navigation laws, which are yet upon our statute book, and providing that the African slave trade should last until 1800. When this question came before the Convention, General Pinckney, of South Carolina, moved to extend the slave trade to 1808. The motion was seconded by Mr. Gorham, of Massachusetts, and, each State casting one vote, the motion was carried, South Carolina, North Carolina, Georgia, Maryland, and all of the New England States voting for it; Virginia, Pennsylvania, Delaware, and New Jersey voting against it.

Mr. President, the African slave trade lasted until 1808 under this agreement. The institution of slavery, forced upon old Virginia, went out in tears and fire and blood, as Mr. Jefferson said that it would. The South paid a terrible price for this agreement in the Convention of 1789. Her best and bravest sons watered the soil of the South with their blood, and New England, although the price she has paid has not been so terrible and disastrous, sees to-day the shipbuilding, which she endeavored to preserve as a monopoly to her people, almost extinct so far as the foreign trade

is concerned; and the merchant marine of the United States under these navigation laws, a relic of barbarism, has run down from 70 per cent carried in American ships in 1857 to less than 11 per cent to-day; and we are now about to enact a law—and I take it that it will pass this Senate by a large majority—leaving the navigation laws, the result of this bargain with the slave trade in 1789, unrepealed. We are about to give $180,000,000 in subsidies to shipowners in order to do away with the disastrous effects of the navigation laws to which I have alluded.

It is a curious history, Mr. President. In vain the appeal is now made to wipe out those laws, narrow and bigoted and disastrous to our people; and they are kept upon the statute book as if they were some sacred institution, never to be attacked. We are to resort now to the unconstitutional project of subsidies to do away with their evil effects.

Another curious thing, Mr. President, while I am in a reminiscent mood, is that in the Convention of 1789 a proposition was made to give Congress the power to grant subsidies to agriculture, manufactures, and commerce, which was referred without debate to a committee and was never heard of afterwards. I have no hesitation in saying that, in my opinion, there is no constitutional power in Congress to take the tax money of the people of this country and give it as subsidies to any interest; and I am confirmed in the opinion that the men who made the Constitution never intended that subsidies should be granted, from the fact that the proposition to give them to agriculture, manufactures, and commerce was allowed to sleep and was not even dignified by a debate in the Convention.

Mr. President, I had the temerity in the last Congress to quote from the Dred Scott decision, to the effect that this Government has no right to hold colonies; that it has no right to hold any people as subjects, and that no territory can be acquired under the Constitution as it now exists except with the ultimate purpose of its being admitted as a State within the discretion of Congress. I offered a resolution to that effect, which was ridiculed, maligned, and called absurd, and it was charged that I was an unrepentant rebel, a traitor to the country, and that my motives were of the most sinister and malign character.

I said at the time when I quoted from the Dred Scott decision—and I will not repeat the quotation nor place it in the remarks I am now making—that the political part of that opinion was settled beyond resurrection by the result of the civil war; but I asserted then, and I assert now, that the portion of it which related to the power of the United States to hold colonies had been acquiesced in by the entire court, not only the seven Democrats; but Justices McLean and Curtis, who delivered dissenting opinions, did not dissent from what Chief Justice Taney said in regard to the constitutional power to which I have adverted. In answer to that the junior Senator from Connecticut [Mr. PLATT], in reply to my argument, contented himself with denouncing the Dred Scott decision as a discredited opinion, and in his speech referred to it as a decision which is popularly believed to have contained the enuciation that the negro had no right which the white man was bound to respect.

Mr. President, I do not know that I would have addressed the Senate to-day except that I want the opportunity, in justice to the dead, to correct any impression that may have been made by the intimation of the Senator from Connecticut. That statement is a slander upon the seven judges who united in the opinion in the Dred Scott case, and especially upon Roger B. Taney, than whom a purer man never lived in this or any other country. It has gone uncontradicted too long. I challenge any man to find one sentence, one word, one syllable in that opinion which contains any such statement as that to which the Senator from Connecticut alluded. The Senator from Connecticut is an able lawyer, a fair man, as my experience with him in this body has taught me to believe. Chief Justice Taney said in that opinion, alluding to the status of this unfortunate and helpless race of Africans, that they had been treated by the nations of Europe, and especially by the English kings and queens, as having no rights that the white man was bound to respect; but he deprecated that state of things. He expressed sympathy for this most unfortunate race of all that have ever lived beneath the sun. He was not an advocate of slavery and doubted the policy of its existence in this country, as did Mr. Jefferson and Mr. Clay and Mr. Benton, but I repeat that there is not one syllable, not one letter in that much maligned and slandered opinion in the Dred Scott case to justify this political canard that was used to influence the election for President in 1860.

Mr. President, the party feeling that then existed was so intense that William H. Seward, Senator from New York, after the delivery of the Dred Scott decision, which was the day after Taney had sworn in James Buchanan as President of the United States upon the eastern exposure of this Capitol, stated, in a speech to be found in the CONGRESSIONAL RECORD, that Taney stooped and whispered in the President's ear: "To-morrow the Supreme Court will decide the Dred Scott case, and carry slavery into the Territories by virtue of the Constitution"—the monstrous statement that the Chief Justice of the United States would lean down and whisper into the ear of the President the news that the Dred Scott decision would be decided in the interest of slavery! That statement was used in the campaign of 1860, and went through the North uncontradicted, a statement so monstrous as to be beyond belief, even by one who was tainted and poisoned with political venom.

Mr. President, I am glad to be able to state that the Supreme Court of the United States has unanimously, within a few years, reaffirmed the doctrines laid down in the Dred Scott decision as to the power of this Government to hold colonies. I did not have this opinion when I spoke during the last Congress. I have here an opinion delivered by Justice Gray, with the unanimous assent of his colleagues, a few years ago. Is there anyone here who will doubt the loyalty of Justice Gray to this country or to the Republican party? He is a jurist of eminence, having occupied the highest seat upon the supreme bench of Massachusetts, and then, at the instance of the distinguished senior Senator from Massachusetts [Mr. HOAR], as I have understood, he was put forward for the place he now honors upon the Supreme Bench of the United States. If he is not a Republican, if his judicial opinions are to be attacked upon partisan grounds, where will be found the man who can be said to be true to the doctrines of the Republican party? I will ask the Secretary now to read an extract from that opinion as to the point I have made.

The Secretary read as follows:

In the case of Shively *vs.* Bowlby (152 U. S.) Mr. Justice Gray said:

"(1) The Territories acquired by Congress, whether by deed or cession from the original State or by treaty with a foreign country, are held with the object, as soon as their population and condition justify, of being admitted into the Union as States upon an equal footing with the original States in all respects; (2) and the title and dominion of the tide waters and the land under them are held with the United States for the benefit of the whole people, and as this court has often said in cases above cited, 'in trusts for the future States.'"

In summing up the Shively case (page 57) the court said:

"Upon the acquisition of territory by the United States, whether by cession from one of the States or by treaty with the foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of the territory."

Mr. VEST. That was the doctrine asserted by Chief Justice Taney, that all territory acquired either by purchase, cession, or conquest, either from foreign countries or granted by the original States, as Virginia granted the Northwest Territory, could not be held as colonies; that the United States simply held it as trustee. As the syllabus of that case shows, this was in regard to tide water and tide-water lands in a Territory, and the Supreme Court declared emphatically, in language not stronger than that in the Dred Scott case, that the United States is simply a trustee, and the ultimate purpose of having any such territory is to make it a State.

Mr. President, I have here copious extracts from Judge Cooley's work upon Constitutional Limitations, another distinguished Republican. I will not inflict all these upon the Senate, but I will print them in my remarks in order that they may be criticised, if worthy of criticism. Justice Cooley declares that territory can only be acquired by the United States with the ultimate purpose of changing it into States. In speaking of our Territorial and the British colonial system, Mr. Cooley says:

In this dependence of the Territories upon the central Government there is some outward resemblance to the conditions of the American colonies under the British Crown; but there are some differences which are important and indeed vital. The first of these is that the Territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the Territory, while it continues, are sure of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable; while the British colonial system contains no promise or assurance of any but a dependent government indefinitely. (Cooley's Principles of Constitutional Law, page 37.)

Mr. Cooley draws a second distinction on page 37:

The second is that above given, that the people of the American Territories are guaranteed all the benefits of the principles of constitutional right which protect life, liberty, and property, and may defend them under the law, even as against the action of the Government itself; while in the colonies these principles were subjects of dispute, and if admitted would be within the control of an absolute imperial legislature, which might overrule them at will.

Mr. Cooley says, writing of our Territorial and the British colonial system:

There is also a difference in respect to taxation which, though not so striking, is still important. The Territories levy their own taxes for all purposes, and they are never taxed separately for national purposes, but only as parts of the whole country and under the same rules and for the same purposes as are the States. Nor is it intended to realize from them any revenue for the National Treasury beyond what is expended by the United States in their interest.

Mr. Cooley says, on page 187 of his work on Constitutional Limitations:

The Constitution also provided that new States may be admitted by Congress into the Union; but whether they should be formed of territory at that time belonging to the States, or from territory that might thereafter be acquired, or taken in as existing States previously independent, was not expressly determined by that instrument. By the ordinance of 1787, however,

which the Constitution left in force, it had been agreed that States, not exceeding five, might be formed from the Northwest Territory and received into the Union; and it may be assumed as unquestionable that the constitutional provision contemplated that the territory then under the dominion of the United States, but not within the limits of any one of them, was in due time to be formed and organized into States and admitted into the Union, as has since in many cases been done.

Indeed, it could never have been understood that any territory which by purchase, cession, or conquest should at any time come under the control of the United States should permanently be held in a Territorial condition, and the new States which have been formed of territory acquired by treaty must be supposed to have been received into the Union in strict compliance with the Constitution.

But we are told that the opinion of Chief Justice Taney in the Dred Scott case was obiter dictum and the point was not before that court. The question in the Dred Scott case was simply this: Did the Constitution of the United States authorize a slaveholder to take his slave into the common territory of the country where slavery was prohibited by Congress without losing property in his slave? The case originated in my own State, Missouri, where an Army officer took his body servant, Dred Scott, into the territory north of the Missouri compromise line of 1820, and on his return to Missouri this negro slave, Dred Scott, sued out a writ of habeas corpus, claiming that by having gone into this territory north of the Missouri compromise line he became free and must necessarily remain free, and that the status of slavery did not attach to him when brought back to the soil of Missouri. The supreme court of Missouri decided the case against Dred Scott.

It was then taken to the Supreme Court of the United States as involving a statute of the United States establishing the Missouri compromise line, and the real question involved in the case was whether in the face of the Missouri compromise the Constitution of the United States proprio vigore gave the slave owner a right to take his property into territory held by the United States Government, as Justice Gray said, as trustee for the people of all the States. Chief Justice Taney and the six associate justices who agreed with him said that the Constitution did override any statute that could be made by Congress as to the right of a citizen of any of the States to take his property, admitted to be property by the Constitution, into the common territory of the Union. The point at issue and the real point was, does the Constitution proprio vigore apply to all the territories of the United States, not only without the action of Congress, but in spite of an act of Congress which said that north of a certain line or degree of latitude slavery and involuntary servitude should not exist?

How, then, could the decision in that case be obiter dictum? It was the point at issue, and Chief Justice Taney and his associates declared emphatically and distinctly that the Constitution applied to the Territories. Nothing was urged in all that elaborate argument, when every justice delivered a separate opinion for himself, about the Congress of the United States applying the Constitution to the Territories of the United States. That is a new departure. I do not mean to say that it has not been advanced before. Mr. Webster used it in the slavery debate over the New Mexican Territory, and the junior Senator from Vermont [Mr. ROSS], in an elaborate address which he made here some days ago upon the question to which I am now speaking, quoted from a brief of Daniel Webster in the Canter case, where Webster asked the question, "How does the Constitution get into Florida?" It is the first time, with all due respect to the Senator from Vermont, that I have heard the brief of a feed counsel quoted as judicial authority.

Mr. President, I have quoted once before in the Senate, and make no apology for quoting it again, the opinion of the Supreme Court of the United States in the case of Loughborough *vs.* Blake, in 5 Wheaton. That was a case involving the question whether a direct tax must, by act of Congress, apply to the people of the District of Columbia. Chief Justice Marshall delivered the opinion, and every justice upon the bench, as Marshall took pains to declare, agreed with him in his decision. The question argued in the briefs of counsel and urged before the court was whether the term "United States" included the District of Columbia. We are told now that Puerto Rico is not in the United States, or, if it is, that it is a province, a colony, and that the Philippines are in the same position. The point in this case was, Did the term "United States" include the District of Columbia? It is exactly pertinent to the question that is now pending in regard to these insular possessions. I will ask the Secretary to read so much of this opinion as I have here marked.

The Secretary read as follows:

In 5 Wheaton, "Loughborough *vs.* Blake," Chief Justice Marshall, delivering the opinion of the court, said:

"The eighth section of the first article gives to Congress the 'power to lay and collect taxes, duties, imposts, and excises' for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: 'but all duties, imposts, and excises shall be uniform throughout the United States.' It will not be contended that the modification of the power extends to places to which the power itself does not extend.

"The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States."

Mr. VEST. Mr. President, the other day I called the attention of the distinguished Senator from Kentucky [Mr. LINDSAY] to this decision, which I have never heard explained or alluded to by any of my colleagues who favor what I call the imperial side of this question. The answer of the Senator from Kentucky was that which all of us who are lawyers have been in the habit of making when a decision or authority is found absolutely against the position we endeavor to maintain—obiter dictum. How could this decision of Chief Justice Marshall have been obiter dictum when the only question before the court was what was the meaning of the term "United States?" The contention made then was that the term United States did not include the District of Columbia, and the technical assertion was made that when the power was given to Congress to lay imposts, excises, and duties throughout the United States that outside of a State that portion of the Constitution could have no effect. Chief Justice Marshall sweeps that technicality away as if it were a cobweb, and says the meaning of the term "United States" in the Constitution is the empire of the United States, the soil over which the Federal Government has jurisdiction. That decision has never been criticised, and the Supreme Court of the United States in nine opinions since without a dissenting justice has reiterated and reaffirmed the doctrines which Chief Justice Marshall then laid down.

My friend the senior Senator from Ohio [Mr. FORAKER] the other day read from Colonel Benton's Thirty Years' View, which states that in 1850 for the first time appeared in the political history of this country the assertion that the Constitution proprio vigore applied to the Territories. This opinion of Marshall in Loughborough *vs.* Blake was delivered in 1820 and had stood from that time until Benton finished his Thirty Years' View, after his political career was terminated in Missouri, unchallenged and unquestioned, and so far as the Supreme Court of the United States is concerned it never has been questioned, although repeatedly brought before that august tribunal. I can tell the Senator from Ohio, being much more familiar with Colonel Benton, his opinions and public life, possibly, and naturally, that if he will go to the Library and get the last literary production of Colonel Benton, his essay upon the Dred Scott decision, he will find much stronger language. He will find vituperation so vitriolic that it could have emanated from no one else than Colonel Benton, who was the most extreme man in his opinions that ever appeared in the public life of this country.

Mr. President, in order to escape the decision of the Supreme Court in the case of Loughborough against Blake in 5 Wheaton, and other opinions down to three years ago, it has become necessary for the advocates of imperialism, which means the imposition of a government upon people who are not consulted and the exercise of despotic power by one man or cabal of men in the face of all republican or democratic institutions, to devise a new theory. From this decision in 5 Wheaton down to three years ago, as I said, the doctrine of the Dred Scott decision and what is the same thing, that the Constitution applies proprio vigore to the Territories, has obtained in the decisions of the highest court in the country; and it was found necessary to escape from the inevitable and logical result by devising some new theory never heard of before in this country except in the speech made in the Senate by Mr. Webster in answer to Calhoun on the New Mexican Territory and his brief in the Tanto case. It was never heard of in the decision of any judicial tribunal. What is that device, for it is not worthy, in my judgment, of any better name? It is that the Constitution of the United States, said by John Marshall to apply to all the territory over which the Government has jurisdiction, must be extended by act of Congress or by treaty stipulation in order to become vital and operative within the territorial limits.

I have here decisions of the Supreme Court of the United States, which I will not inflict upon the Senate at this late hour, but will take the privilege of inserting them in the report of my remarks, in all of which, and I challenge contradiction, the Supreme Court, without one single dissent, has declared that the Constitution of the United States gave to the people of the Territories and the District of Columbia all the rights, privileges, and immunities given to the people in any of the States.

In Mormon Church *vs.* the United States, Mr. Justice Bradley delivered the opinion, and said:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives all its powers, than by any express and direct application of its provisions.

In McAllister *vs.* the United States, Mr. Justice Harlan delivered the opinion and repeated the language of the court in the Mormon Church *vs.* United States.

In Thompson *vs.* Utah, Mr. Justice Harlan, delivering the opinion of the court, said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question. (Webster *vs.* Reid, 11 How., 437, 460; American Publishing Company *vs.* Fisher, 166 U. S., 464, 468; Springville *vs.* Thomas, 166 U. S., 707.) In the last-named case it was claimed that the Territorial legislature of Utah was empowered by the organic act of the Territory of September 9, 1850 (9 Stat. 453, chapter 516), to provide that unanimity of action on the part of jurors in civil cases was not necessary to a valid verdict. This court said: In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so.

In Murphy *vs.* Ramsey, Mr. Justice Matthews, delivering the opinion of the court, said:

The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, State and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.

In Reynolds *vs.* United States, Mr. Chief Justice Waite, delivering the opinion of the court, said:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as Congressional interference is concerned.

In Callan *vs.* Wilson, Mr. Justice Harlan, delivering the opinion of the court, said:

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District (District of Columbia) may be lawfully deprived of the benefits of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases.

In the draft of a constitution reported by the committee of five on the 6th of August, 1787, in the convention which framed the Constitution, the fourth section of Article XI read that "the trial of all criminal offenses (except in cases of impeachment) shall be by jury." (1 Elliot's Debates, 2d edition, 229.) But that article was, by unanimous vote, amended so as to read: "The trial of all crimes (except in cases of impeachment) shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, then the trial shall be at such place or places as the legislature may direct." (Id., 270.)

The object of thus amending the section, Mr. Madison says, was "to provide for trial by jury of offenses committed out of any State." (3 Madison Papers, 144.) In Reynolds *vs.* The United States (98 U. S., 145, 154) it was taken for granted that the sixth amendment of the Constitution secured to the people of the Territories the right of trial by jury in criminal prosecutions; and it had previously been held in Webster *vs.* Reid (11 How., 437, 460) that the seventh amendment secured to them a like right in civil actions at common law. We can not think that the people of this District have in that regard less rights than those accorded to the people of the Territories of the United States.

Justice Deady, in the case from Alaska (30 Fed. Rep., 115), said:

The power to enlarge the number and limits of the United States by the admission of new States into the Union is also expressly given to Congress. In the construction of this power it has been practically held to authorize the acquisition of territory not then qualified for such admission, and the government of the same by Congress in the meantime, and until it is deemed fitted therefor.

In the exercise of this power, however, Congress can not do or authorize any act or pass any law forbidden by the Constitution, as suspending the writ of habeas corpus in the time of peace; passing a bill of attainder or ex post facto law; quartering soldiers in a house without the consent of the owner in time of peace; making a law respecting the establishment of religion; but it may exercise any legislative power not expressly forbidden to it by the Constitution, and to this there may be a further limit that the same shall not be inconsistent with the spirit and genius of that instrument, nor contrary to the purpose for which territory may be acquired. Subject to these limitations the manner in which this power can be exercised rests in the discretion of Congress.

I ask now—and I will not use the word "challenge"—any of my colleagues who have asserted this extraordinary doctrine that the Constitution is dead in the Territories until the breath of life is breathed into it by Congress or by treaty to find me one single allusion in all these cases to the effect that Congress has applied the Constitution by direct act to these Territories or that treaty stipulations had done the same thing.

What intelligent lawyer believes that the Supreme Court of the United States would have disposed of this great question without alluding to the fact that there was a treaty stipulation which extended the Constitution to the New Mexican territory, or the Northwestern territory, or the Louisiana territory, or the Florida territory, or that Congress had in 1871 passed an act applying the power of the Constitution to the District of Columbia, set apart for the seat of government?

Here are cases which I have collated, showing that the right of trial by jury could not be taken away from the inhabitants of the District of Columbia. Is there anything in these decisions stating that that right could not be taken away because the territory of the District of Columbia was carved out of Maryland and Virginia or ceded by them to the National Government; that the Constitution having spread its ægis over this territory, once a part of these two States, it must remain there for all time to come?

Is it possible that the nine eminent jurists upon the Supreme Bench did not see and know that this point disposed of the whole controversy? When was it ever heard that an act of Congress was necessary to extend the Constitution until this new doctrine of imperialism was brought before the people of the United States?

Why, Mr. President, if that be the law, in what a deplorable condition must have been the inhabitants of the Territory of Oregon, which we took from Great Britain upon a compromise, when Colonel Benton declared in his first speech in the United States Senate, when that controversy was before Congress, that he could take 10,000 Missourians and settle it in a fortnight? Colonel Benton believed in manifest destiny, and that the soil of the United States or of this continent belonged to the white men; and he largely sympathized with the idea that the Indians and the Latin races must give place to the white man, as the buffalo had given place to the domestic animal.

If this doctrine be true, as I said, then in Oregon, when it was a Territory and before its admission into the Union as a State, the people there could have been hung without a trial by jury; they could have been made to pay tithes to an established church notwithstanding the Constitution of the United States forbade it; they could have had soldiers quartered upon them in time of peace; they could have been refused the right of the writ of habeas corpus, and they were left at the mercy of Congress to enact any such laws as a partisan majority might see fit to place upon the statute book, there being no treaty stipulation nor act of Congress extending the Constitution over that Territory.

I repeat that this doctrine is utterly abhorrent. It violates every principle of republican government. It goes further even than England has ever gone with some of her colonies, because in Canada and Australia to-day the great writs of right to obtain which the commons of England made war upon their kings and barons are extended to the people in these territories. In the Crown colonies this doctrine which is sought now to be applied to Puerto Rico and the Philippines obtains to its full extent, but not so in Canada and Australia.

Mr. President, I now repeat that I heartily approve of this bill before the Senate. It contains no such unconstitutional provision as that in the Puerto Rico bill, declaring that 25 per cent of the present tariff taxes shall be levied upon Puerto Rican imports. The Constitution says that—

Congress shall have power to lay and collect taxes, duties, imposts, and excises; * * * but all duties, imposts, and excises shall be uniform throughout the United States.

Is Puerto Rico a part of the United States or not? Will some Senator on the other side answer me that question and remove any nebulosity about this argument? Is Puerto Rico a part of the United States or entirely outside of its domain and jurisdiction? If it is a part of the United States, where do you get the authority to place upon the imports from that country one-fourth of what you put upon the imports from another, and by what right do you place an export duty, as is done in the bill pending in another portion of this Capitol, when the Constitution says expressly that no export duty shall be imposed either by the United States or any State? Where do you find the constitutional power to make this discrimination as to one part of the territory of this country, or at least territory which is under our jurisdiction?

Mr. President, we are told that the people there are not citizens. What do you propose to do with the fourteenth amendment, which declares that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, shall not be deprived of their rights as citizens of the United States? No State shall make any law abridging that right. What do you do with the children that are born in Puerto Rico and the Philippines? What becomes of the young Malay who grows and becomes 21 years of age and demands his right as a citizen because he was born in the jurisdiction of the United States? You are driven to the alternative of saying that the Philippines are not within the jurisdiction of the United States, when you know that your Army and Navy are being used to-day to enforce the Federal power in those islands.

Mr. President, I do not know, nor shall I pretend to prophesy, what is to be the end of these strange and monstrous doctrines. It may be that I have the pessimism of advanced years; but it seems to me that we have come to the most critical period in all our history. The war between the States was not any covert attack upon the Constitution of the country. It was an open, bold, armed revolution. The men who fought the Federal authority honestly believed that they were fighting for the Constitution, and gave the highest evidence of their sincerity in laying down their lives in defense of what they believed.

"Eternal vigilance is the price of liberty," said Andrew Jackson. And now here, not with arms in our hands, but through the

insidious attacks dictated by political necessity, we are undermining the Constitution, and, like the deadly crevasse upon the Mississippi River, we are commencing with a minute but fatal assault upon the levee that defends the rights of the people.

Mr. President, if it be said that we are compelled to refuse these people in the islands citizenship, and that they are not fit for it, why not content yourselves with saying the time has not come to give them self-government?

I heard the distinguished Senator, the young and brilliant Senator, from Indiana [Mr. BEVERIDGE], in his carefully prepared address, declare here that these people in the Philippine Islands could never become citizens of the United States. How, then, do you propose to hold them? Are they colonies? Are the people there subjects? The Republican party claims that it deserves the gratitude of all humanity for having placed on the Constitution these great amendments for personal and civil rights, declaring that slavery should no longer exist, that the immunities and privileges of every citizen shall be held sacred by the States.

How can you in the Republican party forget those things, and against our history, against our traditions, against the memory of the men who fought through the Revolutionary war to escape this very thing, now impose upon the people of the United States the issue, Is this a republic or an empire? If you can ignore the Constitution, trample upon all that we have taught our people to believe for a hundred years, and, in order to secure the votes to retain your party in power, appeal to the glamour of conquest, gold, and glory, Mr. President, our professions of republicanism and democracy are the merest travesty in public life. I am no Cassandra shrieking calamity through the streets of Troy; but if the people of this country deliberately, next November, indorse the position the Republican party assume to-day, then you should pass, or the State of New York should pass, an act taking down the Statue of Liberty at the mouth of New York Harbor, with the lamp in hand to guide the oppressed of all lands to this country. You should tear down the statue, extinguish the lamp, and leave us to the gloom and darkness of colonial despotism.

Mr. FORAKER. Mr. President, at this late hour I shall omit to say much that I would say if I were to follow at an earlier hour in the day the Senator from Missouri [Mr. VEST] after such a speech as we have listened to. But it seems to me that, notwithstanding the lateness of the hour, it is the duty of some one, and I might as well discharge it as anybody else, to ask the indulgence of the Senate until at least a few remarks may be made in answer to those to which we have just been listening.

The Senator from Missouri is always interesting, no matter how much he may be in error, and he is especially interesting when he deals in reminiscences. But I have no disposition to take the time which under other circumstances I would take to follow him in the suggestions that have flown from the reminiscences in which he has indulged.

I do want to say, however, before passing to that which I have it especially in mind to say, that with respect to his remarks in regard to the Dred Scott case, all that was gone over fully in the last Congress; and, in answer to a speech somewhat like that which he has just now made, in respect to that decision it was then pointed out that all the judges of that court did not agree with Chief Justice Taney in his declaration of his opinion that territory could be acquired by the United States only for the purposes of ultimate statehood; that a present purpose of statehood must accompany the acquisition.

It was pointed out at that time, by, I think, a very careful analysis of that case, that instead of the other judges agreeing with Chief Justice Taney in that respect not one single member of that court agreed with him in that regard, unless it was Mr. Justice Wayne. There is some ground for supposing that he was in accord with the Chief Justice, but there is not a line, I undertake to say, in the decision of any one of the other members of the court that will warrant any such claim. If there is I have not been able to find it.

That is all I care to say at the present time about the Dred Scott decision. The debate of last year will fully reveal the authorities relied upon for the statements I have made.

What I rise for more particularly, Mr. President, is to answer that which was said by the Senator that has immediate relation to the question that is pending now before the Senate. We have been told by the Senator that the proposition of those who favor the character of legislation which we have pending here is iniquitous; that it is without precedent; that it is astounding; that it is unrepublican, undemocratic, un-American; that it is in contravention of the Constitution, in contravention of the Declaration of Independence, and in contravention of the Farewell Address of George Washington.

Now, Mr. President, all this declamation illustrates that there is, in fact, nothing new under the sun. Neither the legislation proposed nor the criticisms of the Senator are new. Both are old, and very old at that. I hold in my hand McMaster's History of the People of the United States, and will read from page 24 of the third volume. At this place the author is giving the history of the legislation that was proposed and finally enacted creating a Territorial government for Louisiana. A bill was brought in and was under consideration. That bill was framed, as has always been understood, by James Madison and Thomas Jefferson. They surely understood both the Constitution and the Declaration of Independence. Here is what was said about the bill:

> This bill, said its enemies, violates a treaty, the Constitution, and every principle of American republican government. It does not show one trace of liberty. It denies to the men of Orleans rights solemnly promised them by the treaty of purchase. It sets up a complete despotism. The people have nothing to say in the choice of a legislative council. The legislative council have nothing to say in the choice of laws. The President names the governor, and the governor, in the language of the bill, is to "make the laws." When he has made a law he is to lay it before the council; but not for the purpose of debate, of amendment, of correction. No; with the air of an Eastern potentate he is to say:
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> Here is the law. Will you take it or reject it? There is no chance given them to suggest amendments. They must approve or disapprove, and nothing more. And suppose they do not approve; what then? Why, the governor may, if he choose, prorogue them, send them home, and as they are not paid when not in session such dismissal is the same thing as taking money out of their pockets. Thus it is that the governor has the legislative council in his power. If they will not do his bidding, he will not suffer them to meet; and if they do not meet, they can not get any pay. Was there ever such a government in this country since the days of the colonial governors? Was it not against just such government as this that the colonies rebelled?

Then the author goes on to call attention to the fact that another objection made by the enemies of this measure was that it denied trial by jury, one of the guaranties of the Constitution, in all criminal cases, except only those which were punishable capitally, and that it denied trial by jury in civil cases except when there was involved at least $100 instead of $20, as the Constitution provides.

I mention all this for the purpose of showing not only that the comments of the Senator from Missouri have a precedent, that he is not telling the Senate anything new, but that the legislation also has a precedent; that the authors of the Constitution, and the author especially of the Declaration of Independence, did not entertain any such views as the Senator from Missouri has here expressed. Their proposition was denounced as ours is, and yet adopted as ours will be.

Enough as to that for the present. Now, one thing more. Instead of all the authorities being to the effect claimed by the Senator from Missouri, they are, as I understand them, to exactly the contrary effect, commencing with the Constitution itself.

What is it, Mr. President, the Constitution of the United States confers upon the Congress power to do with respect to the Territories? It is to prescribe all needful rules and regulations for territory belonging to the United States; not territory that is a part of the United States, but the territory belonging to the United States. The Constitution itself contradistinguishes between the territory that is comprised within the Union and territory which may be outside of the Union—which may be simply possessed by the United States. Thus the Constitution itself establishes, by its very language, that territory may belong to the United States without being a part of the United States.

I have here also, to which I wish to call attention in this connection, a decision that I have not heard quoted in this debate, though doubtless it has been cited—the case of Snow *vs.* The United States, reported in 18 Wallace, at page 317. Mr. Justice Bradley, speaking for the court, says:

> The government of the Territories of the United States belongs primarily to Congress, and secondarily to such agencies as Congress may establish for that purpose. During the term of their pupilage as Territories they are mere dependencies of the United States. Their people do not constitute a sovereign power. All political authority exercised therein is derived from the General Government.
>
> It is, indeed, the practice of the Government to invest these dependencies with a limited power of self-government as soon as they have sufficient population for the purpose. The extent of the power thus granted depends entirely upon the organic act of Congress in each case, and is at all times subject to such alterations as Congress may see fit to adopt.

Without stopping to read other authorities to the same effect, I shall content myself with saying that all the authorities of the Supreme Court, where the question has been directly under consideration, have recognized the fact that there is the United States proper, composed of the Union, for which the Constitution is the organic law, and territory outside of the Union, simply belonging to the United States, which it is the province of Congress to govern as the Congress may see fit to govern it. Mr. Justice Bradley characterizes these outside Territories as mere dependencies. He was speaking of Utah, New Mexico, Arizona, etc. If they are mere dependencies, much more are our recent acquisitions only dependencies.

Ordinarily, almost without exception, heretofore in governing this outside territory, we have extended the Constitution as one of the first laws of the Territory; and having thus extended the Constitution, and having made it to apply there, we have taken that as our rule of action, and it has obtained as the organic law in that way, but in no other way.

Only a few days ago I had occasion to read here—as the Senator from Missouri has just said—what Mr. Benton said in his History

of Thirty Years in the United States Senate as to the origin of the doctrine that the Constitution extends to newly acquired territory ex proprio vigore. I need not, I am sure, in making answer to the Senator from Missouri, go beyond that one authority. Surely it is sufficient, especially after the encomium he has spoken upon Mr. Benton, for me to say that according to the authority of Mr. Benton the doctrine that the Constitution extended ex proprio vigore to newly acquired territory was not an ancient doctrine, but a newly invented doctrine in 1850 to meet the exigencies of the slave interest at that time.

They wanted the Constitution extended to the Territories in order that slavery might be there recognized according to the Constitution and be permitted under it; and when, in the emergency of that debate, Mr. Calhoun brought forward that doctrine nobody opposed it any more vigorously than did Mr. Benton himself. Mr. Benton tells us that this was the beginning of that doctrine, that such was its purpose, and that it was but a vagary of a diseased mind. This authority is sufficient, and I shall treat it as conclusive until Mr. Benton is answered and overthrown. Until the time of which Mr. Benton speaks the Constitution had never been extended in a single instance by Congressional action beyond the limitations of the Union itself. The Territory in every instance had been governed directly by such laws as Congress might see fit to enact, or authorize a local legislature to enact.

In several instances, instead of extending the Constitution, Congress compromised by extending the Ordinance of 1787, extending it without any limitation at all, in all its provisions, as to the territory that was designed to come in as free States, and extending it as to the territory in the South that it was expected would come in as slave States, excluding the eighth article, which prohibited slavery. The Ordinance of 1787 and not the Constitution was thus extended to Mississippi and Alabama and became a part of the Territorial organic law of all that territory.

So, Mr. President, I say there is not anything new either in the denunciation that is indulged in or in the proposition upon which we rely for the legislation that is now being proposed. There is abundant precedent for both. Having said that much, I want now to turn to the bill we have under consideration, and speak very briefly as to the proposition embodied therein, to which objection has been made, providing for a Federal court.

We had some debate on this subject a few days ago. There were some inaccuracies of statement in that debate. They are to be excused by reason of the fact that the debate was unexpectedly precipitated and no one had had an opportunity, except only those Senators who perhaps were contemplating bringing it up, to make any investigation. I recall one inaccuracy of my own. It was asserted in the debate by some one that we had never before in creating a Territorial government undertaken to establish a court with United States jurisdiction, except only with a limited tenure and with a mixed jurisdiction.

I assented to that. I did it thoughtlessly, for when I had time to think of it I recalled what I should have recollected at the time, for I was perfectly familiar with it, that when we came to establish a Territorial government for Louisiana we provided not only a complete system of Territorial courts, with limited tenures and with such jurisdiction as we saw fit to confer, but in addition thereto we also provided that Louisiana should be a judicial district and should have a district court, the judge of which should be appointed by the President, and that he should have the same powers, the same jurisdiction precisely, and the same tenure of office as belonged to the court of the Kentucky district.

The court for the Kentucky district was provided for by the act of 1789, the judiciary act. No courts were created by that act except only what are called constitutional courts. When, therefore, in legislating for the district of Orleans, as it was called, the Congress saw fit to provide that there should be a district court, a district judge with life tenure, and with the same jurisdiction as the Kentucky district, they were making a constitutional court in the sense that they were at least making precisely the same kind of a court in point of jurisdiction and tenure as they had a right to make in the exercise of their power to create a constitutional court under the judicial article of the Constitution.

In pursuance of that act a judge was appointed, the court was put into operation, and pretty soon a case arose that found its way to the Supreme Court of the United States—the case of Serè and Laralde *vs.* Pitot and others, reported in 6 Cranch, page 332. The decision was announced by Chief Justice Marshall. The question in the case was as to the jurisdiction of that court, as to whether or not the parties who had brought suit had the right to invoke its jurisdiction. It was an action by the assignee of a chose in action. Chief Justice Marshall commenced by saying:

> This suit was brought in the court of the United States for the Orleans Territory.

Then he proceeds to dispose of the case. That is all I care to read from that decision. I read enough, however, to show, in view of what I have already stated, that Congress not only made a United States court with a life tenure and constitutional jurisdiction, but that that court was recognized by Chief Justice Marshall as a United States court in contradistinction to the term "Territorial" or "legislative" court.

In the case of McAllister (141 U. S. Reports), referred to in debate a few days ago—cited, I believe, by the Senator from Connecticut [Mr. PLATT]—the question was whether or not the court in Alaska, which had been given United States jurisdiction by Congress, was a United States court within the meaning of the tenure of office act, and the court there, after a very lengthy review of all the decisions, held that it was not a United States court; that only those courts could properly be said to be United States courts which were constitutional courts in the sense in which that term is ordinarily employed. That decision was undoubtedly correct.

Now, Mr. President, the point I wish to make with respect to this is that, taking that definition of a United States court, and taking the statement of Chief Justice Marshall in the case to which I have referred, and from which I have quoted, it certainly does appear that we had a United States court, a constitutional court, if you please, in the Territory of Orleans, outside the States, and therefore that we have approved precedent for the creation of such a court in a Territory and consequently not within a State of the Union.

But it does not matter in such a case whether you call it a "constitutional court" or a "Territorial court." It is a court created by Congress, as all courts must be; and if it be given all the constitutional jurisdiction and the judge be given the life tenure, I do not know why we may not assume that Congress in creating the court proceeded under the judicial article of the Constitution rather than under the provision authorizing it to legislate for the Territories. But however that may be, it will remain that Congress has plenary power to create in a Territory such courts as it may see fit, and confer such jurisdiction as it sees fit, and give the judge such tenure as it may see fit. This power is not exceeded by what is here proposed. So that if there is any valid objection to section 88 of the bill it must be solely on the ground of policy.

I think the Senator from Alabama [Mr. MORGAN] made it clear, in his most admirable presentation of this matter this afternoon, that we ought to have in the Hawaiian Islands a Federal court, with a life tenure, and all the jurisdiction that can be given to it under the Constitution; for it is, as has been said, a court that must have, in the most pronounced sense, an important admiralty jurisdiction and a very extended jurisdiction of almost every character to make it proper for us to distinguish it from a purely local court.

There are a great many other things which I should be glad to say in regard to this matter before taking my seat, but the whole day has been spent in this debate, it is now very late, and I do not wish to detain the Senate.

Mr. CULLOM. I rise to move that the Senate adjourn, but before making that motion, I desire to say to the Senators who are here that I am very anxious to get along with this bill as rapidly as possible, because the condition of affairs in those islands especially requires that some legislation be had, so that they can protect themselves from plagues and diseases and be able to live at all.

With this remark, and with the understanding that we are to meet to-morrow, I move that the Senate adjourn.

Mr. MORGAN. I ask the Senator to withdraw the motion for a moment.

Mr. CULLOM. I withdraw it for a moment in order to suggest that we agree to vote on the bill to-morrow at 4 o'clock.

Mr. MORGAN. On the bill and amendments?

Mr. CULLOM. Yes. I hope the Senate will agree to that.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the Hawaiian bill and the pending amendments may be voted upon to-morrow at 4 o'clock. Is there objection?

Mr. TELLER. I shall have to object, Mr. President.

Mr. CULLOM. Then I move that the Senate adjourn.

Mr. BATE. I move that the Senate adjourn until Monday.

Mr. CULLOM. I hope that will not be done.

Mr. BATE. I think it was the expectation of many Senators that an adjournment over would be had.

Mr. CULLOM. I am sure it was not expected by the Senate. I do not think anyone has been justified in entertaining any such expectation.

Mr. BATE. I do not wish to make the motion if a session is desired to-morrow.

Mr. CULLOM. I very much desire a session for the consideration of the Hawaiian bill to-morrow.

Mr. BATE. Very well; I withdraw my motion.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 24, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 23, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

TRAFFIC BRIDGE ACROSS RED RIVER, LOUISIANA.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; in which the concurrence of the House was requested.

The amendments of the Senate were read, as follows:

In line 7, page 1, strike out "their" and insert "it."
In line 1, page 3, strike out "on said bridge."

Mr. BREAZEALE. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

ADDITIONAL MESSENGERS FOR HOUSE POSTMASTER.

Mr. BULL. I rise to make a privileged report from the Committee on Accounts.

The Clerk read the following resolution, introduced by Mr. BROWN December 20, 1900:

Resolved, That the House Postmaster be, and he is, authorized to employ three messengers, at $100 per month each, during the sessions of the Fifty-sixth Congress, to be paid out of the contingent fund of the House.

The amendment reported by the Committee on Accounts was read, as follows:

In line 3, after the word "each," insert "from February 1, 1900."

The SPEAKER. The question is on agreeing to the amendment reported by the Committee on Accounts.

Mr. RICHARDSON. I should like to know whether this is not an unusual resolution. Does it not propose to increase the force of the Postmaster beyond anything that has heretofore been done?

Mr. BULL. It does not go beyond what we have done heretofore in several Congresses—for the first time, I believe, in the Fifty-third Congress.

Mr. RICHARDSON. The resolution is recommended by the Committee on Accounts?

Mr. BULL. Yes, sir.

Mr. RICHARDSON. And the minority concurred in it?

Mr. BULL. Yes, sir.

The amendment was agreed to.

The resolution as amended was adopted.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 8245. And pending this motion, I desire to give notice to the House that on Monday next, immediately after the reading of the Journal, I shall make a motion to close general debate.

Mr. RICHARDSON. I hope the gentleman from New York [Mr. PAYNE] will reconsider that intention. It is absolutely impossible for all gentlemen of the minority on this side to get in during to-day and to-morrow the speeches they desire to make. In view of this fact, I hope the gentleman from New York will not insist on closing the general debate so early as he has indicated. Of course I can not prevent the gentleman from giving his notice, but I want to say to him that so far as we can we shall resist the enforcement of any such notice.

Mr. PAYNE. This matter of the time to be occupied in debate was talked over in the Committee on Ways and Means when the proposition to bring the bill before the House was pending and when a date was fixed for that purpose. We agreed then upon a week's general debate, which, of course, would close the discussion to-morrow. And that was the understanding. In fact, the gentleman from Tennessee was ready, when the bill was taken up on Monday morning, to concede that and to conclude the debate to-morrow, and it was only because a further arrangement was desired by some gentlemen on this side in reference to voting on amendments that that agreement was not reached on Monday morning—that we close general debate on Saturday. It was then the desire and expectation of both sides of the Committee on Ways and Means that that be done. I only want to give notice——

Mr. RICHARDSON. So I understand.

Mr. PAYNE. So that gentlemen on both sides may govern themselves accordingly.

Mr. RICHARDSON. There is something, of course, in what the gentleman has just said about there having been in the beginning the hope of an agreement; but the gentleman will remember that there was no agreement reached; and he stated at that time that he would let the debate run for a week and then try to close it on Monday at 2 o'clock. I concede that there was something of an understanding that it should be closed. But we have in fact gone on without reaching any agreement, and, I may say, with the idea on the part of some of us that there would be a further extension. I hope very much that we shall not close the debate at the early time indicated by the gentleman from New York. If it be done, it will be impossible for a number of gentlemen on this side to get in the speeches they desire to make.

Mr. PAYNE. I will only say, Mr. Speaker, that to all who have applied to me I have uniformly stated that I intended to do the very best in my power to close the general debate upon the bill this week. I made this statement in order that gentlemen on both sides of the House might understand exactly the situation.

Mr. DALZELL. Why, Mr. Speaker, if the gentleman from Tennessee will permit me, there were two hours allowed for debate last night that were not even taken advantage of.

Mr. RICHARDSON. Just a word on that, Mr. Speaker. I had arranged, I will state to the gentleman, with members on this side of the House who desired to occupy one-half of that time; supposing, of course, that gentlemen on the other side would occupy the remainder. I did not wish to transgress upon the time of the other side. As it was I put in about an hour and a quarter, and could have used very much more time if I had been apprised of the fact that gentlemen on the other side did not desire to occupy it.

Now, I hope the gentleman from New York will not undertake to close debate without giving an opportunity to at least the older members of the House who desire to be heard to talk upon a question which is probably the most important one with which we will have to deal during this Congress.

Mr. POWERS. Mr. Speaker, I sincerely trust the gentleman from New York will not insist on closing the general debate to-morrow. There are many gentlemen on the floor of the House who are not entirely clear as to the action they should take in reference to the pending bill. This discussion is certainly very useful in bringing out the advantages proposed by the committee and the objections which are raised by the minority to the bill.

It seems to me that this being a new question, one of novel impression, the utmost latitude of debate consistent with the state of the public business should be given, and that all gentlemen who desire to do so may have an opportunity of being heard upon the question. I sincerely hope therefore that the gentleman will see that it is due to the House to extend the time beyond to-morrow for general debate.

I myself confess that for one I want more light upon the question. I want to listen to the speeches pro and con. I do not desire to be forced to vote on the unsettled state of my own mind on the question at so short a notice as this. I think the time allotted is not sufficient. It will do no harm to give to the House and the country light on the question, and it certainly can do no harm to indicate to the people of the country that a majority of the House are trying to be liberal and fair and give reasonable opportunity for the presentation of the opposition's views.

Mr. RICHARDSON. I suggest to my friend from New York, who is always a fair-minded, amiable gentleman, that Monday being District of Columbia day, we might devote the day to that purpose so that the District will not lose its day, and take this bill up afterwards for further discussion.

Mr. PAYNE. I do not think we should allow other matters to enter into consideration here until we have taken final action upon this bill. That I will certainly object to.

Mr. RICHARDSON. It will take all day Monday, at all events, even if we adopt the suggestion of the gentleman from New York. The District will lose its day, and on Tuesday another matter which will probably come before the House may be presented for consideration.

Mr. PAYNE. Mr. Speaker, the motion is that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pending bill. I think we had better go on with that in view of the conditions prevailing.

The SPEAKER. This discussion is only by unanimous consent.

Mr. THAYER. Mr. Speaker, I have a few remarks that I would like to make with reference to the closing of the general debate on this bill to-morrow night. It is a most important matter—one of the most important with which we will have to deal during the Congress. There are many gentlemen on this side of the House who desire to be heard on the question, and some, as I am informed, on the other side, and if this order to close the general debate shall be insisted upon, it will exclude all of those persons interested in the discussion except those who are on the Committee on Ways and Means and the Committee on Insular Affairs. Now, I am anxious on behalf of members on this side of the House that they shall have an opportunity of being heard.

I hope, therefore, that time will be extended to both sides of the House, and that the gentleman from New York will not insist on closing the debate on this important question, which should have the fairest and fullest consideration, at the time he has mentioned.

Mr. GROSVENOR. Mr. Speaker, I would like to say to the gentleman from Tennessee that he must bear in mind, and I know

that he will appreciate it, that the Democratic party on that side of the House has been debating this question for the past two months; that tons and tons, carload after carload of mail matter has been distributed upon the subject throughout the country, debating the question all over the land.

I do not believe that, on reflection, the gentleman from Tennessee will find much new material on the Democratic side of the House that can be used in the continuation of the debate.

Mr. RICHARDSON. Well, Mr. Speaker, in reply to the gentleman from Ohio, who is almost always accurate, I will say that in this case he is very wide of the mark. No gentleman on this side of the House has debated the proposition that is in this bill, the proposition of unequal taxes in the Territories. This is the first time that was ever presented or ever debated here.

Mr. GROSVENOR. If my friend will allow me, they do not debate that question now.

Mr. RICHARDSON. Oh, yes, they do.

Mr. GROSVENOR. They are debating the Philippine question, which they have been debating for the last two months.

Mr. RICHARDSON. We have a question here now that never was here before and that has never been debated before.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the House resolve itself into the Committee of the Whole for the further consideration of the bill (H. R. 8245).

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, with Mr. HULL in the chair.

Mr. JONES of Virginia. Mr. Chairman, I shall not undertake to state with absolute precision the provisions of the measure now under discussion. That has been done by those who have preceded me in this debate. Generally stated, it provides that the duties collected upon all articles imported into Puerto Rico from ports other than those of the United States shall be the same as those now paid upon such articles imported into the United States from foreign countries. But it also provides—and to that extent I am unalterably opposed to the bill—that certain duties shall be levied upon all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States. For, from the standpoint from which I view this subject, it is not material whether the duties thus imposed are comparatively high or comparatively low, whether they are 25 or 50 per cent of those imposed under existing law upon merchandise imported into the United States.

As a matter of fact, the proposition contained in this bill is to impose upon the products of Puerto Rico which may be imported into the United States a higher rate of duty than Spain exacted upon like products imported from Puerto Rico into that Empire. For, even under Spanish rule, although there was not absolute free trade between the Peninsula and the island of Puerto Rico, there was freer trade than this bill proposes, the duty then imposed having been only about 10 per cent of that laid upon the products of other countries. My objection to the bill is that it attempts to discriminate against the people of Puerto Rico; that its purpose is, and its effect would be, to raise up against the products of the island a tariff barrier which, if it did not shut them out from the markets of the United States, would unquestionably impose upon them an unequal and therefore unjust and illegal burden of taxation. Such discrimination would, in my opinion, be an act of bad faith on the part of our Government, as well as a palpable infringement of the constitutional rights of a people whose anomalous, deplorable, and almost helpless condition, largely the result of American occupation and American rule, should arrest the attention and excite the commiseration of every citizen of our Republic.

By the treaty of Paris, the ratifications of which were exchanged on the 11th day of April last, Puerto Rico was ceded to the United States. Since that date Spanish sovereignty has absolutely ceased to exist in that island, and for months prior thereto every vestige of Spanish authority had been driven therefrom. Its inhabitants, according to those who are entitled to speak for them, and whose testimony was given before committees of this House, are anxious to be incorporated into our body politic, and are even now clamoring at the very doors of this Congress to be permitted to have the laws of our Republic, so far as those laws may be applicable to their conditions, extended over them. The only question, then, apparently, about which there is any serious division of opinion is whether this island shall become an integral part of the territory of the United States and its inhabitants admitted to the enjoyment of all the rights, privileges, and immunities of our American citizenship, or whether it shall be held as a dependent province or subject colony, to be governed by Congress unhampered and unfettered by the prohibitions and limitations contained in the Constitution which created that Congress.

As I have already said, Mr. Chairman, there are two propositions involved in this bill, both of serious import, but one of them of far-reaching influence and of transcendent importance, at least to the people of the United States. One of those propositions is that it is both expedient and just to levy duties upon the products of Puerto Rico when brought into the ports of any one of the States of the Union, and that proposition carries with it the other and far more important one, that Congress can legislate for Puerto Rico unrestrained by the provisions of the Constitution.

When Spanish power and authority were destroyed in Puerto Rico, the inhabitants were given to understand by the representatives of the President that thenceforth and forever they were to have and enjoy those blessings of liberty which are the possessions of every American citizen. Their island home was to become a part of the territory of the United States; they were to share in the fortunes of the people of this Republic and to enjoy those individual rights and privileges which belong to each of its citizens. They were taught to believe that the American flag carried with it, wherever it floated permanently, the full and complete rights of American citizenship. In fine, they were made to understand and to believe that they would be incorporated into the United States as an integral part thereof; that they were to dwell under the folds of the American flag, to enjoy the benefits of American laws and American institutions, and to be governed under the Constitution of the greatest Republic on earth.

It is a matter of common report and, indeed, of common information and knowledge that when the American forces under General Miles entered Puerto Rico they were everywhere received with open arms and demonstrations of joy by the native inhabitants. It is equally but deplorably true that the blessings which the Puerto Ricans believed would follow American occupation and rule have not been realized. On the contrary, it is indisputably true that the present industrial condition of the people of Puerto Rico is infinitely worse than it was under Spanish rule. This is not entirely, but it is to a very great extent, due to the disturbance of the trade and business relations which existed under Spanish dominion. They realized, of course, that with the destruction of Spanish authority would come the loss of Spanish markets. The great bulk of their trade had hitherto been with Spain and Cuba, for with both they had enjoyed substantial, although not absolute, free trade.

With the return of peace Spain levied as against Puerto Rico customs duties which are practically prohibitory, and for a considerable period thereafter the duty imposed by Cuba upon tobacco imported from Puerto Rico was as high as $5 a pound—an absolutely prohibitive duty, as it was intended it should be. Thus Puerto Rico lost the markets which she had enjoyed for her coffee, sugar, and tobacco in Spain and Cuba without the compensatory advantage of a free market for the two latter products in the United States. For, be it remembered, the Dingley tariff rates are still imposed upon every article of merchandise imported into the United States from Puerto Rico. It is true there is no duty upon coffee, but it was due to the high price of Puerto Rican coffee and to the fact that it had never been introduced into our markets and was, therefore, unknown to our people, that no market had been found in this country for the crop which was in store when the terrible tornado which visited the island on the 8th of August last destroyed that as well as the crop then maturing. It not only destroyed the crop of the year previous, then stored in frail and insecure structures to await a market, and the growing crop of that year, but it destroyed every growing thing within the path of its fury.

Mr. Chairman, I will not attempt a rehearsal of the sad story of the devastation and ruin wrought by that fearful hurricane. Its dreadful details are so fresh in the minds of the members of this House as to render it unnecessary for me to recall them. General Davis, the governor-general of the island, says, in his report upon the industrial and economic conditions affected by this hurricane, that—

> The industrial conditions existing before the hurricane, bad as they were, were excellent compared with those resulting from the storm.

And that is the testimony of all who have any knowledge of Puerto Rican affairs.

Tens of thousands of individuals would in all probability have perished from starvation, and there would have occurred upon this hemisphere, and in territory belonging to the United States, a repetition of those famines which have periodically devastated large sections of India and China but for the prompt and generous aid extended by the American people. According to General Davis, one-third of the total property of the island, outside of the soil itself, was destroyed, and he estimates that it will require fully five years to reestablish the coffee vegas, and that necessarily years of want and industrial paralysis must follow.

Surely, Mr. Chairman, it would seem, under conditions such as these, conditions some of which we as a people are directly responsible for, that Congress should legislate in a spirit of the utmost liberality towards these unfortunate and sorely smitten people. It does seem to me that even were the power of Congress

unlimited in this respect it would be cruelty itself to impose upon them the discriminating and unequal tariff duties provided for in this bill. Every dictate of justice and humanity demands that in this matter of tariff taxation we should not impose burdens greater than those imposed by Spain even before the island of Puerto Rico had been visited by a disaster too appalling to describe and at a period when its inhabitants were in the enjoyment of a maximum of agricultural and industrial prosperity.

In opening this discussion the gentleman from New York, the chairman of the Committee on Ways and Means and the Republican leader upon this floor, assigned as the reason for having abandoned the bill introduced by himself, which provided for free trade between Puerto Rico and the United States, and substituting therefor the measure now under consideration, that he had discovered that the original measure would not produce by half the revenue necessary to run the insular government of that island. He had ascertained that with free trade between the United States and Puerto Rico there would be collected "not exceeding $500,000 from the tariff and $500,000 from the internal revenue; in all, a million dollars to meet $2,000,000 of expenditures."

Then it was he began to consider "what effect the internal-revenue taxes would have upon the island." Let me read to the House the exact words employed by the gentleman from New York in describing the effect the application of our internal-revenue laws to Puerto Rico would have upon the rum traffic of that island. This is important because it is the first and main reason assigned by the author of this bill for having abandoned his free-trade bill. These are his own words:

They manufacture there annually a million and a half gallons of rum. It is sold all over the island. It is a necessity of life, or they think so, for the poor people of that island. These million and a half gallons retail at from 25 to 40 cents a gallon. The internal-revenue tax upon that, under the law that we were about to extend, would amount to $1.20 a gallon. The price to these people would be multiplied by four. How could they get their rum? We were cutting it off.

I imagine, Mr. Chairman, that other and more persuasive arguments must have influenced the change of heart so suddenly experienced by the gentleman from New York. Between the time of the introduction of his original bill and the substitution therefor of this one, had the distinguished chairman of the Ways and Means Committee failed to hear the storm of protests which arose from the advocates of a high protective tariff—a tariff for protection only? Can it be possible that the protests of the beet-sugar manufacturers influenced him not?

It is possible, of course, that he has been converted to the Democratic doctrine of a tariff for revenue, and that had he known any sources from which to raise the revenue with which to run the Puerto Rican government other than those of rum and cigarettes, the gentleman would have stood by his original free-trade bill. But, I submit, this is hardly probable.

Three days before this bill was reported in the House from the Committee on Ways and Means, the Senate Committee on Pacific Islands and Puerto Rico reported a bill for the temporary civil government of Puerto Rico. As introduced, that bill provided for free trade between the United States and Puerto Rico. As reported to the Senate it provided for a discriminating duty. In speaking of this change of policy the committee say:

This proposition was objected to on various grounds. It was urged that—
1. It was in violation of the policy of protection.
2. It was inimical to the interests of the United States, with which Puerto Rican products would come in competition.
3. It would be a precedent that would have to be followed in other cases that might hereafter arise where the competition resulting might be still more injurious to American interests.

Mr. Chairman, to my mind, the evidence is overwhelming that the change of position on the part of the Republican leaders of both Houses of Congress in regard to this question was superinduced by the storm of opposition developed in the protectionists' camp. The advocates of protection, for the sake of protection, do not fear the importation of free Puerto Rican coffee. There is no tariff duty upon coffee now, and there is no coffee produced in the United States with which foreign coffee can come into competition. They do not apprehend danger to the cane and beet sugar industries of this country, for the average annual sugar product of Puerto Rico has only been about 58,000 tons, and according to the best evidence attainable that quantity can not be more than doubled under the most favorable conditions, whilst it is a well-known fact that we produce only about one-fifth of the 2,000,000 tons which we annually consume. The tobacco which under free trade would come into our markets would be insignificant as regards both the quantity and quality of that product. These protectionists do, however, become greatly excited when they discover what they regard as a "violation of the policy of protection;" and the establishment of a precedent to be cited when Congress comes to deal with that great Republican bugbear, the Philippine Islands, positively unnerves them.

The people of Puerto Rico do not appear to be greatly disturbed concerning the loss of revenue which the chairman of the Committee on Ways and Means tells us will follow free trade between that island and the United States. They are not even alarmed at the prospect of an increase of tax upon the rum which they manufacture and drink. They are perfectly willing that the tax upon it shall be quadrupled, and, if need be, that the property interests of the islands shall be taxed as they are everywhere taxed in the States of this Union. They are even prepared to supplement their public revenues by a public loan, for, fortunately, the island is free from debt. But what they want first, last, and all the time, and what they insist upon having, is free trade between their island and the rest of the United States. That, they believe, and with reason, will bring them prosperity when their agricultural lands shall have been restored to that degree of productiveness which existed prior to the terrific hurricane which left such a train of disaster in its wake. So far as I know and believe, not a single inhabitant of Puerto Rico favors the discriminating duties of this bill. They all desire free trade, and yet we are told that these tariff taxes are to be imposed for their benefit and solely in their interest. Permit them, Mr. Chairman, to be the judges if they alone are to be affected by this policy.

Let me call the attention of this House for a moment to the testimony of some leading and representative citizens of Puerto Rico upon this question. These witnesses were the accredited representatives of the Chamber of Commerce, the Agricultural Society, and the two political parties of Puerto Rico. I read now from the testimony of Mr. Finlay, one of the largest planters on the island, given before the Committee on Insular Affairs. He does not agree with the author of this bill as to the hardships which a tax on rum might be supposed to impose upon the people of Puerto Rico. I will read from the testimony of both Mr. Armstrong and Mr. Finlay. This is what they say:

Mr. PAYNE. Are you willing to take the internal-revenue laws and the tariff laws and pay a tax on rum and tobacco?
Mr. ARMSTRONG. Yes, sir; if we get free trade.
Mr. PAYNE. Can rum stand a tax of $1.10 a gallon?
Mr. ARMSTRONG. If we get free trade we can stand it, I think.
The CHAIRMAN. Do you know how much rum they manufacture there?
Mr. ARMSTRONG. I have no idea exactly, but perhaps Mr. Finlay knows about rum.
Mr. FINLAY. I could not tell you, but it is all consumed in the island. If they want to get drunk, let them pay for it, Mr. PAYNE. I am a rum manufacturer, and they can put on as much as they like.

I read again from the testimony of Mr. Armstrong, a native Puerto Rican, and a representative of the chamber of commerce:

Mr. ARMSTRONG. We appear representing the commercial interests of the island, and I can confirm what my colleague has said. We favor the bill introduced by Congressman PAYNE, and most urgently need free trade. Of course if we are to continue with the present conditions many months more the island is doomed—we will starve; but free trade will help us out, because now there is no work and no enterprise, no building, and free trade is one thing that I beg to urge upon the attention of the committee.
The CHAIRMAN. You think tariff regulations should come first and then improvement of the civil government should follow?
Mr. ARMSTRONG. Yes, sir; we want the tariff regulations immediately; we can not wait.

Mr. Arturo Bravo gave this testimony:

Mr. BRAVO. I am representing the chamber of commerce, and I come here as a delegate from the chamber of commerce in the same capacity as my friends, Mr. Armstrong, Mr. Finlay, and some other gentlemen who have previously stated in regard to the measures that must be taken to relieve the present conditions of the island, and the main point which I urgently refer to is the law providing for free trade, because the financial conditions of the island are such that if nothing is done by this Government in that way, we feel confident that the island will be utterly ruined. I repeat what Dr. Ames reported, because it is a real fact.

In reply to a question addressed to him by my colleague upon the committee, Mr. MADDOX, of Georgia, as to whether the people of his island desired free trade with the United States, Mr. Lucus Amadeo, an extensive coffee planter of Puerto Rico, said:

Mr. AMADEO. Opinion is useless. My opinion is a profound conviction that it should immediately be granted as one of the most necessary measures.

This witness proved to be a man of exceptional intelligence. He demonstrated in his own person, and to the entire satisfaction of all who heard him, I think, that whatever may be said in regard to the capacity of the illiterate classes of Puerto Rico for self-government, there can be no question as to the ability of the educated classes to administer the affairs of government. I quote an interesting and instructive passage from his testimony. It may be that some of my colleagues will take exception to his definition of the word "parasite:"

Mr. TAWNEY. Do you think that illiterate class should be given any voice at the present time in the local government in Puerto Rico in the way of a right to vote?
Mr. AMADEO. Lately I have been studying that question quite a good deal, and I have arrived at a profound conviction that the harm derived from restricting the vote far outweighs the harm that an unrestricted vote might produce. I have found it is not always the educated class that knows how to make use of their electoral rights to more advantage than the illiterate class. Parasites do not flourish among the illiterate class, and cases of nations can be mentioned where education is at its highest where socialism and militarism—the plague of modern times—have reached an extraordinary degree of development. By parasites I mean officeholders.

Mr. Chairman, we are not confined to the testimony of citizens of Puerto Rico as to an existing necessity for free trade between that island and the United States.

The Hon. Henry K. Carroll, special commissioner to Puerto

Rico, gives it as his opinion that the people of that island should be permitted to enter our ports with their products free of all duty.

General Davis, military governor of Puerto Rico, than whom there is no higher authority upon this question, gives it as his deliberate and well-considered opinion that all duties on trade between the United States and Puerto Rico should be removed.

It has already been said over and over again upon this floor that the Secretary of War, in his last annual report, urged upon Congress the propriety and the justice of giving to the people of Puerto Rico free trade relations with the United States.

The President, in his last annual message to Congress, said "our plain duty is to abolish all customs tariff between the United States and Puerto Rico and give her products free access to our markets." That which was our plain duty three months ago has now become our imperative duty—a duty which we can not avoid, if we would, either with honor to ourselves or with justice to the people of Puerto Rico. [Applause.]

As an original proposition, I was opposed to the annexation of Puerto Rico. Now that annexation is an accomplished fact, accomplished with the full consent of the inhabitants of the island, I would not deny to them the enjoyment of every right possessed by the citizens of every Territory which is a part of the United States, and without which their industries must continue in a state of utter prostration, if, indeed, they do not actually perish. Mr. Chairman, to refuse to do them this act of simple justice is to violate one of the plainest provisions of the Constitution, which each member of this House has solemnly sworn to support. To evade a plain duty is to commit an act of dishonor, but to violate the Constitution of your country is to commit a crime.

Mr. Chairman, there can be no question as to the power of the Federal Government to acquire this territory. That power has been exercised under the Constitution for a hundred years, and it has repeatedly received the sanction of the Supreme Court of the United States. In the case of Insurance Company *vs.* Canter, as far back as the year 1828, Chief Justice Marshall said:

> The Constitution confers absolutely on the Government of the Union the power of making war and of making treaties; and that consequently Government possesses the power to acquire territory, either by conquest or by treaty. The usage of the world is, if a nation be not entirely subdued, to consider the land of the conquered territory as mere military occupation until its end shall be determined at the treaty of peace. If it be conceded by treaty, the acquisition is confirmed and the conceded territory becomes a part of the nation to which it is annexed, either by the terms of stipulation in the treaty of cession or under such as its new master shall impose.

Territory can, then, be acquired either by conquest or treaty; but it must be acquired with the purpose and intent of its becoming at some day a member of the American sisterhood of States.

Chief Justice Taney said, in delivering the opinion of the court in the celebrated Dred Scott case (19 Howard, 446, 447):

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character.
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> And, indeed, the power exercised by Congress to acquire territory and establish a government there according to its own unlimited discretion was viewed with great jealousy by the leading statesmen of the day. * * *
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> We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all [the departments of the Government it has been held to authorize the acquisition of a Territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

To the same effect is the opinion of the court in Murphy *vs.* Ramsey (114 United States Reports):

> The power of Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territory to become States in the Union.

But, Mr. Chairman, Congress can exercise no powers over this territory which are prohibited by the Constitution. It can not, as this bill proposes to do, legislate in respect to this territory unrestricted by either the prohibitions or limitations laid upon it by the Constitution. Congress is a creature of the Constitution and all its powers are derived therefrom and limited by its provisions.

Section 8 of Article I of the Constitution is in these words:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

It is contended by the advocates of this measure that the words "United States" as here used embrace only the territory included within the boundaries of the several States composing the Federal Union; that they do not and were not intended to embrace the Territories as well as the States. This, however, can not at this late day be regarded as an open question. Chief Justice Marshall, in the case of Loughborough against Blake (5 Wheaton, 317), in delivering the opinion of the court, said:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.
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> The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

If, then, the island of Puerto Rico is an integral part of the territory of the United States, and if, as Chief Justice Marshall said, the term "United States" designates the whole of the American empire, it must necessarily embrace this island. It is unquestionably a part of the territory of the United States. But I need not dwell upon this point. The language employed by Chief Justice Marshall is too plain to be misunderstood and leaves nothing to be said upon that point. The term "United States" is used in this section in a geographical and not in a political sense. It follows, then, as the day the night, that if Puerto Rico is embraced in the term "United States," as those words are used in the section of the Constitution which I have just read, no customs tariff can be laid upon its products which are not laid upon those of every other State and Territory in the United States. The decision of the court in Loughborough *vs.* Blake has never been overruled. It stands to-day as the law of our land.

It has been said in this debate, I know, that there are to be found cases overruling the decision in this case; that Chief Justice Marshall himself, in a subsequent case involving the very point at issue here, took the opposite view of the meaning of the term "United States." The case referred to is that of Hepburn *vs.* Ellzey (2 Cranch). The question in that case was whether residents of the District of Columbia could maintain an action in the circuit court of the United States for the district of Virginia. It was held that in order to give the court jurisdiction it must appear that the District of Columbia was a State. The act of Congress confers jurisdiction upon the circuit courts only in cases between a citizen of the State in which the suit is brought and a citizen of another State, and the court held that the District of Columbia was not a State—nothing more and nothing less. In line with this decision, it has also been held by the same court that a citizen of a Territory was not capable of suing in the courts of the United States under the judiciary act.

A Territory, of course, is no more a State than is the District of Columbia, although designed to become one. The case of the American Insurance Company *vs.* Canter is also relied upon to support the contention that Congress is not controlled by the Federal Constitution in legislating for the Territories of the United States. It is contended that Chief Justice Marshall so held in this later discision. This contention is not borne out by the language employed by that most distinguished of all jurists. On the contrary, the great Chief Justice said that neither the laws enacted by Congress nor those enacted by the Territorial legislature of Florida in respect to that Territory could stand "if inconsistent with the laws and Constitution of the United States."

In the case of Scott *vs.* Sandford, from which I have before quoted, Chief Justice Taney said in regard to the powers of Congress to legislate in respect to the property and person of the citizens of the Territories:

> The power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of Government. The powers of the Government and the rights and privileges of the citizens are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a Government and sovereignty. It has no power of any kind beyond it; and it can not, when it enters a Territory of the United States, put off its character, and assume discretionary or despotic powers which the Constitution has denied to it. It can not create for itself a new character separated from the citizens of the United States, and the duties it owes them under the provisions of the Constitution. The Territory being a part of the United States the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

Perhaps no decision of the Supreme Court has ever been more fiercely assailed than that in the Dred Scott case; but, upon the

point that Congress can not exercise powers prohibited by the Constitution, there was no division in the court, the two dissenting justices maintaining that doctrine as stoutly as the majority of the court.

Mr. Justice McLean used this emphatic language in discussing this identical question:

In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

Justice Curtis, the other dissenting judge, was equally emphatic. He said:

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor; since these were the needs provided for; since it is confessed that government is indispensable to provide for those needs, and the power is to make all needful rules and regulations respecting the Territory, I can not doubt that this is a power to govern the inhabitants of the Territory by such laws as Congress deems needful until they obtain admission as States.

* * * * * * *

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

The proposition for which I contend, and which I maintain is founded in reason and supported by the highest judicial authority, that Congress can not legislate for the Territories of the United States unrestrained by the prohibitions and limitations of the Constitution, is in no wise affected by the other proposition that Congress possesses powers over the Territories not possessed by it over the States. My contention is that whatever powers Congress possesses and shall assume to exercise over Territories must be exercised within the limitations and prohibitions of the Constitution. And when gentlemen read from decisions of the Supreme Court which speak of the "absolute," "full," "supreme," and "plenary" powers of the Federal Government over Territories, it must always be understood that those powers are to be exercised in subordination to the Constitution, from which Congress derives its existence and every power which it possesses.

Thus, when Mr. Justice Waite, in delivering the opinion of the court in the National Bank *vs.* County of Yankton (101 U. S. Reports), declared that "Congress is supreme," he qualified that statement by adding that it "has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution."

Mr. Justice Harlan said, in Thompson *vs.* Utah (170 U. S., 346):

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

The advocates of this bill seem to rely much upon the decision in the case of Mormon Church *vs.* United States (136 U. S. Reports). In delivering the opinion of the court in this case, Mr. Justice Bradley said:

The power of Congress over the Territories of the United States is general and plenary.

And yet, in that very connection he quoted with evident approval the language of Mr. Justice Matthews in the case of Murphy *vs.* Ramsey (114 U. S. Reports), which was a case relating to the legislation of Congress over the Territory of Utah. This is what Justice Matthews said, which was approvingly quoted by Justice Bradley:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

It is true that in the Mormon Church case the court added:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives its powers, than by any express and direct application of its provisions.

In the dissenting opinion of Chief Justice Fuller in that case I find this language:

Congress possesses such authority over the Territories as the Constitution expressly or by clear implication delegates.

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In my opinion Congress is restrained not merely by the limitations expressed in the Constitution, but also by the absence of any grant or power, express or implied, in that instrument.

* * * * * * * *

I regard it of vital consequence that absolute power should never be conceded as belonging, under our system of government, to any one of its departments. The legislative power of Congress is delegated and not inherent, and is therefore limited.

The report made to the Senate by the Committee on Pacific Islands and Puerto Rico does not take the extreme ground which the majority members of the Ways and Means Committee in this House occupy. That report does concede that there are some things which it is beyond the power of Congress to do, although it is insisted therein that the right to disregard the constitutional limitations upon the power of Congress to impose duties which are not uniform throughout the United States is not one of them.

I read from the Senate report:

But while this power of Congress to legislate for newly acquired territory does not flow from, and is not controlled by, the Constitution as an organic law of the Territory, except when Congress so enacts, yet, as to all prohibitions of the Constitution laid upon Congress while legislating, they operate for the benefit of all for whom Congress may legislate, no matter where they may be situated, and without regard to whether or not the provisions of the Constitution have been extended to them; but this is so because the Congress, in all that it does, is subject to and governed by those restraints and prohibitions. As, for instance, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; no title of nobility shall be granted; no bill of attainder or ex post facto law shall be passed; neither shall the validity of contracts be impaired; nor shall property be taken without due process of law; nor shall the freedom of speech or of the press be abridged; nor shall slavery exist in any place subject to the jurisdiction of the United States.

It will be apparent, however, from a careful reading of that report, that the Senate committee does not feel entirely sure of its ground; for, after all, it bases the right of Congress to enact the legislation proposed in this bill upon the terms of the treaty of Paris rather than upon any interpretations of the Constitution which have been delivered by the Supreme Court. An examination of all the cases appears to have driven that committee to this lame and, as I hope to demonstrate, impotent conclusion.

I read again from this Senate document:

But, however the question may stand on authority and general principles, there does not seem to be any room to doubt the power of Congress to legislate according to its own discretion with respect to Puerto Rico.

In the treaty of Paris it is expressly provided—

"That the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

No such clause as this has ever before been found in any treaty ceding territory to the United States. Its effect is, therefore, to be considered now for the first time. There is no ambiguity about it; neither can there be any controversy as to its effect. A treaty is a part of the supreme law of the land, made so by the Constitution itself:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Second clause, Article VI, Constitution.)

This provision does not say that all treaties made in pursuance of the Constitution, or consistently with the Constitution, but all treaties made under the authority of the United States, shall be, together with the Constitution and laws enacted in pursuance of it, the supreme law of the land. As to all matters, therefore, with which it properly deals, a treaty is an instrument of equal dignity with the Constitution itself.

It is not to be wondered at that this learned committee does not adduce, or attempt to adduce, a line of authority to maintain the monstrous proposition that "a treaty is an instrument of equal dignity with the Constitution itself." I do not believe that any court in the land has ever so held, or that there can be produced a line written by any respectable writer upon constitutional law in support of this remarkable contention.

On the contrary, the courts have held, and I had supposed that it was universally conceded, that the Constitution is paramount to treaties as well as to the statutes of Congress.

Mr. Justice Swayne, in delivering the opinion of the court in the Cherokee Tobacco cases, reported in 11 Wallace, page 616, says, in considering the second section of the fourth article of the Constitution:

It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress when in conflict is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress (Foster and Elam *vs.* Neilson, 2 Peters, page 314), and an act of Congress may supersede a prior treaty. (Taylor *vs.* Morton, 2 Curtis, page 454; The Clinton Bridge Company, 1 Walworth, page 155.) In the cases referred to these principles were applied to treaties with foreign nations.

Other cases might be cited to same effect, but I will only quote from one more. Mr. Justice Gray said, in delivering the opinion of the court in United States *vs.* Wong Kim Ark (169 U. S., 701):

It is true that Chinese persons born in China can not be naturalized, like other aliens, by proceedings under the naturalization laws, but this is for want of any statute or treaty authorizing or permitting such naturalization, as will appear by tracing the history of the statutes, treaties, or decisions upon that subject, always bearing in mind that statutes enacted by Congress, as well as treaties made by the President and Senate, must yield to the paramount and supreme law of the Constitution.

I challenge the production of any case in which a contrary doctrine can be found. There is none.

Mr. Chairman, if there can be discovered no more convincing authority to sustain the contention that Congress possesses the power, under the Constitution, to enact the legislation proposed in this bill than this treaty stipulation, then its advocates may as well abandon all pretense that the Constitution has any binding force and effect upon their action and boldly proclaim that,

in their judgment, the exigencies of the situation confronting them justifies their repudiation of that sacred instrument.

On the day before yesterday the distinguished gentleman from Pennsylvania [Mr. DALZELL] declared, in the course of his speech, that "he was not impressed with the argument that all government is by the consent of the governed." One of the most cherished principles laid down in the great chart of American liberty and freedom, the immortal Declaration of Independence, is that "governments derive their just powers from the consent of the governed." To sustain this principle our forefathers risked their fortunes and their lives. To perpetuate it we who have inherited the blessings of free government, transmitted by those who proclaimed and successfully defended the principles upon which that Government was founded, should be willing to risk even our lives. [Applause.] But, after listening to the speech of the gentleman from Pennsylvania and others who belong to his school of politics, I am constrained to believe that the leaders of the Republican party have not only lost all reverence for the Declaration of Independence, but that they are prepared, in order to accomplish their party purposes, to overthrow the very sheet anchor of our liberties, the Constitution itself.

The gentleman from Massachusetts [Mr. MOODY] disclosed on yesterday the reasoning which lies behind the whole argument of those who, like himself, favor this proposed legislation. He declared with much fervor that, if what he described as the "dictum" of Judge Marshall, the greatest expounder of the Constitution who ever lived, is to stand as the true interpretation of the Constitution, it will admit, if I caught his words aright, millions of the benighted inhabitants of the Philippine Islands into the enjoyment of all those privileges which are his birthright as an American citizen. Did it not occur to the gentleman, I ask, that he should at least be willing to permit the Filipino to enjoy his own birthrights, whatever they may be? This is true, Mr. Chairman, if it be the purpose of the Republican party to permanently hold and govern those islands. If gentlemen agree with the gentleman from Massachusetts and with me that such must be the inevitable consequence of holding the Philippines, then I warn them against the policy which the Republican party is now pursuing in respect to those islands. If you believe that free trade with Puerto Rico will mean free trade with the Philippines, then I trust you will not be deceived by the specious and unsupported arguments of those who would fain have you believe that Congress can legislate for the Territories of the United States unrestrained by the limitations and prohibitions contained in the Constitution itself. [Applause.]

It would be difficult to exaggerate the importance of this question. It is one of the great turning points of history, and the future not only of this country but of the world is deeply involved in its decision. It has not as yet received from the great body of the people the attention it deserves. Nevertheless, the humblest citizen of our Republic has a deep and personal stake in its decision. Representatives upon this floor owe it to the country that the clouds of sophistry and misrepresentation by which this question has been obscured shall be dispelled, and it is the pressing duty of each one of us to assist, so far as we may be able, in the formation of a sound body of public sentiment which will imperatively call a halt in the steady and rapid march which the Government is now making toward imperialism. Men, good and true, I fear, are being led astray by the "fifing and drumming," flag waving, and all the other cant and tinsel of a cheap and spurious so-called patriotism. Away with the false idea that the spirit of commercialism, the greed for gain, the eager and unscrupulous worship of the dollar mark are the symbols of all that is worth striving for in this world.

Mr. Chairman, I am not yet prepared to believe that the American people, if given their free choice, would deliberately elect to barter their own freedom for the pleasure of first conquering and then tyrannizing over the savage tribes of the Philippines. A studied effort has been made to deceive and betray them. I pray it may not succeed. Even if the Government had both the physical and constitutional power to hold and govern the Philippines as a subject colony, to do so would be a short-sighted and false policy. In my judgment, the conquest and forcible annexation of the Philippines would prove positively obstructive to the healthy expansion of our trade with China and the East generally. Certainly such a costly experiment is not worth the sacrifice of our freedom and the rights of others whose fate the fortunes of war have committed, temporarily I trust, to our keeping.

Mr. Chairman, for centuries the history of colonial Holland and Spain has been a sickening record of native insurrection and bloody suppression. England, the greatest colonial power on earth, having held India for more than a century, dares not to-day withdraw one of the 70,000 soldiers quartered there for the purpose of aiding in the subjugation of the brave and sturdy patriots of the Transvaal, lest revolt and insurrection may follow such action. The struggle for Spanish and American supremacy in the Philippines has drenched those unfortunate islands in blood for centuries, and the end is not yet.

Mr. Chairman, I believe in expansion—in a natural, healthy growth of expansion—but I am opposed to this Government's entering upon a bloody career of conquest and the substitution of a policy of imperialism for that pure republicanism bequeathed to us by our forefathers. I am proud of the history of the mother of States. It was under the Administration of Jefferson that the Louisiana purchase was negotiated; Monroe was President when Florida was acquired, and Tyler presided over the destinies of this country when Texas was annexed. I revere the memories of Jefferson, Madison, Monroe, John Tyler, and Abel P. Upshur—they were all expansionists. Who would dare call them imperialists? The most generous and patriotic act the world has ever witnessed was that by which the State which I have the honor in part to represent upon this floor ceded to the continental government, and thereby made possible the establishment of the Government of the United States, that magnificent domain known as the Northwestern Territory, out of which has been erected five and a part of a sixth of the States of this Union. That splendid act of self-sacrificing patriotism can never be too highly exalted. Daniel Webster said of Virginia in this connection: "The honor is hers; let her enjoy it; let her forever wear it proudly." [Long applause on the Democratic side.]

[Mr. MADDOX addressed the committee. See Appendix.]
[Mr. BARTHOLDT addressed the committee. See Appendix.]

During Mr. BARTHOLDT'S remarks the following occurred:

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WHEELER of Kentucky. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from Missouri be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WHEELER of Kentucky. In the early part of his speech the gentleman spoke of the gentleman from Missouri [Mr. BENTON] speaking in behalf of the Goebelites of Missouri. Now, I have no desire to mix up in the political controversies of Missouri, but I want the gentleman from Missouri [Mr. BARTHOLDT] to explain what he means by that expression.

Mr. BARTHOLDT. Mr. Chairman, I have no desire to enter into a discussion of this question now. I occupied the floor on that question last week, and a complete answer of the question of the gentleman from Kentucky will be found in the RECORD in connection with the speech that I shall print to-morrow.

Mr. WHEELER of Kentucky. I hope the gentleman will have the manliness, if he used the expression in an opprobrious sense, to say so, and not attack Kentucky Democracy by innuendo. If he means to reflect upon the Kentucky Democracy, let him say so, and give some gentleman a chance to reply to him; and if not, strike it from the RECORD. I do not want to mix up in the controversy in Missouri, but I do not intend to allow the gentleman or anyone else to reflect upon the people I have the honor to represent upon this floor. If the gentleman will eliminate that from his remarks, I have nothing to do with the controversy.

Mr. BARTHOLDT. In reply to the gentleman from Kentucky, I wish to say that I do not represent anybody or any district in Kentucky, but I do represent my people, and my people regard the Democratic election law passed by the last Democratic legislature as just as bad as the Goebel election law of Kentucky. The reason for their opinion and the reason for my opinion the gentleman from Kentucky will find in the remarks that I delivered here a week ago, and which will be printed to-morrow.

Mr. WHEELER of Kentucky. I have assured the gentleman that I have nothing to do with the Missouri controversy nor do I intend to criticise any position he has taken. I do not care how he criticises the law passed by the last Missouri legislature; but do not, in the effort to rid yourself of an evil, attempt to do an injustice to a man or a measure that you know nothing of.

Mr. GROSVENOR. I suggest to the gentleman from Kentucky that he read an editorial published in the Louisville Courier-Journal upon this subject.

Mr. WHEELER of Kentucky. I think the gentleman from Ohio had better examine the election laws of his own State before he finds any fault with the Kentucky election law, for they are similar in many particulars.

Mr. GROSVENOR. Yes, we vote on a ballot; that far and no farther.

Mr. RUSSELL. Mr. Chairman, there is a delightful serenity in the Constitution of the United States. Amid the contentions and ravages of the centuries the calmness of the venerable and remarkable document is still preserved. Its elasticity is unbreakable and its construction still remains unfathomable. Individuals and provinces may transmigrate, but the Constitution of the

United States is an ever-present tangible evidence of the existence of the same political creed under different conditions.

It is a remarkable fact that the influence of the Constitution is unvarying upon succeeding generations of interpreters and students. If it ever had or ever was likely to have an unanimity of interpretation, there would be danger of the instrument losing its prestige, there would be anxiety lest the national life become sluggish, and there would be the deplorable probability of inertia in the legal profession.

Whenever the Republic of the United States has discovered that its political or commercial proportions were requiring a new suit of clothes, the constitutional tailors have gone into the ecstacies of the fashion business. [Laughter.] There has been considerable cloth wasted in attempting to produce a proper fit and an appropriate style for the expanding national body; but somehow in the end the Republic has been as comfortably and prudently dressed as it ought to be, and surely well enough protected to escape any serious ailments or fatal maladies. Each time that the Republic has required a new dressing there seemed to have come the most difficult and alarming period for the constitutional tailors. On such times the old fashion plates were scanned and measured and contorted beyond a possible recognition. [Laughter.]

These periods have always been contentious times, very wearing on the nerves of sensitive folks, very prolific for patriotic assurances, very suggestive for partisan efforts, and very solicitous for laymen who think there is some law in common sense and some safety in dealing with present difficulties in the light of present conditions and present necessities. Statesmen and jurists and political parties have been honest and earnest in contentions over constitutional limitations and constitutional admissions as applicable to important periods of progression in our national life. The country has found able and sincere advocates on either side of a constitutional question, so easily provoked, whenever an Administration or a legislature is called upon to meet and settle a new political problem, and sometimes even when an old and well-demonstrated application is given to a new condition.

This state of affairs has never injured the Constitution or the country and never will. The Constitution was made for all time, and the country has intelligence and wisdom to meet the requirements of present and future as it has past times. So the vigor and the ability with which the present constitutional contention is made over a present political condition which has arisen in Puerto Rico is merely following all precedent and history in the past. Anyone enjoying a legal fray might appear as plaintiff or defendant in the controversy with the surety of being able, at least, to have a standing in court and with the assurance of being able to secure conscientious advocates for either side of his choice.

To some of us, to be sure, who are not of the legal profession there appears a sensible view to take of the situation in following, for temporary benefit for the Puerto Ricans and for present welfare for ourselves, any course which promises the equitable, peaceful, and prosperous relations between the two peoples who hope and expect in proper time to become permanently and intimately associated in civil relations. That is the course which the Executive has taken, and wisely taken, for more than a year in our relations with Puerto Rico. And I deny that in the dealings of the Executive Departments with Puerto Rico the island and its people have not been benefited.

Saving the disaster and destruction of property by hurricane, I assert that the physical, moral, and mental condition of the common people of Puerto Rico has improved during a year and more of United States trusteeship. Their financial condition has not so improved except in that relief which they have from Spanish taxation. I would not, however, lightly pass over that improvement, for it is great, and its burden, if still in force, would have been to-day unbearable in face of the hurricane's destruction of coffee and sugar plantations. Their municipal relations among themselves have improved—vastly improved. Their civil relations with this country—their political union with the United States—have not progressed as rapidly and as positively as the well-to-do and politically ambitious classes in the island anticipated and desired, and I am bold here to state that I believe that much of the present contention, a great deal of the present political controversy in this House, is engendered by the too hasty effort of a class of Puerto Ricans to force Congressional action on lines which shall logically and swiftly lead to statehood.

Puerto Rico has become a territorial part of the United States. She ought to and will remain a territorial part of the United States. She will secure, step by step, accordingly as she shows her aptitude and her fitness, all the advantages, the blessings, and the prosperity which are inherent and assured to any territory which comes under the flag of the United States and the legislation of the United States Congress. But there should be no hasty action to place the island in the sisterhood of States. There should be no impatience in the island, and I believe there is no impatience in the United States, to hurry or to guarantee this relationship.

Mr. Chairman, I would not too lightly treat the constitutional authority which may control revenue legislation affecting Puerto Rico. Neither would I too seriously charge the inhabitants of the island with impatient ambition to acquire the rights of statehood as paramount to all other things conditioned on their territorial relations with the United States. But what I do say is that the constitutional authority is so evenly combated, to say the least, and the ultimate object of the islanders for statehood is so apparent that neither the Constitution nor the statehood at this present time should interfere with this House proposing and enacting legislation on revenue which commends itself as the most practical and the speediest and the safest and the easiest for the temporary support and benefit of the island and her people.

Now, the President, in his recommendation last December for the abolition of customs duties between Puerto Rico and the United States, had, I believe, one thought and one purpose, and one only. That was legislation which, with honor to the Puerto Ricans and with regard to our duty to the new possession, should afford a support for a wise and economical and progressive government of the island and give business encouragement and hope to her people. That thought and that purpose was commendable to the kindly and patriotic heart of our President. It was wisely intended and rose above party tenets and partisan advantage. It may be taken as the earnest suggestion to Congress to do something practical and effective. It was not dictatorial, nor has it been dictatorial, in its pressure, as I have interpreted it or as I have subsequently heard of it. That thought and that purpose has now, as I believe it had last December, the sympathy and the approval of the people of the United States. But I do not believe that either the President or the people are now contemplating anything more than the most practical temporary revenue legislation for Puerto Rico—an expedient for emergency situations. If it be shown that for the immediate future some legislation other than the abolition of customs duties is more available and more practical, then I believe it is not only the duty of this House, but it is the sense of the Administration, as it will be the judgment of our people, that such legislation should be considered and enacted.

It has been the judgment of the majority of the Ways and Means Committee that the abolition of customs duties between the United States and Puerto Rico would not so well accomplish the relief for the island and her people, pressing and immediately necessary, as the legislation proposed in the bill now under consideration. For myself, I am sincerely of that opinion, and I advocate this measure as a wise, practical, efficient means for support and encouragement for Puerto Rico and her people. Interesting as may be the constitutional question, sentimental as may be the equality of all territory and all peoples under our flag, I advocate this measure as a beneficent, though temporary, policy for Puerto Rico in raising for her revenue and in stimulating her business and her trade. [Applause on the Republican side.]

Paramount to the revival and the increase of business for the island is the necessity for revenue, for money, for cash, for the support of its general government and its public institutions. It is repugnant to me, as I believe it unjust to the Puerto Ricans and unsanctioned by our people, who would help the independent prosperity of the individual, to signal the advent almost of Puerto Rico into Territorial relations with the United States by the imposition of a debt upon the island. Under Spanish régime, with the collections of multiform taxation, the island, in its corporate existence, had kept free from mortgaged or bonded indebtedness. It does not occur to me as a proper policy for this Government in any form to sanction the support of the island by its bonded indebtedness. It would at the very beginning of its new national life handicap and mortgage its future fiscal and business relations. It is unnecessary and would be unwise. There is left, then, the two means of providing revenue for the support of the island—by tariff or by direct taxation, discarding, of course, the charitable appropriation from the United States Treasury to meet running expenses of the island, which latter does not strike me as an encouraging omen for the cheer and independence of a people who can and should take care of them.

As long—and that means always, I trust—as Puerto Rico remains a Territory of the United States, her commerce must be in very large measure with the United States. Her imports will come from the United States and her exports will go to the United States. The abolition of tariff duties between the island and the United States would necessarily leave a small volume of imports from the foreign countries upon which duties could be collected. The careful estimate has been made that the maximum amount of duties collected from foreign importations to Puerto Rico would not exceed $500,000 per annum. The lowest, most economical administration of general government for the island is carefully estimated to require $1,750,000. Under this estimate there is the admitted necessity of much curtailment in works of public improvement now being carried on under military administration, such as betterment of roads, building of schoolhouses, sanitary improvements, and the like.

These estimates show the deficit, under lessened public improvements, of some $1,250,000 revenue annually for the support of the island. How is this deficit to be met? Not by internal taxation; not by that means, because there is no large revenue estimated from the island under the provisions of the United States internal-revenue law; not by that means particularly and emphatically, because upon internal and direct taxation must depend the support and improvement of municipalities and local affairs. So I discard, for the present at least, the abolition of customs duties between Puerto Rico and the United States as a failure to produce the necessary revenue wanted at once to support the island.

And so, Mr. Chairman, I approve the bill of the Ways and Means Committee as a measure to produce revenue for the island of Puerto Rico. Let not the members on this side of the House be misled as to the purpose of our bill. Let not the sentiment of the country, which is desirous, and properly so, to deal justly with the new possession, to treat her as one of us, overlook the fact that the first and the just duty of this Congress is to furnish revenue for her support, and to furnish it in a way which shall make the people of the island feel their independence and not make them charity patients. This bill will be to Puerto Rico a revenue bill, whatever else it may be. It will, on most conservative estimates, raise a revenue of more than $2,000,000 annually, every penny of which shall be a fund in the hands of the President for his wise distribution for the benefit of the island and its people.

Do you ask how I figure this amount of revenue? I do it in this way: Allow to the island the same amount and value of imports from foreign countries as were carefully estimated under the abolition of customs duties between the United States and Puerto Rico and there is a revenue of $500,000. Allow to the United States 60 per cent of the imports to the island, and there will be more, for Spain, under her exacting system, secured that per cent, and there will be collected by the rates of this bill more than $607,000. Thus, from the duties on imports into Puerto Rico, allowing for no increase over the business of the depressed years of 1898 and 1899, there will come to the island a revenue of more than $1,107,000 per annum. To this sum is to be added the customs duties collected on the island's exports to the United States. I estimate those duties to be: On sugar, $480,000; on tobacco, if in form of leaf, $180,000; and if in form of cigars and cigarettes to the extent of one-quarter the whole exportation, six times that amount; on molasses, cattle, hides, fruits, etc., $200,000. Thus we have a total revenue on exports from the island of from $760,000 to $1,760,000 to add to the revenue from duties on importations into the island, making the total revenue estimated under present conditions of from $1,867,000 to $2,867,000. And this to meet an estimated necessary expenditure for general government of $1,750,000 per annum. Let me repeat and emphasize my advocacy of this measure because it gives Puerto Rico its necessary revenue, because it makes the island self-supporting, and because it places in the hands of the President not a charitable fund, but a wisely arranged collection from the beneficiaries themselves sufficient to administer the government of the island and continue the building of schoolhouses and public improvements. [Applause on the Republican side.]

There has been somewhat said in this debate and much more published in press and pamphlet regarding the freedom of trade and the possession of markets by Puerto Rico under the Spanish rule. In a great measure the claim is misleading, if not a misrepresentation. There was a restriction of trade and a contraction of markets for Puerto Rico while the island was under the dominion of Spain. I wish to call attention to some of the noticeable facts of this restriction and this contraction. Export duties, customs duties, and consumption taxes were imposed on the exports of the products of Puerto Rico, even when sent to Spain.

The export duties and the cargo dues collected on the coffee which the island sent to Spain amounted to nearly $300,000 per annum. The coffee producer of Puerto Rico was compelled to pay 5.7 cents per pound upon the coffee for which he found a market in Spain. Consequently for years there had been a steady diversion of the coffee trade from Spain, and latterly not more than one-third of the great staple product of the island had found its market in the dominion country. This does not indicate freedom of trade between Spain and her island colony. The other markets which the island had for her coffee are still preserved, and had the hurricane not destroyed the coffee plantations there would be, under the provisions of this measure, better trade prospects for Puerto Rico's staple products than ever before.

There would have been in place of the 5.7 cents Spanish duty on coffee free importation to the markets of the United States. Sugar, the second of the Puerto Rican products in value and in quantity, when exported to Spain was subjected to cargo and consumption dues amounting to 2.94 cents per pound. The full United States tariff rates on sugar were less than the duties imposed in Spain on sugar from Puerto Rico, and one-fourth of those rates, as proposed by this bill, would amount to about three-eighths of a cent a pound on raw sugar and about one-half a cent per pound on refined sugar. It has been natural, then, that the exports of sugar from Puerto Rico to Spain have continually fallen off, and latterly the sugar imports from the island to the United States have been twice as large as they were to the dominion country.

The third product of Puerto Rico for export has been tobacco, and under Spain the duties on that export amounted to nearly 15 cents per pound on leaf, as against 8¼ cents under the proposed law now under consideration. The same heavy dues were levied on Spanish exports proportionately on the other and lesser productions of the island. It was the common comment before the war, and while Puerto Rico was subject to Spain, that trade relations between the colony and the dominion country were burdensome, and, to quote from the expression of one of the largest mercantile firms on the island in 1898, it was "one of the greatest complaints of the Puerto Ricans that they were denied free trade with Spain and treated as a foreign country."

Equal burdens were put upon imports into Puerto Rico by Spanish law and royal decrees. Importers on the island were obliged to pay a license to do an importing business, varying from $1,750 to $420 per year. No planter of coffee, sugar, or tobacco could import even machinery or food supplies from Spain or any other country without first of all paying this license for the privilege.

So, Mr. Chairman, there seems to me much exaggeration in the statement of freer trade relations which Puerto Rico enjoyed under Spanish dominion. Yet with these burdens the island claims to to have been fairly prosperous before the war. If that be true, how much more prosperity may she anticipate under a revenue law which so greatly—yes, by threefold—reduces the taxation and tariff on both her imports and her exports.

But there is beyond this a measure of protection for Puerto Rican industry in the proposed law. Before the war, before it was anticipated that Puerto Rico should become a Territory of the United States, there was a strongly developed and growing movement among the agricultural, industrial, and commercial interests of the island for a modification of their Spanish tariff on protective lines and for the purpose of securing commercial treaties, especially with the United States. Industrial commissions were ordered by Spain to investigate and report on this matter. The commissions met, and it is interesting to read from the report of the special commissioner of the United States, Henry K. Carroll, on the findings of these Puerto Rican tariff commissions in December, 1898. Let me quote:

> The representations of the industrial leaders of Ponce, not originally intended for the United States, but for Spain, indicate that they not only desired to introduce new business enterprises, but that they knew that the only possible way of doing so was under the protection of judicious tariff schedules. The arguments in support of their appeal are such as we have long been familiar with in the United States. Countries, they say, which have no industries of their own can never advance to the front rank. Manufacturing countries are the richest and most powerful. They have the largest resources, the necessaries of life are within the reach of all, and the lower classes are better off. Manufacturing is the source, they add, of progress, because it contributes to the general education and to the general wealth; of well-being, because it cheapens prices and enlarges the range of things accessible to the poor: of morality, because it gives work, stimulates to good habits, and opens to woman a wide field of usefulness. It improves social relations, lessens indigence and vice, and converts vagrants into prosperous workingmen.
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> It is impossible, however, they contend, to have thriving industries without positive protection. "A government anxious for wealth and social prestige would not leave its industries to take care of themselves, but would stimulate" them by removing or lowering the duties on raw materials, by imposing high duties on competitive goods, and by making all possible concessions to them. If such a course might seem to shut out altogether foreign competition, they argue that it would stimulate home competition and give the people better goods and cheaper goods.
>
> They conclude their appeal to the Sagasta government at Madrid with these words, using reiteration to add emphasis:
>
> "Protection, protection, and protection, in every sense of the word, in all its forms, and in every measure—this is what the industries of Puerto Rico need."

The report further says that—

> At an interview held at the office of this commission November 4 with the heads of the various gremios or unions of the artisans of San Juan, Santiago Iglesias, head of the gremio of carpenters and president of the Federation of Workingmen, expressed the opinion that "protective duties on all manufactured articles should be imposed, so as to protect the embryonic industries which exist here * * * for at least a number of years. After they are able to look after themselves the competition of other markets could be admitted."

Now, Mr. Chairman, just what the Puerto Ricans sought for their commercial advantage just before the island became a territory of the United States this proposed measure gives them now. It affords the revenue protection which the industries of the island needed in 1898, which they need to-day. It treats the new possession in its relation to the old United States better than the old States and Territories are treated in their relations to each other. I commend this to those who are sentimental about a considerate care and a just equality for the commercial interests of Puerto Rico.

There is a somewhat prevailing opinion in this House that the measure under consideration was especially inspired to protect the beet-sugar and tobacco productions of the United States. It is the evidence of these parties particularly interested in these productions, that the free importation into the United States of Puerto

Rican products was not now, or likely to be, a serious or material injury to any United States industry. I have believed and I still believe that free trade between the island and the United States would be of no material injury to the States and of no material benefit to the island.

I do not now speak of its possible indirect effect in subsequent legislation as relating to other present or prospective Territorial possessions. So much has been said of tobacco interests, and particularly of Connecticut Valley tobacco concerns in this measure, that I wish to give some memorandum regarding Puerto Rican tobacco and its possible or probable relations with the United States grown leaf. The memorandum is prepared by Prof. Milton Whitney, of the Agricultural Department, and recently prepared. It reads as follows:

The Puerto Rican tobacco is essentially a filler tobacco—that is, a leaf of strong body with a rich aroma, suitable for the inside of a cigar, but not suitable for wrapping a cigar according to the requirements of our domestic markets. For wrapper purposes the leaf should have very little taste or aroma; it should be thin, very elastic, so that it will cover well, and should have good texture and grain in order to give the cigars good style. These qualities are not inherent in the Puerto Rican tobacco, as far as I am aware.

There are certain manufacturers who use the Puerto Rican type of dark, heavy wrapper leaf, but these manufacturers would not use the domestic or Sumatra type of wrapper under any circumstances. On the other hand, a manufacturer using the domestic or Sumatra style of wrapper would not use the dark, heavy Puerto Rican leaf under consideration, no matter at what cost it could be obtained.

The following table gives, for the principal tobacco districts, the most reliable estimates obtainable of the total yield of the crop of 1898, the total value when prepared for market, and the approximate average price per pound:

District.	Pounds.	Total value.	Value per pound.
Connecticut Valley	20,000,000	$4,000,000	$0.20
Pennsylvania*	30,000,000	2,250,000	.07½
New York	10,000,000	1,200,000	.12
Florida:			
Cuban†	1,500,000	450,000	.30
Sumatran	1,500,000	750,000	.50
Wisconsin	33,000,000	3,960,000	.12
Ohio:			
Zimmer Spanish†	13,125,000	1,968,000	.15
Little Dutch†	4,000,000	480,000	.12
Gebhard	5,000,000	750,000	.15

*Low-grade filler. †Filler.

The normal crop of Puerto Rico, according to Levi Blumenstiel & Co., averages about 6,000,000 pounds, of which never more than 20 per cent is fit for United States consumption. The crop this year is about half the average.

The Connecticut Valley tobacco is used altogether for wrappers and binders. The refuse and torn leaves are not used for filler purposes in this country, but are exported mainly to England, and sold for a very low price.

I do not see that the Connecticut growers have any reason for protesting so loudly against the free importation of Puerto Rican tobacco, for, in my opinion, they would be greatly benefited if a new filler, even superior to any of our domestic tobaccos, were obtainable at a reasonable cost upon which the Connecticut tobacco could be wrapped.

A certain amount of this Connecticut tobacco is unquestionably used in Tampa and Key West as a substitute for Cuban wrappers as a wrapper for "clear Havana" cigars, but I do not think any considerable part of the Connecticut Valley crop is so used. The Connecticut tobacco is used mainly to cover the Zimmer Spanish, Little Dutch, Pennsylvania, Florida, and as a substitute for Sumatra wrapper on imported Cuban fillers—the highest priced domestic cigar. The competition affecting the Connecticut tobacco comes entirely from the imported Sumatra leaf.

The Pennsylvania tobacco is a low-grade filler, used extensively in the manufacture of stogies, cheroots, and low-priced cigars. It is unquestionably the cheapest and lowest grade filler leaf produced in this country at the present time, as measured by the present market demands. I do not see how the introduction of the Puerto Rican tobacco could affect materially the interests of the Pennsylvania tobacco grower, as it would be for the manufacture of an entirely different grade of cigars, selling at a higher price than the Pennsylvania farmers can ever realize on their tobacco. There is always a demand for cheap cigars and cheroots, and the introduction of a better grade of foreign tobacco would hardly affect this grade of domestic tobacco.

The New York tobacco comes midway in quality between the Pennsylvania filler and the Connecticut Valley wrapper. It is used to some extent for both purposes, but is mainly a binder, corresponding to the Wisconsin leaf. It would probably be affected to a considerable extent by the introduction of Puerto Rican tobacco.

In Florida there are two types of tobacco, grown to about the same extent. The Cuban variety is used almost exclusively for filler purposes, and while they have wrapper grades it is difficult to sell such to the trade. This crop would be largely affected by the introduction of Puerto Rican tobacco, except that it might prove a desirable mixture, as it blends well with the Cuban and Puerto Rican filler leaf.

The Florida-grown Sumatra is used almost exclusively for wrapper purposes and would not be affected to any great extent by the introduction of Puerto Rican tobacco. I was informed by one of the large growers in Florida that they would welcome the free introduction of even Cuban tobacco, as they would then give up the production of the filler leaf and bend all their energies to the production of a desirable wrapper leaf for covering the Cuban filler, as it is a well-known fact that good wrapper leaf is very hard to produce in the island of Cuba.

The Wisconsin tobacco is the seed-leaf variety, similar to the Connecticut Valley tobacco, but is much coarser, with coarse veins, and is only adapted for binders for cigars. It is not used to any considerable extent for filler purposes or for wrappers. It would hardly be affected by the introduction of Puerto Rican tobacco.

Ohio produces three types of tobacco. The Gebhard is a seed-leaf variety, used for wrapper purposes, and would hardly be affected by the introduction of Puerto Rican tobacco. The Zimmer Spanish and the Little Dutch are both filler leaves exclusively, the former being the finest filler tobacco grown in this country. Both the Zimmer Spanish and the Little Dutch districts would be very seriously affected by the introduction of the Puerto Rican tobacco.

In conclusion, I would say that the Florida-grown Cuban tobacco would be injured by the introduction of Puerto Rico tobacco, but in some areas the Florida growers could very well give up the cultivation of this and extend the cultivation of the Florida-grown Sumatra leaf for wrapper purposes. The Zimmer Spanish and Little Dutch would be very seriously affected, as these tobaccos are of the same grade as the Puerto Rican tobacco. The other tobacco districts of this country would not, in my opinion, be very seriously affected by the introduction, duty free, of the Puerto Rican tobacco.

Mr. HENRY of Connecticut. Will the gentleman allow me an interruption?

Mr. RUSSELL. Certainly.

Mr. HENRY of Connecticut. Does the gentleman believe that the introduction of Puerto Rico tobacco will not compete with the tobacco of Connecticut?

Mr. RUSSELL. That is my firm belief, and I will go further and say that if left by itself we could have Habana tobacco brought into this country free of duty and it would be a boon for the leaf-tobacco growers of the country.

Mr. HENRY of Connecticut. And the only serious competition we to-day fear in Connecticut is that of Sumatra tobacco, and later on, possibly, the more serious competition of Filipino tobacco, for which the free importation of Puerto Rico tobacco may form a precedent.

Mr. RUSSELL. Certainly; and I will seriously oppose the free importation of Sumatra or Philippine tobacco.

Mr. HENRY of Connecticut. And the gentleman does not regard this as a permanent measure?

Mr. RUSSELL. I regard it as a temporary measure which we as good Samaritans provide for the people of Puerto Rico.

Now, Mr. Chairman, I disavow that there was anything intended or anticipated in this measure of hostility to Puerto Rico and her people. I think I speak for the majority of the Committee on Ways and Means in declaring that friendly consideration and sincere effort to benefit the island was our purpose.

You gentlemen on this side who are inclined on your first interpretation of the measure to question it as inconsiderate of the rights of Puerto Rico, as deliberated to burden or retard her commercial advancement, do the committee an injustice, and I speak kindly but honestly in so saying. You gentlemen on the other side who so violently attack the measure as a proposition which designs to make us masters over rather than partners with Puerto Rico are playing politics. You shout imperialism. If it be imperialism to care for and protect and sustain a possession which has come to us until she be able to stand alone to assume her full stature of equality and responsibility and burdens among the rest of her sisters in one great Republic, then we are imperialists; and there is neither shame nor tyranny in that position, but there is duty and honor and welfare for all concerned. [Long applause on the Republican side.]

[Mr. LITTLEFIELD addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Iowa [Mr. LACEY] is recognized for twenty minutes.

Mr. LACEY. Mr. Chairman, I am in hearty sympathy with the general purposes of those who speak for the most liberal treatment of Puerto Rico, but it by no means follows that the exact plan outlined by the President in his message should be adopted by Congress.

The President suggests the propriety of unrestricted trade between Puerto Rico and the States of this Union. His proposal, in short, is to strike off all the existing tariff duties upon all shipments, both to and from the island, in its commerce with the United States.

This proposition was referred to the Ways and Means Committee, and its chairman introduced a bill to at once carry out the suggestion of the President.

That committee entered upon the investigation of the whole question and soon encountered difficulties that have not been generally understood by the people of this country.

The discussion of this question has followed along the lines of abstract principles, without taking sufficient account of actual conditions that must be met.

The question that we must determine is, in a few words, simply this: The President recommends the removal of all the existing duties.

The committee reports that the present duties collected in the island are used to carry on the existing government, and that if these duties are all immediately repealed there must be some other means provided for carrying on that government. The committee could not devise any method for providing immediate revenues for that purpose, and therefore they answer the proposition of the President by this bill, which provides:

1. The present tariff duties between the United States and Puerto Rico shall be reduced to one-fourth the rates now collected under the Dingley Act. A further reduction is suggested by some, and may be agreed to.

2. The proceeds of these duties, whether collected in Puerto Rico or the United States, shall be set apart as a special fund for the use of the government of the island and for school purposes there.

This law is evidently intended as a temporary expedient, but I think it would be well to so state by some form of amendment to the bill, so as to assure the inhabitants of the island that fuller commercial freedom is in store for them as soon as other and permanent means can be provided for raising revenues for her public needs.

Is there anything unfair or unjust toward these people in the proposed plan?

No one in this House can have a more kindly feeling toward the Puerto Ricans than I have.

I visited that island in company with the gentleman from Indiana [Mr. LANDIS] a year ago. I was struck with the friendly reception that Americans universally received. It was not feigned. We were received with a warm welcome by the little children; and children speak the truth. When little boys and girls ran out by the roadside and handed us oranges and refused to receive pennies in exchange and shouted, "Americano mucho bueno," I knew that they felt kindly toward the people of the United States. The friendly feeling was too frank and open to be doubted for a moment.

In dealing with that island we should recognize the fact that its situation is different from that of other islands that have fallen to us as the result of the treaty with Spain. The Committee on Ways and Means was confronted with very grave problems in the preparation of this bill. Let me call the attention of the Committee of the Whole to some of those difficulties.

My friend from Indiana and myself had an interview, through the aid of an interpreter, with General Henry's cabinet, who were advising and aiding him in the administration of the affairs of that island, and I questioned those gentlemen as to the methods of taxation, the plans of raising revenue with which to run the schools, to pay the expenses of the courts and the police, and to keep the roads in repair. We were assured that the system of taxation under the Spanish Government had been in the main levies upon production and upon consumption. Milk was taxed a cent a quart; beef was taxed when it was killed and taken into the cities for consumption. Almost every article of food, almost every single article of consumption, such as charcoal, was taxed in some form. It is true that the land was also taxed, but it was taxed upon such an unequal basis as would be wholly unsatisfactory in any State in the American Union.

Now, it is necessary to provide some system of taxation for that island. I asked my friend [Mr. LITTLEFIELD] who has just taken his seat and who has pleased the House and the galleries by his wit and his eloquence—I asked him the question whether we were not confronted with the alternative that we must allow that island to bond itself for from three to ten millions of dollars or else provide substantially the method of revenue devised in this bill, and he conceded that the bill must pass or else the island must be bonded for its running expenses. He suggested also the further remedy of appropriating money from the National Treasury as a substitute for both debt and local taxation.

Mr. Chairman, the annual expenses of that island will be anywhere from two to three million dollars. It is proposed to bond it to the amount of from three million to ten million dollars and have it start upon its career as a Territory or as a State in the American Union, should it become one, loaded down with a heavy debt, though among its misfortunes it has at least the present good luck to be free from its old burden of Spanish bonds and to owe nothing in its governmental capacity. Either revenues must be provided, the island must be bonded, or else there must be an appropriation made out of the Treasury of the United States and taxes levied upon the people of Maine, Iowa, and Tennessee to support the government of that island. Is my friend from Tennessee [Mr. RICHARDSON], the leader of the minority on this floor—I ask his attention—is he ready to tax the people of Tennessee to pay the expenses of governing the island of Puerto Rico?

Mr. RICHARDSON. Yes; as quickly as I would do the same for Arizona or New Mexico.

Mr. LACEY. But Arizona and New Mexico pay internal, revenue taxes. Arizona is a barren country. Arizona is, perhaps the most unfortunate of all our possessions, so far as her obligations to the hand of Nature are concerned. But Puerto Rico, little Puerto Rico, the size of the Congressional district which it is my honor to represent, with an area of 3,600 square miles, has a population of 1,000,000 people. In legislating for Puerto Rico we have a different proposition from that of legislating for a sparsely populated Territory which, when settled with Americans, is to come in as a State. This island has already its full share of population. It is densely settled by law-abiding and peaceable people.

In going through Puerto Rico I felt as safe as I would in Kentucky. The gentleman from Indiana [Mr. LANDIS], with his wife and little boy, together with my daughter and myself, passed unarmed and unescorted through that island. We were suprised to see that it was well tilled from the tops of the mountains to the very waves of the sea. One day I selected, at random, 8 miles from the nearest town, a piece of ground which, measured by my eye, embraced about 100 acres. How many houses do you suppose were on it? I counted forty-five of those little thatched cottages, with inmates averaging 10 to 12 each; between 450 and 500 people on 100 acres of land in a country district. There is not a country town in Tennessee, Iowa, or Maine that is as thickly populated as the farming region in Puerto Rico outside of the towns. Florida would have a population of thirteen and a half million of people if it were as densely populated as Puerto Rico.

Iowa would have nearly 16,000,000 upon the same scale of settlement. We find this little island filled with people—300 to the square mile—kind, easily governed, and tractable. Puerto Rico in four hundred years has grown until it swarms with people. It is a veritable human ant hill. In its genial climate the children play naked by the roadside until they are 6 or 7 years old, almost free from the diseases which decimate the rising generation in colder climes. It is the gem of the ocean. It stands away out beyond the heated Gulf Stream in the cold waters of the Atlantic, for the waters of the north sweep down and temper the climate, relieving the people of most of the deadly fevers which are such an obstacle to the growth and prosperity of Cuba and other islands of the West Indies. The people have been fairly prosperous notwithstanding the bad effects of Spanish misgovernment. We are on trial quite as much as Puerto Rico is.

We must give them something better than they have had heretofore under the Government of Spain; and this bill, Mr. Chairman, with all the criticisms that have assailed it, will certainly accomplish that.

It is provided in the bill that the revenues of the island, those received through the custom-houses of the island, whether paid by American shippers to the island or paid by the islanders themselves when they are shipping into the United States, shall be used for the benefit of the insular government.

Mr. MCCULLOCH. If this island is so magnificent as the gentleman describes it, and so prosperous under ordinary conditions, why can it not stand the system of general taxation that we apply to the rest of the country?

Mr. LACEY. It undoubtedly can, but at present it has no such system. In response to the gentleman from Arkansas, I will say that the difficulty is that heretofore Cuba ordinarily took most of the tobacco from Puerto Rico, worked it up into alleged genuine Habana cigars, and exported it in that form. Spain took nearly all of the coffee produced there. It is a peculiarly fine coffee, and the Spanish coffee drinkers had learned to use it and paid a much higher price than Americans are willing to pay for it.

That coffee will become known and appreciated by our people in due time, and they will become willing to pay the price warranted by its superior excellence.

But the fact remains that the old Spanish coffee market has been cut off, and the American market has not yet taken its place.

Having lost her market, without getting another in its stead, the unhappy islanders scarcely know which way to turn. To add to the difficulties of the situation, the terrific cyclone of last year swept over the island and destroyed hundreds of lives and millions of dollars' worth of property.

We must grant relief to the people there. This bill proposes to do that. It does not propose to deprive the people of the money collected there. It does not propose to send the taxgatherers to the island. It is proposed to use the money collected through the ordinary channels, the customs-houses of the United States, for the benefit of the people of the island and for no other purpose. The bill furnishes the practical machinery, and the money raised under it will be used to carry on the government of the island. When a complete local civil government shall be organized, familiar with all the details of local conditions, a system of taxation adapted to the wants of the people can be devised and all these custom dues removed.

Mr. LLOYD. Will the gentleman state how much revenue, in his judgment, will be furnished by the bill?

Mr. LACEY. No one can tell with absolute accuracy. It can only be estimated. We have the estimate of the chairman of the Committee on Ways and Means in his opening speech. He estimates the revenues at $2,300,000 and expenses about $2,000,000, including the proposed school system. I have no disposition to criticise that estimate. I have not sufficient data to justify me in saying that it is inaccurate. This proposition relieves the islands entirely from the operations of the internal-revenue tax for the time being. The Insular Committee is preparing and is about ready to report a bill in which the privilege is given to the people of the island to manage their own affairs under a form of Territorial government.

Mr. LLOYD. Then this bill, as I understand, in your opinion, will provide sufficient revenue for the support of the island?

Mr. LACEY. I understand that it will.

And now, Mr. Chairman, I want to say that so far as the island of Puerto Rico is concerned the situation is entirely different from that of the Philippine Islands. This legislation is proposed, in part, for the purpose of making a legal test. I care but little for

that. The test could have been made by leaving a duty on cocoa, or some one of the items or any of the items exported or imported from the island, which would have answered the same purpose. But I do not understand that the main purpose of the bill is to make that test, although, as a matter of fact, it grows out of it as an incident, as I understand the operation of the bill.

The arguments have been so persistently directed to the constitutional question involved in the assumption of the right to levy duties on goods transported to and from Puerto Rico and the United States that the actual operations of the proposed law seem to have been nearly lost sight of.

The question is an intensely practical one. The island must have revenues to carry on its local government. Their revenues are mainly collected at present in the custom-houses. New methods of taxation must be devised to take the place of the present system. These new methods can be much better formulated by a local legislature, fully informed as to the habits, customs, wishes, and necessities of the island. It will take time to prepare and pass a law providing a system of local self-government. When that question has been settled it will take further time for the local government to formulate and enact an appropriate system of taxation.

When the system shall be adopted it will take further time to make assessments and tax levies and to begin the collection of the same. The taxes at this moment being collected in the various States of the Union were generally levied last year and are now being slowly paid in to the taxgatherers. It will take probably two years' time to create and put such a system into operation. Now, what is to be done in the meantime? It is easy to make a declaration in favor of immediate and untrammeled trade between the United States and Puerto Rico, but what is to be done in the interim between the two systems? There is a transition period to be provided for.

It is to this question, overlooked by the public generally and by many of the members of this House, that the Committee on Ways and Means were compelled to address their attention. The theorist might ignore this feature of the problem.

The practical legislator must leave no vacuum in the local treasury. Nature abhors a vacuum, particularly in a governmental safety vault. The committee simply say:

> Let us throw off three-fourths of these duties and give the other fourth to the people, and during this interval also relieve the island from internal-revenue taxes.

Of course this plan ought not to be adopted if it is forbidden by our Constitution, and hence, of necessity, the constitutional question must be and has been discussed in this debate.

I have preferred to direct my remarks in this controversy mainly to the practical features of the proposed bill.

But I wish to take a little time in the discussion of the power of Congress to enact such a law.

In the acquisition of territory in the past we have annexed uninhabited regions and have legislated almost wholly with a view to the building up of contiguous American States upon virgin soil. The legislation of the past and the decisions of the courts have been with reference to those conditions. By acquiring the Philippines, with 10,000,000 people, and Puerto Rico, with a million more, Hawaii, with 150,000 more, all at a considerable distance from our shores, we find ourselves involved in new questions, and the written Constitution must be construed in the light of these new surroundings. If there is no present power under the Constitution to enact suitable legislation to meet these new conditions and responsibilities, the Constitution should be so amended that the problem may not remain insoluble.

If the authorities and reasons seem equally balanced, Congress should resolve the doubt in favor of exercising the necessary powers to legislate for these new conditions.

The Constitution was framed with special reference to the thirteen original States and the adjacent territory which was to be ceded to the General Government by the States. The fathers were many of them fearful of the future growth of the country, but the expansion process has gone on, and every extension of our domain has proven of advantage to the whole. In 1803 Jefferson sent Monroe to buy from Bonaparte, the First Consul, the mouth of the Mississippi River. Bonaparte staggered Monroe by offering to sell the whole Louisiana Territory instead for $15,000,000. Fortunately there was no Atlantic cable; and those who thought the transaction unconstitutional could not make their objections until it was too late. That purchase cost the United States 3⅞ cents an acre.

The cession of territory by Georgia cost the General Government 10.1 cents an acre more; Spanish Florida cost 17.1 cents an acre; the great cession from Mexico cost 4.5 cents an acre; the Gadsden purchase cost the most of all, when we purchased the deserts of southern Arizona at 34.3 cents an acre. The Texas cession cost 25.17 cents an acre, and Alaska, the most unpromising of all, cost 1.14 cents an acre.

Every purchase has been criticised and condemned in one generation and then approved and the lands held with satisfaction in the generation following. It is a bad land indeed that American enterprise can not get any good out of. The very sands of the sea of Alaska now sparkle with gold, and the Louisiana purchase has become immensely more important than the whole American Union was at the time that Monroe closed out that remarkable real-estate transaction.

With nearly 80,000,000 people at the beginning of the twentieth century, this nation will resolutely face its future destiny. That destiny bids the American people to accept the ocean as a part of the heritage of the future.

These islands, if held by us, must be held for the twofold purpose of bettering the condition of their people and for the advantage of our own people in taking a prominent, if not the first, place in the general commerce of the world.

Statesmen should not descend to the business of merely playing party politics on great questions like these, and I am gratified to be able to testify that most of this discussion has been upon a very high plane and has been confined almost exclusively to the questions embraced in the proposed legislation.

The constitutional question has been so elaborately discussed by the members of the committee having the bill in charge that I will not devote as much time to the subject as its importance would seem to demand. The Constitution provides:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

When Calhoun invented the dogma that the Constitution carried African slavery with it wherever it went, and also the further dogma that the Constitution, of its own power, extended itself at once, slavery and all, over California and our other new possessions, in one of his speeches in the Senate he attempted to clinch the argument by reading the sixth amendment, which provided that—

> This Constitution * * * shall be the supreme law of the land.

Webster, who sat near him, asked the question, "What land?"

On July 7, 1898, Hawaii was annexed, and the resolution of annexation provided—

> Until legislation shall be enacted extending the United States custom laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands to the United States and other countries shall remain unchanged.

How could this be if the Constitution and its provision as to uniform customs laws at once extended to Hawaii at the time of its annexation? Many gentlemen opposing this bill on constitutional grounds are on record as voting without hesitation for the Hawaiian plan.

The question was a pertinent one then, and it is the question now in dispute.

The right of a nation to grow depends no more upon its constitution than the right of a child to grow depends upon law. The tree that ceases to grow begins to decay; the nation that ceases to grow is ready for its decline.

There is only one constitutional question involved in the present controversy, and that is as to whether Congress is bound to make excises, imposts, and duties in all our new possessions uniform with those in force in the United States. The Constitution provides:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

Many authorities have been cited for and against the proposition that Congress has power to legislate for these possessions without making the duties uniform.

Whatever we may conclude in this debate, the Supreme Court of the United States is the final arbiter upon this question. The United States Government in Florida and Louisiana assumed not to be bound by strict constitutional limitations in the government of those Territories.

General Jackson refused, as governor of Florida, to recognize even the writ of habeas corpus, because it had not been extended to Florida by Congress, and President John Quincy Adams sustained him in it. In Louisiana, under Jefferson, the right to trial by jury was limited to cases exceeding $100, though the Constitution provided that the right of such trial should not be taken away where the amount in controversy exceeded $20.

There are legislative, executive, and judicial precedents recognizing the authority of Congress to legislate for the Territories and possessions of the United States.

The Supreme Court is a much more congenial place for the discussion of constitutional questions than this assembly.

Points of law are never applauded in that court. We must wait for a final authoritative decision from that calm and dispassionate tribunal after the proposed legislation shall have become she subject of judicial controversy.

In Fleming *vs.* Page (9 Howard, 616) the Supreme Court of the

United States discusses the question and expressly declares that the ports of one of these new possessions are not domestic ports within the meaning of the Constitution, and that the rule of uniformity of duties does not apply. I quote an extract from the opinion:

This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port; for after Florida had been ceded to the United States, and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district, and authorizing the appointment of a collector, were liable to duty; that is, that although Florida had, by cession, actually become a part of the United States, and was in our possession, yet, under our revenue laws, its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned at the time by the Attorney-General of the United States, the law officer of the Government.

And although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports in Louisiana, after that province had been ceded to the United States, were both made upon the same grounds. And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department in no instance that we are aware of, since the establishment of the Government, has ever recognized a place in a newly acquired country as a domestic port, from which the coasting trade might be carried on, unless it had been previously made so by act of Congress.

The principle thus adopted and acted upon by the Executive Department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is regarded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

In Cross *vs.* Harrison (16 Howard, 164) the Supreme Court of the United States decided that San Francisco was not a domestic port, entitled to uniform duties, until Congress had so declared.

I quote:

The territory had been ceded as a conquest, and was to be preserved and governed as such until the sovereignty to which it had passed had legislated for it. That sovereignty was the United States, under the Constitution, by which power had been given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with the power also to admit new States into this Union, with only such limitations as are expressed in the section in which this power is given. The government, of which Colonel Mason was the executive, had its origin in the lawful exercise of a belligerent right over a conquered territory.

It had been instituted during the war by the command of the President of the United States. It was the government when the territory was ceded as a conquest, and it did not cease, as a matter of course, or as a necessary consequence of the restoration of peace. The President might have dissolved it by withdrawing the Army and Navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done. The right inference from the inaction of both is that it was meant to be continued until it had been legislatively changed. No presumption of a contrary intention can be made. Whatever may have been the causes of delay, it must be presumed that the delay was consistent with the true policy of the Government. And the moreso, as it was continued until the people of the Territory met in convention to form a State government, which was subsequently recognized by Congress, under its power to admit new States into the Union.

* * * * * * * *

Our conclusion from what has been said is that the civil government of California, organized as it was from a right of conquest, did not cease or become defunct in consequence of the signature of the treaty or from its ratification. We think it was continued over a ceded conquest, without any violation of the Constitution or laws of the United States, and that until Congress legislated for it the duties upon foreign goods imported into San Francisco were legally demanded and lawfully received by Mr. Harrison, the collector of the port, who received his appointment, according to instructions from Washington, from Governor Mason.

As to Puerto Rico, the exercise of this power in Congress is necessary, because it will be for the good of the island to provide revenues for the government there until a permanent civil government can be provided and put into operation.

This is no time for mere political sparring or fencing. The welfare of the island of Puerto Rico should not be trifled with in the interests of any political party. Gentlemen on the opposition side of the House have taken occasion in this debate to criticise many things, or, rather, all things, done by the present Administration. They have disapproved of the conduct of the war with Spain.

It is some consolation to know that the conduct of that war was also disapproved by the Spanish Government.

When I hear the other side assuming to be the defenders of the President I must be pardoned for being unable to recognize their sincerity. We are accustomed to hear constant denunciation of Mr. Cleveland from his former Democratic associates, and it is a daily occurrence to hear them sound the praises of Lincoln, Grant, and Garfield; but we must recollect that these Republican statesmen are all dead. When these gentlemen assume to take up the cause of one of our living leaders we may well beware.

The Administration and the Congress have had a closer and better understanding with each other than at any time in fifty years. The President served so long in this body that he fully understands and appreciates its motives, methods, and purposes, and there is little danger of antagonism growing out of mere matters of detail in the accomplishment of a desired common purpose.

To-day we are face to face with the proposition as to whether the Congress of the United States can in due time legislate in regard to the Philippine Islands. Are our friends on the other side willing to have it determined that the cotton of the South shall be placed in absolute and equal competition with that produced in the Philippines? Are they prepared to say that the agreement for a ten years' open door with Spain in the Philippines shall also indirectly open in the United States the ports of San Francisco and give free trade through Spanish channels with foreign countries and the United States? You must remember that that treaty was indorsed by Mr. Bryan and ratified with the aid of Democratic votes.

It is therefore, Mr. Chairman, much more than a mere political party question that we are considering to-day. I regret that our opponents seem so willing to discuss everything from a party standpoint alone.

I wish to read in this connection from the Washington Post of this morning an extract from a speech of Senator Gorman made before the national Democratic committee at the Raleigh Hotel in this city yesterday:

"Let the party in power hold its convention first, as it has always done," said Mr. Gorman. "Let it complete its record in Congress," he said, "and put forth its principles in its platform, and then let us meet both the record and the platform with our indictment, as we have done in the past."

And then, after determining in advance to "find an indictment against the party in power" for everything that it might do, they patriotically chose the Fourth of July as the date for a party convention. The day that should be devoted to high and patriotic national observance is set apart for the partisan purpose of indicting the Administration of William McKinley for whatever it has done in the past and for whatever it may do in the future.

The criticism of a party whose leaders in advance resolve to find an indictment against whatever their opponents may do loses much of its weight with the people.

Luckily, they will not have the opportunity to include soup houses, industrial panics, and general lack of employment among the counts of their indictment.

We should endeavor to solve the question before us in a practical way for the benefit of the American people and for the best interests of the people whose lot has been cast with us under the recent treaty with Spain. [Applause on the Republican side.]

Mr. GARDNER of Michigan. Mr. Chairman, we are near the close of the fifth day of a debate that will be memorable in the annals of the American Congress. I should be alarmed at the dangers that have been prophesied against our country and against the islands under our jurisdiction by the passage of the pending measure were it not for the recollection that the same gloomy forebodings have been indulged in before every great forward step our country has made, from the time when we were only a Confederacy to this hour. The constitutional objections that are alleged against the pending measure have been made in one form or another from the beginning of our national history.

Though it was my fortune once, for a time, to be associated with men learned in the law, I make no pretense to critical legal knowledge such as has been arrayed here on both sides of this question during the last five days. I shall speak not as a lawyer, but as a layman, and as such I ask the gentlemen on the other side if they can name one great step in the advance of our national progress that has not been contested on the ground of unconstitutionality?

Our first national expansion was made in the face of this objection. The Northwest Territory became the common property of the United States by various Atlantic coast States—which claimed to the Mississippi River—relinquishing their Territorial rights beyond the head waters of streams flowing into the Atlantic and ceding the same to the General Government. The State of Maryland exacted this as a condition precedent to the ratification of the Articles of Confederation. But those articles nowhere, either "directly or indirectly or by implication, authorized the Congress to acquire, retain, or govern territory;" and yet under this confederacy the Congress did, without warrant of law, acquire and retain territory and did institute government, and under such conditions that its beneficial influence has been felt from that day to this, and will continue to be while the Government endures.

Though the constitutionality of the act was seriously questioned at the time, who is there now to cast a word of reproach against the men who thus builded so wisely into the foundations of the Republic? When the present Constitution was framed it was thought best to confer upon the Congress a power which had been assumed by the Congress of the Confederacy without constitutional authority.

No man on either side the Chamber, as I recall, in this discussion has had the temerity to claim that the acquisition of the Louisiana Territory was made by constitutional authority. Jefferson himself said it was without warrant in the Constitution.

Yet Jefferson has no single claim to the gratitude of the American people comparable to that which has grown out of the violation of the letter but the maintenance of the spirit of that great instrument. President Jefferson stood in the same attitude to the people of the Republic as a subordinate commander on the battlefield does to his chief. With written orders in his pocket directing where and how he shall do, with the commander in chief a mile or more in the rear, the officer on the line, seeing an unlooked-for emergency, keeps the spirit by violating the letter of the command.

He does to his chief as Jefferson said with reference to the Louisiana purchase:

We will throw ourselves upon the people, believing they will justify the acts, which they would have done had they been in our place.

The act by which was made the second great acquisition of territory sounded the death knell of the strict-construction theory and the star of Hamilton rose to the ascendant, shining on the pathway of implied powers and liberal construction.

Shortly after the Louisiana purchase had been annexed to the Union the question arose as to government of the territory so acquired. Then, as now, the Congress was confronted by the theory of constitutional limitations of its power to legislate for the Territories. Mr. Nicholson, of Maryland, an able and faithful disciple of Jefferson, declared that Louisiana was not a State.

It is—

He said—

a territory purchased by the United States in their confederate capacity and may be disposed of by them at pleasure. It is in the nature of a colony whose commerce may be regulated without any reference to the Constitution.

Mr. Rodney, another able advocate and defender of the policy of Mr. Jefferson, said in effect that the Constitution was made for States and not for Territories.

The bill shows—

Argued Mr. Rodney—

that Congress have a power in the Territories which they can not exercise in the States, and that the limitations of power found in the Constitution are applicable to States and not to Territories.

John Randolph, another great leader and supporter of the Jeffersonian policy, said:

Gentlemen will see the necessity of the United States taking possession of this country in the capacity of sovereigns to the same extent as that of the existing government of the province.

Scarcely had the status of the newly acquired Territory been determined in its relation to the power of Congress to govern it when another question arose, involving, as was believed and contended, an important constitutional question demanding settlement. That question was as to whether any part of the Louisiana purchase could be admitted as a State into the Union. On this proposition Uriah Tracy, of Connecticut, voiced the position of the Federalists when he said:

We can acquire and hold territory, but to admit the inhabitants into the Union to make citizens of them and States by treaty we can not constitutionally do, and no subsequent act of legislation or even ordinary amendment to our Constitution can legalize such measures. If done at all, they must be done by the universal consent of all the States or parties to our political association.

Less than a decade after this declaration Louisiana came knocking at the doors of Congress, asking for admission to the Union. Josiah Quincy, the leader of the minority, and one of the ablest of the many able men Massachusetts has sent to the Congress of the United States, declared in effect that—

If Louisiana comes in, Massachusetts goes out of the Union.

And this on the ground of the unconstitutionality of such admission. It was not for a South Carolinian first to lift the hand of incipient rebellion. It was rather for a distinguished son of Massachusetts to declare that the bonds that bound the States of this Union together were severed if Louisiana came in, and that Massachusetts was thereby absolved from her allegiance. But, Mr. Chairman, the man who gave utterance to those sentiments lived to regret it and to revise his judgment. And in that supreme test which came to the nation fifty years afterwards the sons of that grand old Commonwealth repudiated the declarations of Quincy, and with the words of another and still more illustrious representative inscribed upon her banners, "Liberty and Union, now and forever, one and inseparable," they went forth to fight and to die upon every great battlefield in the war for the preservation of the Union.

While wars are to be deplored because of the inevitable loss of life, the expenditure of treasure, the entailment of suffering, the sacrifices of property, and the demoralizations, social and financial, that are liable to follow in their wake, yet they have had some important compensating features. They have served to reveal both our weakness and our strength as a nation. No one thing has so quickened the national spirit or so developed the national character or so broadened the views of men by extending the horizon of their vision as war.

Out of the war of 1812–1814 there grew three great national measures, each and every one of which was successively challenged on the ground of unconstitutionality, and each and every one of them, without an amendment, is to-day recognized within the limitations of the fundamental law, and each and every one is now further recognized as a part of our unwritten Constitution, if I may so use that term. In the war just mentioned the weakness of our monetary system was so apparent that it resulted in giving to the nation the national bank in 1816, when the same party in control in 1811 regarded the establishment of such an institution by Congress as an exercise of power not granted in the Constitution.

Henry Clay, in discussing this measure, frankly avowed his changed opinion as to its constitutionality, saying that in interpreting the words "necessary and proper" reference must always be had to existing circumstances; that when conditions change the interpretation must be so modified as to meet and satisfy such change.

Another result of our second war for independence was the establishment of a system of internal improvements. Calhoun, as chairman of the committee that reported the bill and the champion of the measure on the floor of the House, "contended that to counteract the tendency to sectionalism and disunion nothing could be more necessary or more advantageous than a large national system of internal improvements, establishing the great lines of commerce and intercourse and binding together all the parts of the country in interests, ideas, and sentiments."

Calhoun was then at the meridian of his splendid young manhood, his every heart throb beating with love for the whole land. He argued the constitutionality of the measure with all the force of his superb reasoning powers, basing his contention as to the power of Congress upon the "general welfare provisions" of the Constitution. As is well known, President Madison, though in sympathy with the object, vetoed the bill on constitutional grounds. What amendment has since been added to the Constitution relative to internal improvements? But who now questions the wisdom or the constitutionality of providing for and carrying on our great system of river, harbor, canal, and other like internal improvements? To-day in the unwritten constitution the power of Congress to appropriate money for internal improvements is unquestioned.

The war of 1812–1814 also made painfully apparent our industrial dependence on foreign nations. One of the direct results of this war was the establishment of a system of tariff protection. The principle of protection was advocated by some of the ablest Democrats of the Jeffersonian school who have ever participated in national legislation. And yet, a few years ago, when the Democratic party came into power—the only time since Buchanan went out—they came upon a platform the salient principle of which was that any tariff other than for revenue is unconstitutional, and yet that party, during its four years' reign, framed and passed a tariff bill so repugnant to the then Democratic President as a protective measure that he would not sign it, but condemned it as a piece of "perfidy and dishonor."

I predict, Mr. Chairman, that the Democratic party will never again go to the people on a platform that challenges the constitutional right to protect American industries. [Applause on the Republican side.] That right is in the unwritten constitution, and it is there to stay.

Again, Mr. Chairman, when that great conflict was on between the States, when the South was striking at the nation's life with consummate power and effectiveness, when the Union was bleeding at every pore, when loyal men in the North were wavering in their faith as to the final triumph of the national arms, when the bonds of the Confederacy were more popular in Europe than those of the United States, when the bankers of England and the Continent refused to invest in our national securities, when the coffers of the civilized world were closed against us, when, unless our credit could be maintained, dissolution and ruin were inevitable, then it was that in this House, thirty-eight years ago this very month, a proposition was made authorizing the issue of Treasury notes and making them legal tender in the payment of debts. At that time, in this Chamber and at the other end of the Capitol also, men who prized the Constitution more than they did the life of the nation pronounced and voted against that measure as unconstitutional. Who were they, do you ask? The late Mr. Bayard, at that time Senator from Delaware, afterwards Secretary of State and ambassador to Great Britain said:

I shall, however, pass over the constitutional argument. I really do not think, from anything I have heard on the subject, that it is worth an argument. The thing is, to my mind, so palpable a violation of the Federal Constitution that I doubt whether in any court of justice in this country, having a decent regard to its own respectability, you can possibly expect that this bill which you now pass will not, whenever the question is presented judicially, receive its condemnation as unconstitutional and void.

He was one of the great lights of the Democratic party, a man whom it delighted to honor even to the day of his death.

On the same day Senator Pearce, a Maryland Democrat, said in relation to the same measure:

Mr. President, the exigencies of the country are very great; I admit my obligation to cooperate with gentlemen here in furnishing the Government with the means of carrying on all its operations; but when a constitutional objection is presented to me, the very allegiance which I owe to the Constitution, and therefore to the Union, compels me not to violate any one of its provisions, as I think I shall do if I vote for the bill. I must therefore cast my vote against it.

Senator Saulsbury, one of the most distinguished Democratic leaders in that Congress, said:

It was my desire and intention to vote for this bill, provided the provision making these notes a legal tender had been stricken out. That provision has been retained in the bill. It is so clearly unconstitutional, in my opinion, that I can not consistently vote for it.

George H. Pendleton, candidate for Vice-President in that memorable second campaign against Lincoln, likewise declared against the constitutionality of the legal-tender act in the following words:

Sir, it seems to me that if the language of the Constitution and the weight of authority can settle any proposition it is that Congress has not the power to do that which it is proposed shall be done by the provisions of this bill.

And yet, Mr. Chairman, notwithstanding the adverse opinion of these distinguished leaders of a great party, the legal-tender act is recognized to-day by the highest court in this land as within the province of the Constitution. That great principle, a product of a civil-war emergency, is now a part of the unwritten constitution of our country. If a like emergency should again arise, no American will question the constitutionality of an act to make United States notes of issue legal tender.

And so it is, Mr. Chairman, that the march of national progress from the beginning of our history to this hour has been in the "very teeth," to use a favorite phrase of the gentleman from Maine, of men who, like himself, have proclaimed that certain acts designed to remove obstacles to that advance were unconstitutional. The Constitution was made for the country and not the country for the Constitution. [Applause on the Republican side.]

I now come to that part of the question which seems to have been very largely lost sight of in this discussion, namely, the measure for the relief of Puerto Rico and its government. The gentleman from Massachusetts [Mr. McCALL] likens Puerto Rico to "a poor little lamb," and the gentleman from Maine [Mr. LITTLEFIELD] characterizes its inhabitants as "that magnificent people of magnificent history on that magnificent island of magnificent resources, the Pearl of the Antilles." I thought several times during the delivery of his speech that if he had spent a day studying the dictionary for synonyms of "magnificent," as he declares the distinguished chairman of the Judiciary Committee did for "definitions of exports," the verbiage of his speech would have been greatly improved. [Laughter.]

What is it proposed to do by this bill? What do we take from Puerto Rico, and what do we give her? She brings to us her products, and we buy them and pay 25 per cent of the duty which we exact from all other nations bringing like products to our ports. In other words, we furnish her a market by reducing the Dingley tariff 75 per cent as against any competing nation. What is proposed to be done with the money thus collected as import duty? I do not want this to be lost sight of. Section 4 of the bill provides:

That the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President, to be used for the government and benefit of Puerto Rico until otherwise provided by law.

It will thus be seen that under the provisions of this bill every single dollar of the money collected as duties on her products used in this country goes back into the hands of the chief executive to be used for the benefit of the island. Is that "taking the fleece from the poor little lamb?" [Laughter.]

Again, when American products are admitted into Puerto Rico, we ask her people to pay 25 per cent of what they would pay other nations as duty on like products. And every dollar of that money, above the cost of collection, goes directly to that island. For what? The gentleman from Maine says 25 per cent of that "magnificent people of magnificent history" can read and write.

Other gentlemen on the floor of this House who have visited the island say from 5 to 10 per cent, while the chairman of the Ways and Means Committee informs us that from 12 to 14 per cent can read or write. Think of it! The injustice and cruelty we are doing them, when we give them this money for the benefit of their island country, to educate their sons and daughters that they may be fitted for the responsibilities of self-government and make them worthy to be citizens of this great Republic. [Applause on the Republican side.]

Our countrymen of the South have this problem on hand now—the uneducated blacks of the South and the uneducated whites of the South, for which they are voluntarily taxing themselves. In the light of the last thirty years it is unbecoming in the gentleman from Maine to thrust the black man into this discussion, and especially in the face of the generous conduct of the South toward him. What has the South done in this respect? She had scarcely returned from the obsequies of her lamented Confederacy, her land desolate, her homes laid waste, her cities in ashes, her industries ruined, her labor system revolutionized, her valorous sons wounded, maimed, and broken in health.

When she began almost at once to voluntarily tax herself, poor as she was, to educate the children of the men and the women who had been her chattel slaves, and who had been freed, as was claimed by many in the North, by the act of a tyrant and a usurper of constitutional authority. That is what they called him who, to save the Union, struck the shackles from a race and started it on a career of development, of progress, of power and achievement which, in the centuries that are to be, will shed luster on the age in which we live.

Mr. BARTLETT. Will the gentleman allow me an interruption?

Mr. GARDNER of Michigan. Yes.

Mr. BARTLETT. I want to say that as far as the South is concerned, all the laws with reference to educating the people of the South, especially of Georgia, were passed by the State legislature.

Mr. GARDNER of Michigan. That is what I want to show to the people of the country.

Mr. BARTLETT. Oh, I misunderstood the gentleman.

[Here the hammer fell.]

Mr. WM. ALDEN SMITH and Mr. MORRIS. I ask that the gentleman be allowed to complete his remarks.

Mr. PAYNE. I have no objection to the gentleman going on till five minutes of 5, when the committee must rise.

Mr. GARDNER of Michigan. Mr. Chairman, during this debate much has been said on both sides of the Chamber by gentlemen opposed to this bill about ex post facto laws, bills of attainder, suspension of the writ of habeas corpus, and deprivation of the right of trial by jury. I ask the gentlemen from the South and the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Massachusetts [Mr. McCALL] what there is in the past history or the present spirit of the American people to justify such a declaration of probable or possible conduct toward the dwellers in Puerto Rico?

The gentleman from Maine, in the course of his remarks, frequently alluded to "a stump speech" and "a peroration." He gave us both. [Laughter.] But I say he detracts from the dignity that has hitherto characterized this discussion; he belittles this splendid forum of debate, in which great questions are discussed and action taken that affects not only America and Americans, but the civilized world, when he appeals to passion and prejudice as some stump speakers might when before the populace.

Gentlemen on the other side of this question, by lifting into prominence fears of the reenactment of tyrannous measures that received their deathblow at Runnymede, have done an injustice in this that they have excited fears that are groundless and created misapprehensions that have no foundations in fact among the few people in Puerto Rico who can read and therefore guide public opinion in that island. Gentlemen must know that there is nothing in our history that will justify the aspersions cast upon the past nor the insinuations upon the present by the assumption that we will tyrannize over this people. [Applause.]

Mr. Chairman, this question involves much more than providing temporary revenue for the island of Puerto Rico. It is one of much larger proportions and of greater moment. We have reached another stage in the forward march of the American people. We are at one of the initial points of legislative history. Around this discussion will linger an abiding interest as indicative of the spirit and wisdom of American statesmanship. We did not seek the war, and its swift and unlooked-for results were as astonishing to us as to other nations. We did not covet these possessions; we did not want them; they have come to us by a force of circumstances we could not foresee nor wholly control. The possession of these islands confronts us with conditions to be met and problems to be solved for which the past furnishes no precedents to guide.

The fathers of the Republic never anticipated as possible that which is now upon us. While the measure under discussion is one of a temporary nature, involving as it does the process of adjustment of Puerto Rico to the new order of things, the real question, to my mind, lies in the fact that it is the establishment of a precedent, not alone for Puerto Rico nor the Philippine Archipelago, but wherever in the providence of God the Stars and Stripes in the future shall march to victorious conquest [Applause.]

Standing as we do at the open door of this new opportunity, let us not be deterred from going forward. The Republican and not the Democratic party is charged with responsibility. These men on the other side can afford, politically speaking, to line up solidly against us. They rejoice at any signs of division or dissention among the majority. From a mere party standpoint of

view they can afford to take all the chances of opposition to the bill. They have everything to gain and nothing to lose. The Republican party can not afford to take any chances [applause], for under our system of government the responsibility rests upon the majority and not on the minority. The party that has unflinchingly accepted the responsibilities and given to the country the splendid results of the constructive statesmanship of the last forty years will not falter nor fail now.

The gentleman from Maine—and I thought the remark was unworthy of a man of his great abilities—made an insinuation which, read between the lines, seems to me to assail the integrity of the Committee on Ways and Means. If the gentleman knows anything against that committee, as a Republican and a patriot, it is his duty to speak out and say it now and here openly. I am not ready to follow the Ways and Means Committee, or any other committee, or even the party, if, as the gentleman insinuates, there is something—shall I say corrupt—about this committee. I do not believe it; and until the gentleman makes the direct and positive assertion and proves it, I will not believe it. [Applause.]

Mr. Chairman, I desire to thank you and the House for the courtesy of this kindly hearing and for the voluntary extension of time allotted me. I am a new member here. As such I have watched this discussion with intense interest. It seems to me the debate of this week has lifted this historic assemblage to the level of its best traditions. The discussion has been worthy of this body and of the splendid intellects on either side. The duty of action now awaits us. Let us meet that duty like men conscious of the responsibility it imposes, believing that what we do will best contribute alike to the welfare of our country and to the island people for whom we legislate. [Loud applause.]

Mr. PAYNE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8245, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5487. An act authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-Mile Bayou, near Shreveport, La.;

H. R. 4698. An act granting an increase of pension to John C. Fitnam; and

H. R. 7660. An act granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

CLOSE OF DEBATE ON PUERTO RICO BILL.

Mr. PAYNE. Mr. Speaker, after some consultation with the gentleman from Tennessee [Mr. RICHARDSON], I think we shall be able perhaps to agree by unanimous consent that the general debate on the Puerto Rico bill shall close on Monday at 5 o'clock.

Mr. RICHARDSON. I acknowledge that at first I could hardly see how the gentlemen on this side who wanted to speak could get in their speeches within the time suggested; but we shall try to do so, and I think we can, although it will be difficult.

Mr. PAYNE. Then, Mr. Speaker, I ask unanimous consent that general debate on the bill be closed on Monday next at 5 o'clock p. m.

Mr. RICHARDSON. Mr. Speaker, so many gentlemen have applied to me on this side of the House since I had a conference with the gentleman from New York that I hope he will agree that general debate shall run through Monday and Tuesday. There will certainly be no objection if we can agree to closing the debate on Tuesday evening.

Mr. PAYNE. Oh, I think Monday will give ample time. I must insist upon my original request, and ask unanimous consent to close the debate on Monday evening at the time I have fixed.

Mr. RICHARDSON. I think it will be almost impossible for gentlemen on this side who have made application to me for time to be heard.

Mr. PAYNE. Of course we will not object to a night session on Monday night.

Mr. RICHARDSON. Very well, make that a part of the agreement.

Mr. PAYNE. I will. I ask unanimous consent that the debate close on Monday at 5 o'clock—the general debate—coupled with the request that we have a night session on Monday, the House taking a recess from 5 o'clock until 8, and allowing the time from 8 o'clock until half past 10 for debate only.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RICHARDSON. That is, that the House take a recess from 5 o'clock to 8, and the time from 8 o'clock until 10.30 to be devoted to debate only?

Mr. PAYNE. That was the request I made.

Mr. WILLIAMS of Mississippi. And suppose the gentleman from New York makes also a proposition that we take a vote on the passage of the bill at 4 o'clock on Tuesday?

Mr. PAYNE. I will say Tuesday at 3 o'clock, if that will suit the gentleman, with the proviso that the committee may offer amendments to the bill at any time during the debate under the five-minute rule, whether such amendments are strictly in order at the point offered or otherwise; the debate on Tuesday, of course, to be under the five-minute rule.

Mr. RICHARDSON. I will agree to that. Amendments may be offered under the five-minute rule by the committee at any stage of the bill, provided it be also understood that the minority may have the right to offer a substitute for the bill if they so desire.

Mr. PAYNE. In Committee of the Whole?

Mr. RICHARDSON. Certainly; in Committee of the Whole.

Mr. PAYNE. I shall not object to that. And that the committee rise at 3 o'clock on Tuesday, and report the bill, with such amendments as may have been agreed to in Committee of the Whole, to the House.

Mr. MCRAE. That will give them four hours for debate on Tuesday?

Mr. PAYNE. Four hours for debate on Tuesday under the five-minute rule.

The SPEAKER. The Chair will restate the question as the Chair understands it, and submit it to the House for its approval.

The gentleman from New York asks unanimous consent that general debate upon the pending bill shall terminate on Monday next at 5 o'clock, with an evening session, beginning at 8 o'clock and extending to 10.30 o'clock, for debate only; and that on Tuesday, immediately after the reading of the Journal, discussion upon the bill shall take place under the five-minute rule; that the committee shall rise at 3 o'clock and report the bill with any amendments to the House; that the Committee on Ways and Means shall have the privilege of offering an amendment at any stage of the proceedings under the five-minute rule to any section of the bill, and that the minority may also have the privilege of offering a substitute if they so desire.

Is there objection to the agreement which has been suggested?

There was no objection.

Mr. PAYNE. It is understood that the substitute is to be offered in committee?

The SPEAKER. In Committee of the Whole.

Mr. RICHARDSON. And that the session of the House shall begin at 11 o'clock on Monday and Tuesday?

Mr. PAYNE. That has already been agreed to.

The SPEAKER. The Chair hears no objection to the suggestion of the gentleman from New York.

ORDER OF BUSINESS.

The SPEAKER. The Chair will announce as Speaker pro tempore for the evening session the gentleman from Illinois [Mr. BOUTELL].

Mr. PAYNE. I move that the House now take a recess until 8 o'clock p. m.

Mr. LINNEY. I ask the gentleman to withdraw that for a moment.

Mr. PAYNE. I will withdraw the motion for a moment.

Mr. LINNEY. I wish to give notice that as soon as the pending bill is disposed of the Committee on Elections No. 1 will call up the case of Aldrich *vs.* Robbins from Alabama for immediate consideration.

Mr. MIERS of Indiana. Let me ask, Mr. Speaker, what becomes of the night session to-night?

The SPEAKER. The rule adopted three days ago disposes of that. The session to-night is devoted to general discussion on the pending bill.

Mr. MIERS of Indiana. I ask unanimous consent to be allowed three minutes to state my connection in reference to the Calendar as now made up.

Mr. PAYNE. The gentleman will have ample opportunity hereafter, and I must insist on my motion that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House took a recess until 8 o'clock p. m.

The recess having expired, the House, at 8 o'clock p. m., resumed its session and was called to order by Mr. BOUTELL of Illinois as Speaker pro tempore.

And then, on motion of Mr. PAYNE, the House resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, with Mr. HULL in the chair.

Mr. LLOYD. Mr. Chairman, on the 18th of October, 1898, the island of Puerto Rico became a part of the United States. It is one

of the most fertile and most densely populated islands in the world. The conditions that exist there at the present time are deplorable indeed. These conditions have been brought about, if we can trust those whose duty it has been to investigate the matter, by reason of that which has been done by our own Government. When Puerto Rico came to us it is claimed that it did so willingly, and that the people of that island rejoiced because they were permitted to enjoy the benefits of a free country under the flag of the great Republic; but to their dismay and disappointment the condition that exists in that country to-day is worse than that in which they found themselves when we assumed authority there.

I do not speak from personal observation with reference to the situation in Puerto Rico, because I have no personal knowledge on the subject. But if we can rely upon the reports that are given us by those who have been there and who have investigated these matters, and whose duty it is to report to us the conditions existing in Puerto Rico, we can not doubt that the people in that island are to-day in the throes of financial distress and are looking anxiously to Congress for relief.

Mr. Mansfield, in his report to the Adjutant-General of the situation there, said in reference to the trade relations with the island:

> Free trade with the United States was expected and should be allowed.

Capt. W. S. Schuyler, in making like report and commenting on the evils to be remedied, said:

> Chief of these is the condition of trade, which has been completely dislocated without prospect of amelioration unless a free market in the United States can be substituted for that which is lost. * * * The duty still remains on most of the imports, and unless it is speedily removed it is impossible to see any future for the island.

Capt. A. C. McComb, in his report to the War Department, uses the following language:

> The island lacks new markets for its crops and has lost the old ones with Spain. The country is in a most depressing financial condition. The country to-day is poorer than before the occupation.

Lieut. Alonzo Gray, in a like report of conditions, informs the Government:

> I can not see that the American occupation has, as yet, done anything to improve this people. Improvement will come only when this island is treated as any of our Western Territories are and given absolute free interstate commerce.

The consul at San Juan, Hon. Philip C. Hanna, in his statement of the conditions that obtain in the island, observes:

> I am thoroughly convinced that the tariff question is the all-important question in this group of islands. Puerto Rico can never become prosperous until she can buy bread for her people without paying enormous revenue duties for the privilege of bringing that bread into the island. It seems reasonable to me, as an American, that the people of this newly adopted country should be allowed to purchase the products of the United States and land them on their own shores without paying tribute to any government whatever. I believe the island should have absolute free trade with all parts of the United States. I believe in making Puerto Rico as thoroughly American as possible from the very start, and we can not make it so unless we treat Puerto Ricans as we do other Americans. They should be allowed to buy Minnesota flour and Dakota wheat and every product which the farmer of the great Northwest has to sell, and lay it down in their own country on the same terms that the man in New York receives the same products.

In the Annual Report of the Secretary of War recently published in explaining conditions in Puerto Rico, these observations are made:

> So long as the island was a part of the Spanish possessions there was substantially free trade with Spain and Cuba. Immediately upon the transfer of the island from Spain to the United States, Spain erected a tariff barrier against the introduction of Puerto Rican products. The interests of Cuban agriculture led to the erection of a similar barrier in the tariff adopted for Cuba, so that Puerto Rico was debarred from the principal markets which she had previously enjoyed, and at the same time this country has maintained its tariff against Puerto Rican products just as it existed while the island was Spanish territory. The result is that there has been a wall built around the industry of Puerto Rico. * * *
>
> It is plain that it is essential to the prosperity of the island that she should receive substantially the same treatment at our hands as she received from Spain while a Spanish colony, and that the markets of the United States should be opened to her as were the markets of Spain and Cuba before the transfer of allegiance. * * * The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

The President, in his annual message to Congress on the 4th of December, speaking of Puerto Rico and its conditions, said:

> It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she had long enjoyed and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

In addition to these plain and positive statements of the highest officers of the Government, there have been a number of Puerto Ricans before the committee who have investigated this bill and have given testimony with reference to the situation in the island and that which is necessary for the restoration of its business interests and permanent prosperity there. I shall only refer to the statement of one of these, Mr. Oyanguren, who has been a resident of the island for more than fourteen years and is a prominent merchant of the island and a director of one of the principal banks of San Juan. His language is as follows:

> It seems to me that the Government has no adequate comprehension of the situation in Puerto Rico, or at least they do not realize the utter misery that prevails there, which is without a parallel in its history. For did they live through it, and did they compare it to the contentment of other times enjoyed by the island, they would feel the immediate necessity of putting an end to this precarious situation, overcoming all obstacles, all opposition to a speedy action by both Houses of Congress; for so long as these evils prevail in the island they can not but point out to this great Republic as the causer, unconsciously, it is true, of this state of affairs. It reflects unfavorably upon your credit as a colonizing power. You know, through your generals, Puerto Rico welcomed your soldiers. Puerto Rico conceives it a blessing to form a part of this great Republic, but the wretched condition in which you have left them until now is causing among them the greatest disappointments.

Now, with the recommendations and statements of the Army officers, the indorsement of free trade by the Secretary of War, and the positive statement of the President as to our duty, why is it that the gentlemen who usually need no other guide than the dictum of the President are to-day insisting on violating these positive statements about what should be done? What produces this change of base?

The revolution in sentiment seems to have occurred since the learned chairman of the Ways and Means Committee presented his free-trade bill on January 13 last. What reason is given for this political somersault? What changes have occurred in Puerto Rico to determine this new policy? It is suggested that information has come to the committee since that time. Has not the same information gone to the President? If it has, why is it that he permits his recommendation to go unchallenged? Why does he not send another message, calling attention to the changed conditions which create the necessity for the pending bill?

It is intimated by one in close touch with the President, the gentleman from Ohio [Mr. GROSVENOR], that the President is in sympathy with this bill. Can it be explained why he should recommend as a plain duty of Congress that it should establish free trade with Puerto Rico in December and oppose such proposition now? Have conditions changed in that island since that time? Are the inhabitants less in need of markets for their produce? Has their depressed industrial condition been remedied? I have heard something about the President giving secret instructions.

You remember that a commission was appointed to secure international bimetallism in 1897 and visited Europe with that purpose. It was then stated and very generally believed that the President's public utterance and his private instruction were contradictory. Many good citizens were confident that while in public utterance he commended, and apparently in good faith set forth to accomplish it, in fact he did what he could to prevent the purpose for which the commission was sent out. But gentlemen in this Chamber repelled the charge of insincerity and deception then made.

The same gentlemen to-day, in effect, say that the President is deceiving the country; that he is opposed to his own plain declaration. I am disposed to accept his only published utterance as the expression of his conviction of duty as to this legislation. If the advocates of this bill are right in their implied charge of deceit and secret connivance, then the indictment frequently made, that another is the real President, is fully established, for that other influence, mightier than the President and more powerful than the people, is urging the passage of this measure. What is the mighty influence that has so changed the opinion of members?

In my opinion it is the sugar trust and tobacco trust. Why is it that we admit Hawaiian sugar free and seek to place a duty on Puerto Rico sugar? There is four times as much sugar produced in Hawaii as in Puerto Rico. The evident and significant difference is this: Hawaiian sugar is owned and controlled by the sugar trust, represented by Mr. Spreckles. The sugar plantations in Puerto Rico are not yet owned by this giant monopoly. If they were, gentlemen now clamoring for party harmony would be here insisting on standing by the will of the President and enthusiastically proclaiming that they would rather risk his judgment than their own. [Applause.]

The pending bill provides "that all merchandise coming into the country from Puerto Rico and coming into Puerto Rico from the United States shall be entered upon payment of 25 per cent of present duties on foreign goods."

Puerto Rico was ceded to this Government by Spain in the Paris treaty. It came to us by conquest and cession, without limitation or restriction, and no one questions the present title of the United States to the island, nor its right to control the citizens thereof. The real question raised by this bill, however, is whether Puerto Rico is a part of the United States and subject to the provisions of its Constitution, or whether it is without the beneficent

influence of this charter of liberty and to be treated as a dependency or a colony subject to the direct control and changing views of Congress.

There has been quite a learned discussion as to the legal and constitutional questions involved. It is not my intention in the limited time at my disposal to discuss at any length this important phase of the case. I rejoice in what I believe to be the fact that the Puerto Ricans are entitled to the benefits of the same Constitution and are to enjoy the same blessings of freedom as the States of the Union. If it is true, however, that they ought to be controlled as Congress directs, as argued by the supporters of this bill, then the Stars and Stripes, so dear to the lovers of liberty and free government, will have for them a far different meaning from what it has to us.

I am a firm believer in the doctrine that the American flag, the proud heritage of our fathers, has but one significance and carries the same hope to every people who are expected to acknowledge it, whether in States, organized Territories, or in the islands of the sea over which it is to permanently wave. It can not be said, as I understand our institutions, that the emblem of human liberty, the flag of the greatest Republic, has one meaning in California and another in Arizona; that Alaskans, Hawaiians, Puerto Ricans, and Filipinos are to have no abiding hope as to what it shall mean to them; that it shall float over a free people at home and subjugated colonies in the seas. I certainly hope that this Congress will not venture into the unknown and untried experiment of colonial empire and cut themselves loose from the moorings and safeguards of the Constitution, but that they will stand on the firm principles on which this Government was based.

But gentlemen insist that the poor starving people of Puerto Rico, homeless and without property in many instances, can not pay the taxes necessary to meet the expenses of their government, and that some method of taxation must be adopted to raise the revenue other than the direct or property tax. If you listen to the plaintive words of some of those who have made speeches on the floor of the House on this bill, you would suppose that the most poverty-stricken people that the world ever saw may now be found in the island of Puerto Rico. What are the facts? That little island, less than two-thirds the size of the district which I have the honor to represent in the State of Missouri, with five times its population, has an estimated valuation of $160,000,000. How much revenue is it necessary to raise to meet the expenses there?

General Davis in his report on civil affairs of Puerto Rico, recently made, gives the estimated expenditures in the Puerto Rican budget as $1,943,678.71. In this estimate of expenditure $390,000 goes to the repair of roads or the construction of new roads; over $240,000 for the support of the schools in the island. That same budget shows that by the methods of local taxation which obtain there, there would be raised $552,549. It is estimated that the customs duties which would be received on goods imported from countries other than the United States would bring a revenue of at least $500,000, leaving, as you will observe, about $900,000 to be provided for. Now, the question which is sought to be raised by the advocates of this bill is the determination of the method by which this deficiency may be met.

It has been suggested as a proper method of supplying this deficit that a tax be placed on rum. Over 1,600,000 gallons of intoxicants are used in that island each year. A tax of 60 cents per gallon, one half of what is paid in the United States, placed on this beverage would bring a revenue sufficient to supply the money necessary to meet the expenses of the local government. But what is proposed by this bill? What goods are exported from the United States to Puerto Rico? What of our products must those people have? In the monthly summary of commerce the statistics of 1895, the latest accurate ones that can be obtained, show that these people imported $2,948,138 worth of meats of all kinds; that they imported also flour, vegetables, and other provisions to the amount of $3,834,267. By this bill it is proposed that these poverty-stricken people who could not pay a tax on property must pay tribute to the Government before it can receive the bread, meat, and vegetables that are necessary to sustain its people.

This bill, in effect, further says that notwithstanding we have shut off your market in Cuba, and have placed you in the position that Spain has closed her doors to your products, yet, notwithstanding your miserable condition, you shall not sell your products in the market of the United States without paying tribute to the Government. Did I say to the Government? It would be much more appropriate to say that you shall not find a market for the products of your soil without paying tribute to the sugar barons and tobacco trusts of the country. [Applause.]

The gentleman from Ohio [Mr. GROSVENOR] said, in speaking on this phase of the question:

> I hear them saying, "You have got a colonial possession, have you? You have got an island out there that is a colony, and that island has to be supported out of the Treasury of the United States." In such a contingency you would not have to put any Republicans over there on the "Cherokee Strip" in the next House of Representatives. I will undertake to say that they could all sit right here on that side [pointing to one corner of the Hall]. Would it not be glorious? And, my friends, this is one of the entering wedges; this is one of the first steps. If the Democrats can drive you to bolt your party organization, destroy this system that we propose to operate under in this bill, and drive the President to ask us to appropriate money in the way just suggested, then they will have achieved one of the most glorious victories in this generation.

What a happy consummation devoutly to be desired. Is the success of the Republican party hanging on this slender thread? What a concession to come from such high authority! How important that the minority, who have so persistently antagonized this iniquitous bill, shall continue the fight until the "glorious victory" is achieved. [Applause.]

The Puerto Ricans are asking for bread; gentlemen propose to give them a stone. They ask that we buy their products; we refuse to do so without tribute. They ask to buy our bread to stay their hunger; we reply you must first pay taxes to the Government before we will sell to you. They ask the privileges of American citizens in buying and selling in any portion of the Republic; gentlemen answer, you have no rights under the Constitution or treaty with Spain except those which Congress shall choose to give you.

They say, We claim the benefits of your free institutions. Reply is made that you must bow to the authority of this nation and do its bidding. It is true that Spain encouraged your trade and made markets for your crops, permitted you to have 16 representatives in the lower house and 4 in the upper in the Spanish Cortes, but we will treat you generously and magnanimously, and extend to you the benefits of liberty and free government without representation in Congress. We will tax you against your will and over your protest, but you shall have the protection of the American flag.

This Government keeps in that island for its pacification over 3,000 soldiers at a cost of over $4,000,000 annually to the people of this Government, yet gentlemen insist that if an appropriation were made for the civil establishment, the people would hurl the Republican party from power. Why not seek to relieve this burden of carrying on this military establishment? None of our new reformers concerned so much about the Treasury ever mention this enormous burden. Why, I ask, is this the case? In my opinion it is because they are concerned to build up the spirit of militarism and increase the permanent standing Army. The truth is, the Puerto Ricans are not asking relief in this way. They want the rights of American citizens, and I hope they will receive them. They wish to be treated as other Territories have been, and I am deeply concerned that they shall be.

Is it not a little surprising that it is sought to establish a tariff tax for Puerto Rico and then say that we have no authority over it; that it is a territory over which the Constitution has no protection? If it be true that the Constitution is so restricted, then the same reasoning will apply to Oklahoma, Arizona, New Mexicol Alaska, and any territory belonging to the United States. Al, that this Congress has to do is to say that Oklahoma, for example, shall pay customs duties, and it will be obliged to pay them. If Oklahoma is a part of the United States, Puerto Rico is a part of the United States. If Arizona is under the protection of the Constitution, then Puerto Rico is under the protection of the same Constitution.

I am concerned that the flag of the nation, the honor of the nation, that the Constitution of this great country, shall be carried to all its territories. I believe that the flag that waves over the Speaker's stand, which means freedom to American citizens, should mean the same freedom and should carry the same rights to the citizens of Puerto Rico. The flag that waves over California should alike wave over Hawaii, and mean in Hawaii just what it means in California.

The flag should have but one great meaning wherever it is unfurled; and I am concerned that wherever the flag of this nation shall be unfurled it shall not be hauled down as long as it is held to carry out the ideas of our fathers in establishing a free government. I believe that that flag should be hauled down wherever it does not symbolize freedom and wherever it does not mean equal rights to all. [Applause.]

I am opposed to this bill because it violates the Constitution of our country. It seeks by its iniquitous provisions to avoid the fundamental law and make subjects of those who are entitled to the benefits and immunities of citizens. I condemn it because it is the first fatal step toward imperialism, because it violates the principles laid down in the Bill of Rights, and overrides free government. I denounce it because I am in favor of the Republic established in the blood of our fathers and opposed to an empire sought to be established under the new régime. I spurn it because it seeks to overthrow law and precedent and establish the doctrine of opportunism.

With these convictions, I earnestly hope that this body will defeat this bill, and my feeble efforts shall be extended in that direction. [Applause.]

Mr. WHITE. Mr. Chairman, perhaps at no time in the history of our nation have there been more questions of moment before us for consideration than we have at this time. Our recent war with Spain and the result in acquisitions of territory by reason of that war, and the necessary legislation for the government of these new possessions in order that they may not work any harm with us, to establish rules, laws, and customs, require the most thoughtful consideration of all of our statesmen. Not only the question that we have before us to-night as to the character of the tariff to be imposed upon Puerto Rico, but the government that shall be established to perpetuate, elevate, and civilize and Christianize the Hawaiian Islands, the Philippine Islands, and, in my opinion at no very distant day, the Cuban Island, also require our very best effort.

The weightiness of the consideration of these questions is increased by the peculiar circumstances surrounding these new possessions. Their relative geographical position, their climate, their distance from our shores, their close proximity to other foreign powers, coupled with a heterogeneous composition of population of these islands, and their want in Christian and civil development, all tend to increase the consideration and make more complex the solution of their future government.

But these responsibilities are ours, taken of our own motion, and our plain duty with reference to these people must not be shirked, but met and disposed of honestly, patriotically, in the spirit of justice between man and man.

As a humble Representative of this House, I would like to feel free to discuss and aid in the disposition of these questions in the same way that my 355 colleagues on this floor do.

Mr. Chairman, it would be a great pleasure to me to know that fairness and justice would be meted out to all the constituent parts of our beloved country alike in such a way as to leave no necessity for a defense of my race in this House against the attacks and unfair charges from any source. The very intimation of this fact with reference to the surroundings of the colored people of this country at this time, naturally causes the inquiry: Should not a nation be just to all of her citizens, protect them alike in all their rights, on every foot of her soil—in a word, show herself capable of governing all within her domain before she undertakes to exercise sovereign authority over those of a foreign land—with foreign notions and habits not at all in harmony with our American system of government? Or, to be more explicit, should not charity first begin at home?

There can be but one candid and fair answer to this inquiry, and that is in the affirmative. But, unfortunately for us, what should have been done has not been done, and to substantiate this assertion we have but to pause for a moment and make a brief survey of the manumitted Afro-American during the last thirty-five years. We have struggled on as best we could with the odds against us at every turn. Our constitutional rights have been trodden under foot; our right of franchise in most every one of the original slave States has been virtually taken away from us, and during the time of our freedom fully 50,000 of my race have been ignominiously murdered by mobs, not 1 per cent of whom have been made to answer for their crimes in the courts of justice, and even here in the nation's Capitol—in the Senate and House—Senators and Representatives have undertaken the unholy task of extenuating and excusing these foul deeds, and in some instances they have gone so far as to justify them.

It was only a few days ago upon this floor that the gentleman from Mississippi [Mr. WILLIAMS] depicted one of these horrible butcheries and held it up to the public in the following language:

> A man leaves his home—a farmer. He goes down to the little town of Canton to market and sell his crop. It is rumored in the neighborhood that he had brought money from the market town the week before and that it is in the house. That night six or seven negro men break into that house, ravish his daughter and his wife, and then they manacle and tie them together, and not only them but the little children—one of them, I believe, four or five years of age—manacle them down in the center of that house and set it on fire and burn them all up, hoping that the fire had done away with all trace of the crime. One of the negroes happened to have a peculiar foot, which led to tracking him. That led to crimination and recrimination among the criminals and to a confession. It led to confessions from others. The people arose and lynched those men, and while they were lynching them they burned one of them, a voice coming from the crowd that he ought to receive the punishment himself which he had meted out to this innocent, helpless woman, her helpless daughter, and her helpless little children.

This is entirely ex parte; nothing has been said of the other side. While I deprecate as much as any man can the fiend who commits an outrage upon any woman, and do not hesitate to say that he should be speedily tried and punished by the courts, yet I place but little credence in the statement of a mob hunting for an excuse for its crimes when the statement is made that the victim confessed with a rope perhaps around his neck. No court of justice anywhere in this broad land of ours would allow testimony under duress of this kind to be introduced against a defendant. A shoe track, a confession while being burned at the stake with the hope that life may be spared thereby, are very poor excuses for taking of a human life. A trial by jury is guaranteed to every one by the Constitution of the United States, and no one should be deprived of this guaranty, however grave the charge preferred against him.

In order to fasten public sentiment against the negro race and hold them up before the world in their entirety for being responsible for what some are pleased to call "the race crime"—rape—the gentleman from Georgia [Mr. GRIGGS] described in detail the other day the "fiendishness" of Sam Hose, late of his State, and I believe his district, and among other things he said:

> But let me tell you of a case that happened in Georgia last year. A little family a few miles from the town of Newnan were at supper in their modest dining room. The father, the young mother, and the baby were seated at the table. Humble though it was, peace, happiness, and contentment reigned in that modest home. A monster in human form, an employee on the farm, crept into that happy little home and with an ax knocked out the brains of that father, snatched the child from its mother, threw it across the room out of his way, and then by force accomplished his foul purpose. * * * I do not seek to justify that, but I do say that the man who would condemn those people unqualifiedly under these circumstances has water instead of blood to supply his circulation. Not the limpid water that flows from the mountain streams, Mr. Chairman, but the fetid water found in the cesspools of the cities.

The other side of this horrible story portrays a very different state of affairs. A white man, with no interest in Hose or his victim, declares upon oath that Hose did not commit this atrocious crime charged against him, but was an employee of Cranford, and had importuned him for pay due him for labor. This incensed his employer, who rushed upon Hose with a gun. Hose seized an ax and killed Cranford instantly, in self-defense, and then fled to the woods with the greatest possible speed. I do not vouch for either side of this story, but only refer to it to show the necessity for trying all persons charged with crime, as the law directs.

The gentleman might have gone further and described the butchery in his district of six colored persons arrested upon suspicion of being guilty of arson, and while they were crouching in a warehouse, manacled with irons, and guarded by officers of the law, these poor victims, perhaps guilty of no crime whatever, were horribly shot to death by irresponsibles, no one of whom has ever been brought to justice.

He might have depicted also, if he had been so inclined, the miserable butchery of men, women, and children in Wilmington, N. C., in November, 1898, who had committed no crime, nor were they even charged with crime. He might have taken the minds of his auditors to the horrible scene of the aged and infirm, male and female, women in bed from childbirth, driven from their homes to the woods, with no shelter save the protecting branches of the trees of the forest, where many died from exposure, privation, and disease contracted while exposed to the merciless weather. But this description would not have accomplished the purpose of riveting public sentiment upon every colored man of the South as a rapist from whose brutal assaults every white woman must be protected.

Along the same line the Senator from Alabama [Mr. MORGAN], in a recent speech, used this language:

> In physical, mental, social, inventive, religious, and ruling power the African race holds the lowest place, as it has since the world has had a history, and it is no idle boast that the white race holds the highest place. To force this lowest stratum into a position of political equality with the highest is only to clog the progress of all mankind in its march, ever strenuous and in proper order, toward the highest planes of human aspiration.
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> Whoever has supposed or has endeavored to realize that free republican government has for its task the undoing of what the Creator has done in classifying and grading the races according to His will overestimates both the powers and the duties of its grand mission.
>
> It is a vain effort and is fatal to the spirit and success of free government to attempt to use its true principles as a means of disturbance of the natural conditions of the races of the human family and to reestablish them on the merely theoretical basis, which is not true, that, in political power, all men must be equal in order to secure the greatest happiness to the greatest number.
>
> It is the experiences of the younger men, arising out of the effort to work negro suffrage into our political system as a harmonious element, and not the prejudices or resentments of the former slaveholders, that have prompted this strong and decisive movement in the Southern States. It will never cease unless it is held down by military power. It is a social evil as well as political, and the cost of its suppression will not be counted by this and succeeding generations in connection with questions of material prosperity.
>
> No great body of white people in the world could be expected to quietly accept a situation so distressing and demoralizing as is created by negro suffrage in the South. It is a thorn in the flesh and will irritate and rankle in the body politic until it is removed as a factor in government. It is not necessary to go into the details of history to establish the great fact that negro suffrage in Louisiana and the other Southern States has been one unbroken line of political, social, and industrial obstruction to progress and a constant disturbance of the peace in a vast region of the United States.

This language impliedly puts at naught and defies the fourteenth and fifteenth amendments to the Constitution of the United States, and from present indications it is only a matter of a short time when the abrogation of these constitutional provisions will be openly demanded.

It is easy for these gentlemen to taunt us with our inferiority, at the same time not mentioning the causes of this inferiority. It is rather hard to be accused of shiftlessness and idleness when the accuser of his own motion closes the avenues for labor and industrial pursuits to us. It is hardly fair to accuse us of ignorance when it was made a crime under the former order of things to learn enough about letters to even read the Word of God.

While I offer no extenuation for any immorality that may exist among my people, it comes with rather poor grace from those who forced it upon us for two hundred and fifty years to taunt us with that shortcoming.

We are trying hard to relieve ourselves of the bands with which we were bound and over which we had no control, nothing daunted, however, like the skilled mariner who, having been overtaken by the winds and storms and thrown off his bearings, stops to examine the chart, the compass, and all implements of navigation, that he may be sure of the proper course to travel to reach his destination.

In our voyage of life struggle for a place whereon we can stand, speak, think, and act as unrestricted American citizens, we have been and are now passing through political gales, storms of ostracism, torrents of proscription, waves and inundations of caste prejudice and hatred, and, like the mariner, it is proper that we should examine our surroundings, take our bearings, and devise ways and means by which we may pursue our struggle for a place as men and women as a part of this body politic.

Possibly at no time in the history of our freedom has the effort been made to mould public sentiment against us and our progress so strongly as it is now being done. The forces have been set in motion and we must have sufficient manhood and courage to overcome all resistance that obstructs our progress.

A race of people with the forbearance, physical development, and Christian manhood and womanhood which has characterized us during the past two hundred and eighty-five years will not down at the bidding of any man or set of men, and it would be well that all should learn this lesson now.

As slaves we were true to our rulers; true to every trust reposed in us. While the white fathers and sons went forth to battle against us and the nation to perpetuate our bonds the strong, brawny arms of the black man produced the food to sustain the wives, children, and aged parents of the Confederate soldier, and kept inviolable the virtue and care of those intrusted to his keeping, and nowhere will anyone dare say that he was unfaithful to the helpless and unprotected over whom he kept a guardian watch.

How does this statement of facts compare with the frequent charges made against colored men for outraging white females? Is it a futile attempt to prove that an ignorant slave was a better man and more to be trusted than an intelligent freeman? But of these brutal murders, let us revert to a few facts and figures.

Since January 1, 1898, to April 25, 1899, there were lynched in the United States 166 persons, and of this number 155 occurred in the South. Of the whole number lynched, there were 10 white and 156 colored. The thin disguise usually employed as an excuse for these inhuman outrages is the protection of the virtue among white women.

I have taken the pains to make some little investigation as to the charges against the 166 persons killed, and find as a result of my efforts that 32 were charged with murder, 17 were charged with assault, criminal or otherwise, 10 with arson, 2 with stealing, 1 with being impudent to white men, and I am ashamed to acknowledge it, but this latter took place in North Carolina. Seventy-two of the victims were murdered without any specific charge being preferred against them whatever. Continuing this record of carnage, I give the record of the number of lynchings, with causes, from April 24, 1899, to October 20, 1899, inclusive:

Crime committed:	
Murder	9
Talked too much	2
Barn burning	1
Trespass	1
Sheltering a murderer	3
Defending a colored man	3
Brother to murderer	1
Suspected of murder	1
Drowned a man	1
Innocent	2
Bad character	1
Wounded a white man	1
Mormonism	1
Assault, criminal and otherwise	16
Nothing	2
Church burning	2
No cause stated	3
Put hand on white woman	1
Shooting a man	2
Entered a lady's room drunk	1
Wanted to work	7
Spoke against lynching	2
Total	63

Of the 63 lynched there were 1 Italian, 1 Cuban, 4 white men, and 57 negroes.

These facts and figures which I have detailed are reliable; still the same old, oft-repeated slander, like Banquo's ghost, will not down, but is always in evidence.

Perhaps I can not better answer the imputation of the gentleman from Texas [Mr. BURKE] than by reading an editorial from the New York Press of February 2, 1900:

HOW "USUAL" IS THE "CRIME."

The time is passing when Southern members of Congress can defend the practice of lynching, as did Mr. BURKE of Texas, on Wednesday, on the ground of abhorrence of rape, the "usual crime." Statistics on the subject have been kept of late years. It has been shown as to last year, both by the Chicago Tribune's table and the figures presented by Booker T. Washington in a magazine article, that the "usual crime" was unusual by over 90 per cent. There were only 12 lynchings for rape out of 103 lynchings of all kinds. So when Southern politicians and Southern writers and speakers proceed, as they invariably do, to justify the practice of lynching on the ground that its terrors are necessary to restrain the brute instincts of the black, they are guilty of as serious a libel as was ever perpetrated by one race on another.

The ravishers among negroes are almost literally one in a million. The 10,000,000 blacks of the country furnish in one year a dozen criminals of this class. Comparative data would be troublesome to come at, for in the North the chastity of women is not paraded before the community upon its invasion and later at the polls by its men "protectors." Rape cases are swiftly and silently tried in Northern courts. Newspapers rarely, if ever, report them, and consultation of the criminal statistics of every State would be necessary to establish the number. But it is doubtful if those statistics would make as good a showing for the white race.

The refutation of this calumny is not merely a matter of abstract justice. The Democratic party rules States where it is in a minority, and at the same time maintains its full representation in the nation, both of that minority and the majority it has suppressed largely by virtue of this rape issue. The Northern sympathy which would redress these wrongs has been steadily and systematically alienated by the repetition of the story, with the "usual crime" as proof, that the negro race was rapidly devoluting to the missing-link stage. It has been the constant inculcation that every Southern family had a potential orang-outang in its woodshed in the shape of its black "hired man."

There is no doubt whatever that this argument has had more to do with the astounding indifference of the North to the criminal invasion of the human rights of the blacks than any other one cause. That the nation, after spending more than 300,000 lives and three thousand millions in money to rescue the negro from slavery, should then abandon him to a state in many respects infinitely worse is explicable only on the theory that it has been persuaded of its mistake in the man. The attitude is the result simply of a conspiracy to make the man out a brute.

A sinful conspiracy it has been. Considering the motive of political maneuver, this systematic deprivation of the negro's good name is rather more discreditable to the people responsible than the old deprivation of his liberty, or the later deprivation of his political and civil rights. But to believe that it can long prevail is to despair of the Republic. It will come to be realized throughout this country before a great while that these sickening Southern horrors have not in nine cases out of ten the justification of a home destroyed. It will be generally known that the ordinary lynching is for murder, arson, theft, fun—anything but rape. Then there will be a Federal descent on all concerned in these demoniac pastimes which will be as much more "thorough" than the old Ku-Klux prosecutions as the crimes which inspired it are more inhuman than any perpetrated by the blood-stained klan. The few remaining Southern Republican members can not do a greater national service than by reiterating these facts to Congress and the country, as did Messrs. LINNEY and WHITE in the recent debate.

Mr. Chairman, in order to show the horrors which must inevitably follow where the laws are disregarded and the human butchers take the place of the courts, permit me to read from the white press again, The Roanoke Times, and allow me to again interject the information that these parties were all white:

THE TERRORS OF MOB LAW.

From Newport News now comes the report that the lynching of young Watts in that city for an alleged criminal assault a few days ago was all a horrible mistake. From the statements now made it looks as if Watts were the victim of a woman's desire to hide her shame. The whole affair is most revolting, yet it is an instance of the most miserable effects of mob violence. Too often have communities allowed themselves to be wrought up and led into the commission of deeds that they could not but regret upon calm reflection. In the case of Watts, if the above statements are true, all of the facts would have come out and the lynching of an innocent man avoided. Of course there are times when men are so much worked upon by the horror of the crime committed that they can hardly be expected not to lose their heads, yet there are no cases in which the exercise of the law would not be a better course. The Watts instance is a striking example of the result of overzealous law and order committees.

We make this the occasion for relating a most remarkable incident which has recently come to our knowledge. Hon. W. W. Baker, member of the house of delegates from Chesterfield County, gives us the story, and in the interest of law and order authorizes us to use it. In the same spirit and for the same purpose we publish it. Some time ago a citizen of Chesterfield, upon the complaint of a married woman, was arrested on a charge of criminal assault. The woman was heard to scream, and the man was seen to run from the house. There was no question as to his identity, because he was well known to the community. The woman declared that he had assaulted her, and even went so far as to show finger prints upon her throat. There was great indignation in the community, and a party was organized to lynch the man, but, fortunately for him, a special grand jury was summoned and immediate steps taken to have the case regularly tried in court.

Mr. Baker was foreman of the grand jury, and although the evidence against the man seemed to be conclusive, he determined to do everything in his power to get at the facts. The woman told a straightforward story, and, as we have already said, exhibited finger marks on her throat, which she declared were inflicted by the prisoner. After her testimony was given, Mr. Baker impressed upon her the fact that this man's life was in her hands; that if he was guilty of the terrible crime of which she had charged him, he deserved to be hung, but that if he was not guilty she would be guilty of murder for swearing away his life. The woman finally broke down and confessed that she had told her story in order to conceal her own shame, and the bruises on her throat were made by her indignant husband because of her infidelity. Of course the grand jury did not return a true bill, and the incident was closed.

This shows how dangerous mob law is. Human liberty and human life are precious, and the organic law of the land provides that whenever a man has been accused of a crime he shall have a fair trial before a jury of his peers and shall have the privilege of introducing testimony in his own behalf. It is the business of our courts to thoroughly investigate all such cases and ascertain the exact truth. But the mob does not pursue such a course. The mob acts upon impulse and often upon ex parte evidence and never gives the accused the opportunity of introducing testimony to prove his innocence. When the mob rules no man's life is safe, for the mob hangs men upon the mere suspicion.

In referring to the subject of lynching a few days ago on this floor to a privileged question of personal explanation in reply to some vile references made against me by the Raleigh (N. C.) News and Observer, I stated in defense of my race that this wretched

crime was committed occasionally by both white men and black men. Thereupon this same paper, together with other lesser lights in the State, pounded upon me as a slanderer of white men in the South and especially in North Carolina. "Out of their own mouths shall ye know them."

I read from the columns of the same News and Observer that was issued but a few days after it jumped on me:

[Fayetteville Observer.]

SENSATION AT LUMBER BRIDGE—MAGISTRATE WHO TRIED REUBEN ROSS CHARGED WITH RAPE.

A big sensation was created in Lumber Bridge and throughout Robeson County this morning when it was known that M. L. Harley, J. P., had issued a warrant for the arrest of S. J. McLeod, J. P., charging him with criminal assault on a colored girl named Dora Patterson, at his home, in Lumber Bridge, day before yesterday.

Mr. McLeod is the magistrate who held the preliminary trial of Reuben Ross and committed him to jail for the crime for which he was hanged on last Friday.

I might add that McLeod's victim was not only colored, but a cripple, and that McLeod is a white man living in North Carolina.

Mr. Chairman, the sickening effect of these crimes is bad enough in degenerating and degrading the moral sensibilities of those who now play upon the arena of the nation, but this is nothing when compared with the degrading and morbid effect it must have upon the minds of children in communities where these murders are committed in open daylight with the flagrant defiance of all law, morals, the State and nation, and the actors are dubbed as the best citizens of the community.

I tremble with horror for the future of our nation when I think what must be the inevitable result if mob violence is not stamped out of existence and law once permitted to reign supreme.

If State laws are inadequate or indisposed to check this species of crime, then the duty of the National Government is plain, as is evidenced by section 1 of the fourteenth amendment to the Constitution of the United States, to wit:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

To the end that the National Government may have jurisdiction over this species of crime, I have prepared and introduced the following bill, now pending before the Committee on the Judiciary, to wit:

A bill for the protection of all citizens of the United States against mob violence, and the penalty for breaking such laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born or naturalized in the United States, and subject to the jurisdiction thereof, and being citizens of the United States, are entitled to and shall receive protection in their lives from being murdered, tortured, burned to death by any and all organized mobs commonly known as "lynching bees," whether said mob be spontaneously assembled or organized by premeditation for the purpose of taking the life or lives of any citizen or citizens in the United States aforesaid; and that whenever any citizen or citizens of the United States shall be murdered by mob violence in the manner hereinabove described, all parties participating, aiding, and abetting in such murder and lynching shall be guilty of treason against the Government of the United States, and shall be tried for that offense in the United States courts; full power and jurisdiction being hereby given to said United States courts and all its officers to issue process, arrest, try, and in all respects deal with such cases in the same manner now prescribed under existing laws for the trial of felonies in the United States courts.

SEC. 2. That any person or persons duly tried and convicted in any United States court as principal or principals, aiders, abettors, accessories before or after the fact, for the murder of any citizen or citizens of the United States by mob violence or lynching as described in section 1 hereof, shall be punished as is now prescribed by law for the punishment of persons convicted of treason against the United States Government.

SEC. 3. That all laws and parts of laws in conflict with this statute are hereby repealed.

I do not pretend to claim for this bill perfection, but I have prepared and introduced it to moot the question before the Congress of the United States with the hope that expediency will be set aside and justice allowed to prevail, and a measure prepared by the Committee on the Judiciary that will come within the jurisdiction of the Constitution of the United States, as above cited.

There remain now but two questions to be settled: First, perhaps, is it expedient for the American Congress to step aside from the consideration of economic questions, the all-absorbing idea of acquisition of new territory, and consider for a moment the rights of a portion of our citizens at home and the preservation of their lives? That question I leave for you to answer.

The second is: Has Congress power to enact a statute to meet these evils? In my opinion it has ample authority under the Constitution of the United States.

A right or immunity, whether created by the Constitution or only guaranteed by it, even with or without express delegation of power, may be protected by Congress. (Prigg *vs.* Commonwealth of Pennsylvania, 16 Peters, 536; Slaughterhouse Cases, 16 Wall., 36; 83 U. S., XXI, 394; Virginia *vs.* Rivers, 100 U. S., 370; United States *vs.* Reeves, 92 U. S., 214; Sturgis *vs.* Crowninshield, 4 Wheat. Rep., 122, 193.)

But it has been argued that the act of Congress is unconstitutional because it does not fall within the scope of any enumerated powers of legislation confided to that body, and therefore is void.

Stripped of its artificial and technical structure, the argument comes to this, that although rights are exclusively secured by, or duties are exclusively imposed upon, the National Government, yet, unless the power to enforce these rights or to execute these duties can be found among the express powers of legislation enumerated in the Constitution, they remain without any means of giving them effect by act of Congress and they must operate solely proprio vigore however defective may be their operation, nay, even although, in a practical sense, they may become a nullity from the want of a proper remedy to enforce them or to provide against their violation. If this be a true interpretation of the Constitution, it must in a great measure fail to attain many of its avowed and positive objects as a security of rights and a recognition of duties. Such a limited construction of the Constitution has never yet been adopted as correct, either in theory or practice.

No one has ever supposed that Congress could constitutionally, by its legislation, exercise powers or enact laws beyond the powers delegated to it by the Constitution. But it has on various occasions exercised powers which were necessary and proper as means to carry into effect rights expressly given and duties expressly enjoined thereby. The end being required, it has been deemed a just and necessary implication that the means to accomplish it are given also, or, in other words, that the power flows as a necessary means to accomplish the end. (United States Supreme Court Reports, 38-41, 618-619.)

By permission I will here reproduce a letter written by one of the ablest lawyers in the Commonwealth of Massachusetts, an ex-attorney-general of that State, to a friend of his in this city. I refer to the Hon. A. E. Pillsbury. His letter is as follows:

I am aware that this is a difficult subject to deal with, but is not to be dismissed offhand. The precise question is whether the United States has any power, under the fourteenth amendment or otherwise, to protect the lives of its own citizens against mob violence within the States which the States do not prevent or punish or commonly make any attempt to prevent or punish. This question has never been directly decided. There are two grounds upon which I think it at least possible that Federal legislation for this purpose may be supported.

The first is found in the express rights and powers conferred by the fourteenth amendment. Strauder *vs.* West Virginia (100 United States, 303) holds that the fourteenth amendment confers, as a Federal right, immunity from hostile or unfriendly action of the States or their agencies. Ex parte Virginia (100 United States, 339) declares as of course that Congress has power to enforce the fourteenth amendment against State action however put forth, whether executive, legislative, or judicial; that such enforcement is no invasion of State sovereignty; and sustains the constitutionality of the section, civil-rights act of March 1, 1875, which punishes State officers for acts of omission, among others, for failing to summon colored citizens for jury duty. (See also Tennessee *vs.* Davis, ibid., 257.)

The Civil Rights Cases (109 U. S., 3), while holding unconstitutional the provision of the same act forbidding the denial of equal accommodations in railroad trains and places of entertainment, etc., on the ground that the law in this particular was not corrective of any hostile action of the State or its agencies, broadly declares that if State laws do not protect the citizen in all his Federal rights his remedy will be found in further corrective legislation, which Congress may adopt under the fourteenth amendment. See also the strong dissenting opinion of Mr. Justice Harlan.

The powers of Congress were by no means exhausted in the civil rights legislation.

The fourteenth amendment creates and defines citizenship of the United States as a Federal right, and makes the primary change and citizenship of the States secondary and derivative.

It would be no greater stretch than the court has often indulged to hold that the amendment confers upon citizens of the United States within the States the right to the same protection, at least in their lives, that the Government owes them everywhere else, and that the United States may afford this protection against mob violence within the States or the inaction or indifference of the States and their agencies in refusing or omitting to prevent or punish the murder of colored citizens by mobs.

Suppose a State law against murder omits to provide any penalty against the murder of colored persons. It could hardly be denied that this would violate the equality clause of the fourteenth amendment and that Congress could interfere for their protection. Suppose a State law applies the penalty to all murders, but the State authorities openly and notoriously omit to enforce it against the murders of colored persons. The resulting mischief is the same as if the law contains no penalty for the latter offense. The omission to enforce the penalty is as much the act of the State as the omission to enact it. The open and notorious omission of the State to prevent or attempt to prevent lynching encourages and contributes to the doing of it. Can it be said that Congress, having power to correct the mischief in the former case, is powerless in the latter? Why has it not the power? For the sole reason, if any, that the general power of domestic regulation is reserved to the States.

But this is only a negative reason, and does not affirmatively exclude the exercise within the State of any power, expressed or implied, which the United States may possess. There is now another possible ground which had not appeared in the day of the Civil Rights case.

Siebold's case (100 U. S., 371, 394) broadly intimates, and Neagle's case (135 U. S., 1, 69) directly decides, that there is a "peace of the United States" throughout our jurisdiction; that the United States may preserve and enforce it by preventing an assault upon a Federal officer within a State, even to the extent of killing the assailant, and that this is not an invasion of State sovereignty.

The same process of reasoning which leads to that conclusion is capable of leading to the conclusion that the United States has the same power of protecting its citizens as of its officers within the States. It was only an implied power in the case of the officer. The power which the United States has and exercises to protect its citizens outside the States is only an implied power.

Under the "peace" doctrine there is at least ground to affirm that the murder of a citizen of the United States by a law-defined mob is an invasion of the peace of the United States; and under the fourteenth amendment that the default of a State and its officers in taking means to prevent or to punish such murders is a violation of the rights thereby secured; and that the United States may take measures to preserve the peace of the United States within the States, and may extend to its citizens the protection in their lives which the States deny by failing to furnish it. All reasonable presumptions, in legislation and in judicial construction, are to be made in favor of the protection of life.

It hardly need be said that the express provision of the fifteenth amendment against abridging the right of citizens of the United States to vote does not by implication authorize the States to kill citizens of the United States or suffer them to be killed without interference; nor does the provision for Congressional legislation to enforce it exclude by implication the

exercise of any other power which the United States may possess under the fourteenth amendment or otherwise.

I am not prepared to assert that this is impregnable for the constitutionality of such legislation; but there is enough in it to afford food for thought, and, in my opinion, ground for the attempt. If Congress and the Executive deemed the protection of our own citizens in their lives and liberties of as much importance as the conquest and subjugation of the Filipinos, I think the Constitution would be found adequate to it.

It is quite possible that more difficulties may be found in working out the remedy than in establishing the constitutional power; but if the power exists, I see no reason why the murder of a citizen of the United States by a mob should not be declared a crime against the United States and punished as such. The responsible officers of the county or other districts in which such crimes occur might be punished by the United States for omission to bring or attempt to bring the offenders to trial under the State laws. The occurrence of a lynching might be declared sufficient prima facie evidence of denial by the State and its officers of equal protection. A fine might be levied on the county or district in which the lynching occurs. The military powers might be brought to bear upon any such district or neighborhood for the prevention of further offenses, which provision by itself would go far to prevent them.

Any bill for the purpose must, of course, contain a certain provision for the empaneling of juries in the Federal courts in proceedings for the punishment of the offenses in question. It is also worth considering whether the equity powers of these courts may not be invoked. The rule that equity does not prevent or punish crimes may be reserved by statute, subject only to the constitutional guaranty of jury trial. The liquor selling can be prevented and punished by bill in equity, which is held constitutional in some of the States, and it is possible that mob violence directed against the lives of unoffending people may be.

If the Republican party leaders consider that any attempt at legislation of this character is inadmissible for political reasons, I can understand it, though I do not agree to it. The legal proposition that the United States, having unquestioned power to protect its citizens in their lives and their property in every other quarter of the world, has no power to protect them in their lives within sight of its own capital where the States openly, notoriously, and purposely fail to do it is so monstrous that it is not to be conceded until affirmed by final authority.

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To admit that our nation, which is made up of several States, is unable to enforce law throughout its limits whenever the people therein are disposed to violate the same, and that the State governments, or rather the lack thereof, are superior to and ultimately independent of the General Government, is to admit, if I mistake not, the soundness of the late contested platform of secession. What is government if not enforcement, rather than the enactment of law? And what is law if not the protection of the lives and peace of the people? If the United States has no government which can effect this throughout its jurisdiction, the will of any State to the contrary notwithstanding, what is the improvement of its Government over that of the Turks in Armenia?

In concluding these remarks, Mr. Chairman, I wish to disclaim any intention of harshness or the production of any friction between the races or the sections of this country. I have simply raised my voice against a growing and, as I regard it, one of the most dangerous evils in our country. I have simply raised my voice in behalf of a people who have no one else to speak for them here from a racial point of view; in behalf of a patient and, in the main, inoffensive race, a race which has often been wronged but seldom retaliated; in behalf of the people who—

> Like birds, for others we have built the downy nest;
> Like sheep, for others we have worn the fleecy vest;
> Like bees, for others we have collected the honeyed food;
> Like the patient ox, we have labored for others' good.

[Prolonged applause.]

Mr. LITTLE. Mr. Chairman, the constitutional questions presented by the pending bill have been so ably discussed that I shall pass by that with the statement that I fully agree with the minority of the committee. The questions that I do desire to discuss briefly are so interwoven, so dependent one upon the other, that I find it difficult to discuss them independently; they are imperialism and standing armies. The first is the fruit of greed and love of power, and the last, a large standing army, is the result of the fear of popular government by those who would wrong the people.

There has been much able discussion in this House and throughout the country on the subject of imperialism. And there has been much confusion over the terms "expansion" and "imperialism;" in fact, they have generally been used as if bearing the same meaning.

The extension of the territory of a country, which territory is adjacent thereto or sufficiently close and adapted or suitable to become a part of the government, to be molded into states, to be governed under the uniform constitution and laws of the country, would be expansion.

The taking of a nation of people and their country by purchase from another nation which has no moral right to sell, or by conquest, which, on account of its location and character of its people, could not in the nature of things become a part of the government, for the purpose of enforcing a government upon them without their consent, is imperialism. The one is American and does not violate the fundamental principles of our Government, and presents itself more as a question of expediency than otherwise, each proposition depending upon its own merits. The other belongs exclusively to empires and monarchies and is contrary to all the history and principles of our country, and does not find support in the teachings of any of the great men who established this Government for the benefit of mankind.

Therefore, Mr. Chairman, in this discussion I shall confine myself to the Philippine question, and shall not confuse the question of expansion or natural growth with the question of imperialism and force. Much effort is being put forth to show that in the purpose of the Administration to hold and govern the people of the Philippine Islands they are but executing the teachings of Jefferson, Jackson, and the great Democrats of the past. Nothing to my mind, Mr. Chairman, is farther from the truth of history. Nowhere in history can you find a declaration of these great statesmen, patriots and Democrats, or any of them, advocating the taking by conquest or purchase a nation of people on the Eastern Hemisphere and governing them by force, after the manner of the kingdoms of Europe, as dependencies.

And the man who makes the claim is either misinformed as to the history of his own country or confuses the truth of the past with the false issues of the present, so as to divert the public mind from the real question and real danger.

We hear much said by the advocates of imperialism about the Louisiana purchase, and the various acquisitions of territory by the United States in the past. But what analogy can there be between these acquisitions to become a part of the United States, practically contiguous territory, and the acquisition of a foreign country in the Eastern Hemisphere and more than 8,000 miles from our shores, with 9,000,000 people, not intended to ever become a part of one homogeneous government under the same constitution and laws, but to be subjects and vassals.

Mr. Chairman, there is no more analogy, in my judgment, between the two propositions than there is between right and wrong, between liberty and serfdom, between a republic and an imperial monarchy.

The great Louisiana purchase, made in 1803, was a legitimate, desirable, and necessary acquisition to our country, and was acquired under the direction of the great Democrats of that day.

The third article of the treaty for the cession of this vast territory contained the following language:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Also the treaties ceding to the United States Florida, California, New Mexico, and Utah contained similar provisions. These treaty stipulations embodied the wise and patriotic thought of the "Immortals" of the Democratic party of that day. They taught expansion and legitimate growth within constitutional limitations. Listen to the language of the treaty:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, etc.

The purposes and the hopes of the wise men who were instrumental in securing these splendid additions to our country were to build up and establish a great and powerful compact nation of liberty-loving people who would be able to defy and defeat the combined armies of the kingdoms of the world. But, Mr. Chairman, the imperialist, with a great manifestation of pride, asks us what will we do with the territories acquired from Spain under the treaty of peace.

My answer, Mr. Chairman, is that there is a policy distinctly American that can and ought to be pursued. It is not a new or dangerous policy. It has been tried in the past, and that test bears the highest evidence of the wisdom and justice of the policy.

At the end of the war between this country and Mexico in 1848 Mexico was reduced to a state of almost anarchy. What did this country do? Bolstered up a newly organized government until a treaty was made, then withdrew from the territory and left the Government in the hands of the people. Revolution after revolution followed in quick succession, but we did not feel called upon to place them under the tutelage of this Government and send our armies and force a government upon the people without their consent. And now we can look with pride at the happiness and progress of the people of Mexico, with a stable and just government, keeping step with the progressive nations of the world.

They were at our doors; we subjugated them by the power of our armies, but we did not make them dependent subjects of this Government under the pretext that it was necessary to maintain our international obligations or in obedience to "manifest destiny." But we told them to organize and maintain their own free and independent government and enjoy the blessings of a government based upon the will of their own people. We said to the imperial crowns of Europe, "Hands off; let them work out their own destiny."

This course, Mr. Chairman, is and has been the "manifest destiny" of this Government, and if pursued in the future will add new glory and honor to the Republic and strengthen the cause of human liberty throughout the world. This was the Democratic way that the Republican Administration would abandon.

Mr. Chairman, when did we get this notion of governing foreign nations of people and of maintaining the peace in the Orient? How old is it with us? Some little examination of that question might be profitable at this time.

Take Haiti, lying just beyond Cuba, where there have been many revolutions and much internal strife. We have not interfered nor allowed any other nation to interfere. They are much nearer to us than the Philippines; they are a part of the Western Hemisphere. How is it with Venezuela? She has had many revolutions. No longer than 1895 England, under the pretext of a boundary dispute, concluded to extend the blessings of English imperialism over a portion of that country.

What did the United States do? They asserted the principles of the Monroe doctrine over that country and compelled England to abandon her purpose or accept the alternative of a war with this country, which she wisely declined. This country then left Venezuela to work out its own destiny. This action on the part of our Government met with almost the universal approval of our people. This policy was then regarded in the light of farseeing statesmanship and as the outgrowth of an exalted and unselfish patriotism.

But now it is said the course we pursued toward Mexico, Haiti, and Venezuela, if followed as to the territory in the Orient surrendered by Spain, would be monstrous and disgrace the nation in the eyes of the civilized nations of the world. Why such a radical change in our policy? What has happened to demand of us that we should abandon these high purposes of our Government? The one great distinctive feature that distinguishes our Republic from the kingdoms of Europe is this policy. What gave birth to this new American idea, that is scarcely twelve months old?

Who is it, Mr. Chairman, that would have announced the present teachings of the imperialists two years ago. Who is it that would have announced these un-Amerian doctrines in the halls of Congress even one year ago. Not one among all the representatives of the people here. There is a cause for this rapid change, Mr. Chairman, and that cause, in my opinion, is not altogether what has happened or is happening in the Philippine country; but what has happened there has furnished the opportunity for certain forces and elements in this country to develop themselves, and they have adopted the misleading terms of "expansion," "manifest destiny," and "national duty" to cloak from public view the purpose to overthrow the principles of safety and liberty and destroy the love and veneration of our people for the Constitution and the immortal Declaration of Independence. [Applause.]

Now, Mr. Chairman, this brings us down to one of two propositions, that we must accept if we determine to exercise permanent sovereignty over the Philippine Islands.

First. That they thereby become citizens of the United States and are Filipino-Americans, endowed with the rights and privileges of an American citizen to go and come to this country as often as they may desire. This, I believe, will be their status under our Constitution and the present decision of our Supreme Court, if carried out.

Chief Justice Fuller in Boyd *vs.* Thayer (143 U. S.), says:

> Manifestly the nationality of the inhabitants of territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their former nationality by removal or otherwise, as may be provided.

Second. If they do not in fact become a part of the United States by the exercise of sovereignty over them under the treaty, they must be treated as subjects and governed after the order of monarchies by this Government. This I do not believe can be done under our form of government without violating the fundamental principles of the law of the land and overthrowing the uniform line of decisions of the Supreme Court since its earliest history.

Mr. Chairman, if there existed no constitutional restrictions to prevent us from pursuing either of these policies, I would still oppose them both. To admit them as citizens and a part of this Government would be disastrous to our people in many ways.

Upon the present basis of representation in Congress it would entitle them, when they become a State, to 53 members of this body, to say nothing of the number of Senators to which they would be entitled, which would enable them to decide almost every disputed question in Congress and to determine every closely contested election. They would, as citizens, have the right of ingress and egress the same as any other citizen of the Republic. Their half-clad hordes, their cheap labor, could come here in such numbers as to endanger the pursuits of our laboring people in their struggles for the comforts of life for themselves and their families.

But, Mr. Chairman, this is useless talk. The American people will never consent to this, and no man dare advocate it. No star will ever be added to our flag representing an Asiatic race. This proposition being out of the way, we are compelled to hold them as vassals and subjects, to be governed by us by force, or else we must liberate them upon such terms as will be fair to the United States and just to them.

And if this Government undertakes to pursue the course of domination and subjugation followed by the European powers, it will be in total disregard of the policies heretofore pursued by this nation and in violation of its Constitution and laws. It will be in effect an abandonment of the Monroe doctrine, and will be a complete revolution of our own Government. Those who advocate this English colonial policy are forced to deny the most venerated principles of the Declaration of Independence, and many of them openly and boldly challenge and dispute them. They deride and challenge the wisdom of the political fathers, who consecrated their lives, their property, and their sacred honors upon the altar of free government.

They would change the glorious history of the past, and convict the Revolutionary fathers of a mistake in resisting the oppression of Great Britain by now openly applying the same principles to a nation of 9,000,000 people in a foreign country that Great Britain undertook by her armies to enforce upon the colonies in America when they were scarcely 3,000,000 strong.

If this, Mr. Chairman, is not imperialism, what is it? The advocates of this doctrine squirm under the name imperialism, and say they are expansionists. If they are, England and every other European country are expansionists upon exactly the same principles.

England, Germany, Russia, France, all hold and govern their colonies by force. And if we, by our military power, undertake to permanently hold and govern the Philippine people without their consent, what differentiates those Governments from ours? If it is imperialism for them, it is likewise imperialism for us.

If it is oppression and tyranny in them to govern other nations of people by force, it is no less a crime for our own country to do the same thing. Mr. Chairman, before we can successfully put on the old clothes of the monarchies of the world, made threadbare by the wear of centuries, and direct the future of our Government in the bloody pathway of cruelty and oppression pursued by them, we must revolutionize our own Government and repudiate its glorious history.

We must tear down the bulwarks of the Constitution and repudiate the Declaration of Independence; for whenever its sacred principles are read and learned by the governed colonies it will inspire in the hearts of the people the hope of liberty and teach them that it is a God-given right to throw off the yoke of a foreign government that seeks to govern them without their consent. [Applause.] It is an open concession that England was right in her effort to govern our ancestors in the days of the Revolution.

Mr. Chairman, in the discussion of this question it is claimed by the friends of imperialism that the permanent retention and control of the Philippines is essential to the extension of our foreign trade. And to my mind no argument made on this subject has less of real merit in it than this one. They point with confidence to the fact that our export trade has greatly increased in the last year and would have this House and the country believe that our trade had increased in proportion to the destruction of our men in the Philippines. We have had no trade with the archipelago during this great increase in our foreign trade. The ports in these islands have been under blockade during the whole time.

Our trade has been entirely in the markets of the world that have been open to us for years and years and has not been favorably affected by our conflict in the Philippines. The open-door policy in China, which has been the case for years, is now paraded as one of the natural results following from the acquisition of these islands, forgetting that if we continue to control the islands, we, too, must adopt the open-door policy.

Mr. Chairman, considering for a moment the question as to the dollars and cents in it, it is a vastly losing bargain.

The entire imports of the islands in 1894, which were the largest in recent times, amounted to only, $23,558,552. If the importers realized a net profit of 20 per cent, that would leave the entire profits at less than $5,000,000. If it should be increased tenfold, the profits would only be about forty-five millions. We now have in these islands 65,000 men and officers. It is estimated by the best military authority that the cost of maintaining an army in a foreign country will amount to $1,500 per man for a year. At this rate our army in the Philippines is costing us $97,500,000 a year.

So you see upon the basis of 1894 it would take the import trade twenty years to pay us for our expense during the year 1899. But in addition to our Army we are supporting there a vast naval squadron, amounting to at least $35,000,000 a year, making, all told, an annual expense of more than $120,000,000. But some will say that when you have subjugated the people you can withdraw your army. Not so. The history of the world shows beyond doubt that there never has been an instance where the white race have held in subjection an Asiatic race that it did not require a great army of occupation to do so. And I believe the longer we pursue our mistaken policy the greater will be the loss and disaster to us.

But this is not all, Mr. Chairman. I can see in this policy dangers to the people of the South more appalling to me than the expenditure of a few million dollars—dangers that I believe will paralyze her progress and imperil her great agricultural interests.

I find, sir, in the report of Major-General Green, of the Army

of the United States, made in August, 1898, the statement that "cotton was formerly produced there in large quantities."

We find from an examination of the statement of the Treasury Department, issued in 1899, entitled, "Summary of commerce and finance," that as far back as 1818 these islands exported not only homespun cotton fabrics, but that they exported in one year $25,000 worth of long-staple cotton. We also find that in that country there is a native tree that is known as the "cotton tree," which yields a coarse fiber resembling our cotton.

Now, Mr. Chairman, these natural conditions so favorable to the production of cotton, and so much so that the cotton tree grows without cultivation—who can predict to what extend these islands may add to the cotton stock of the world? Already the long-staple cotton from Egypt has been coming in competition with our own cotton to such an extent that many Southern planters have been asking for a protective tariff. For several years this competition has greatly reduced the price of the long staple. This year the price of this cotton took a sharp advance, owing to the short crop in Egypt, and yet some people seem to believe that this increase was caused by the war in the Philippines. I find in this same report the following statement, which I will quote:

> Long-staple cotton was formerly extensively cultivated in the province of Llocos Norte, whence many years ago large quantities of good cotton stuffs were exported. This industry still exists. The cultivation of this staple was, however, discouraged by the local governors in order to urge the planting of tobacco for the government supplies.

The cultivation of cotton was discouraged by Spain and almost prohibited in the islands in the interest of the tobacco monopoly, from which the Government could extort greater revenues. I also find that the coprah oil is produced in these islands from the cocoanut-palm nuts, and that 53,750 tons of this oil was produced there in 1897. This oil is used for every purpose that the cotton-seed oil of the South can be used for, and may prove to be a dangerous competitor.

There are in these islands about 9,000,000 people; of these, about 6,000,000 are of the Catholic faith, and the remainder are heathens, Mohammedans and Chinese. The price of labor in that country will average from $2 to $3 per month; and being in near touch with China, her hordes may be turned into that country by the adventurers, who will dominate the people there, if we maintain permanent sovereignty over the islands under the treaty of Paris. In the Story of the Philippines, written by Mr. Fiske, this statement occurs, at page 66:

> The long-staple cotton could be easily cultivated, and at one time there were cotton fields in northern Luzon. * * * It only needs enterprise and common sense to make cotton raising a valuable industry.

Now, Mr. Chairman, with this acknowledged natural condition in that country, with its pauper labor capable of producing cotton and cotton goods in such quantities as to absolutely threaten this great industry in our own country, is it wise in us to force conditions there that will build up this competition against our own farmers and manufactories? I think not.

To-day the South, in its development in manufacturing cotton goods, is not only surprising her own people, but has startled New England, and she is warned that she must soon go out of business unless this rapid development of the factories of the South is handicapped in some way. The East can not compete with the South, where cotton, fuel, and labor can be had at the very doors of the factories. Many of these New England factories are going South. Many more of them, that have collected tribute from our people for a quarter of a century under the tariff system, and have grown rich from the unreasonable bounty collected from our people, are not willing to give up these splendid privileges without a struggle.

And I have all along been surprised that the Republican Representatives from the Eastern States, and their Senators with them, save two, stood solid for a policy that they claimed would be of such a great advantage to the great cotton-growing South. The contest between the manufacturing sections of the country, North and East, and the great producing South has not always fallen on patriotic and unselfish lines. For years and years the South has paid the tariff taxes, and the other sections of the country have gathered the profits into their own pockets. And I do not suspect that they will look at the commercial side of the Philippine question from a wholly unselfish standpoint.

The keen eyes of the trusts and corporations that have grown rich and arrogant from the benefits given them by class legislation see in the Philippines vast opportunities if they can only induce the people under the leadership of President McKinley, MARK HANNA, STEVE ELKINS & Co., to adopt the policy of imperialism, which would require a vast army to be kept there to dominate the people while the trusts and corporations exploit the country.

The New England factories could be transferred there, and cotton could be raised and manufactured by the pauper laborers of that country, costing from 5 to 10 cents a day, with a few bosses and experts to direct it, and their products could enter the markets of Asia and China at prices that would absolutely destroy our trade. They could, by utilizing that vast army of pauper laborers, grow cotton and ship it to the United States far below the cost of production here.

And I firmly believe, Mr. Chairman, that it is this great promise that excites the cupidity and avarice of the great corporations and trusts in this country, whose power is driving the present Administration madly and blindly on to the disastrous policy of imperialism and oppression. What would be the difference to our people whether we send our armies to the Orient to guard the factories and protect these heartless syndicates at public expense, while they dominate and speculate upon the people there and utilize their lands and cheap labor to destroy our foreign markets, or permit this pauper labor to come here and drive our farmers from their farms and our mechanics and laboring people from the factories and shops?

Either would be equally criminal in us. We have prohibited the importation of pauper contract labor by law. And I protest that we shall not now adopt a policy that will permit our capitalists to go to the Philippines under the protection of our flag and build up a competition that will destroy our foreign markets. Such a policy would be a greivous crime against the army of burden bearers in this country. [Applause.]

The farmers and laborers of our country, it seems, under the wisdom of modern statesmanship as evidenced by the policies of the Republican party, are not only to be required to bear the great burdens of taxation without promise of relief and to submit to the extortions of trusts and combines at home without let or hindrance, but are to be called upon to pay the expenses of vast armies to support the imperial policies of the President, while other nations are to be plundered by adventurers, but must see our own markets destroyed and our peace endangered and the perpetuity of our institutions threatened, if not destroyed. [Applause.] And yet those who underrate the intelligence and patriotism of the farmers, laborers, and legitimate and intelligent business men of the country flatter themselves that they can induce them to aid in their own destruction under the plea of "manifest destiny."

Mr. Chairman, you and your party deceive yourselves; you do not know and appreciate the intelligence of our people. They are not only intelligent and industrious, but they understand to a remarkable degree the practical political questions of the hour. They are acquainted with the matchless history of our Government. They love our institutions. They stand ready to offer any sacrifice to perpetuate our institutions, but no eloquence can persuade them and no power can compel them to abandon the well-known principles and policies of our Government and to accept the imperial policies of European nations. [Applause.]

Mr. Chairman, the war in the Philippine Islands is a useless war, for which the President and those under his control are responsible. I believe after the most careful consideration that the alternative was forced upon the Filipino people to fight or consent to become the permanent colonial subjects of the United States. If that is not true, the war was the result of the most masterly stupidity that ever marked the disgrace of a public officer. There has never been a day from the beginning of this war that it could not have been stopped upon terms not only just to the United States but with national honor.

Our Government said to Mexico, "We will aid you to establish your government, and when proper and just treaty agreements are entered into we will withdraw our armies and leave your government to your own people." The Filipinos are better equipped for self-government than the Mexicans were at that time. They aided us in driving Spain from the Island of Luzon. They fought bravely and killed and captured more than 15,000 Spaniards; yet our wise and benevolent President says to them, "Surrender unconditionally, and then we will tell you what we are going to do," when they have at all times stood ready to lay down their arms upon an assurance of national independence, upon such terms as the United States should suggest; but still the cruel war goes on.

How easy, how just, how honorable it would be for the United States to say to these people struggling for national independence, "Lay down your arms; we will aid you to establish a government, which shall be yours when established, as soon as you shall, by treaty stipulations, agree to indemnify the United States for the amount paid Spain," and make such trade agreements as shall be deemed wise touching our trade relations, reserving to ourselves, if need be, such harbors, naval and military stations as may be necessary to aid our commerce, and then say to the nations of the world, as we did in the case of Mexico, "Let them alone while they work out their own salvation."

There has not been an hour since the treaty of Paris was signed that the Philippine people would not cheerfully accept these honorable conditions.

Mr. Chairman, the treaty of peace with Spain was signed at Paris December 10, 1898, more than a year ago, and no war has

been declared against any other nation by Congress. And yet, Mr. Chairman, we find the appropriations asked for the Army and Navy for the next fiscal year are enormous.

The estimates for the Navy will reach $65,000,000, and for the Army the enormous sum of $111,700,364, making a grand total of $176,700,364. Estimating our population at 75,000,000, this will amount to a tax of a little more than $2.35 upon the head of every man, woman, and child in the United States, or a tax of over $12.25 upon every family of five persons in the United States. And the amount for last year is even greater than this; but admit it is the same, then for the two years of imperialism in the Philippines it will cost an amount equal to a tax of $25 upon every family of five in the United States.

This sum, Mr. Chairman, may look small to you and your party leaders, but it is an enormous tax upon the man who must support his wife and children by his daily labor, either in the shop or upon his little farm. When a man is compelled to use the greatest industry and strictest economy to make ends meet, and then you put an extra tax upon him of $25 or $50, it means much to him. It means that not only he, but the wife and children for whom he labors so hard must want for the comforts of life, and yet he gets no relief.

The poet Miss Landon has beautifully and truthfully said:

Few save the poor feel for the poor.
The rich know not how hard
It is to be of needful rest
And of needful food debarred.
They know not of the scanty meal,
With small, pale faces 'round;
No fire upon the cold, damp hearth
When snow is on the ground.

But this is not all that this unwarranted policy costs us. Every man that is wounded and the widow and children of those who are killed in battle or die from disease, also those who become diseased from the service, become pensioners upon the Government.

And out of an army of 65,000 men in the Philippines it is a low estimate to say that they will furnish a pension roll of 20,000 persons annually, to say nothing of the senseless sacrifice of brave American soldiers, worthy to die in a nobler and grander cause.

But the good soldier must obey orders. It is not his privilege to question the right or wrong of a war. It is his to do and to die. Great has been the sacrifice already. How long will the Administration pursue this blunder? Transports are arriving almost weekly laden with the sick, insane, and dead as the fruits of this policy. Mr. Chairman, I speak not alone for the Filipino; I plead not so much for his home and country. But I plead for American homes. I plead for the brave boys that from a sense of duty to the Commander in Chief of our Army, who are called upon to make this useless sacrifice. It is my own country, Mr. Chairman, that I would save from the fatal policy of empire and greed and lust of power.

Mr. Chairman, we should profit not only from our own experience within the last year, but by the present experiences of Great Britain. To-day the little Dutch colonies of South Africa are holding at bay her embattled legions. The two little Republics in South Africa, with a total population of only 150,000 people, are challenging the power of England and shaking her Empire to its center. Already her list of casualties amount to more than 10,000 men, and her supremacy is threatened by other powers, and a conflict now with any of the other great nations would end in the overthrow of English power.

These brave people in their struggle for liberty, by their bravery and courage, have the admiration and deserve the sympathy of liberty-loving people everywhere. The hearts of the American people are with them, but by your course in the Philippines the lips of the Administration are sealed and there is a padlock upon their consciences. No resolution of sympathy for that brave and patriotic people in their struggle for liberty can be considered in this House. The Republican majority here, if not in actual sympathy with England, are handicapped by the advocacy of her doctrines of imperialism, and must stand still and witness in silence the greatest military struggle of recent times for liberty and independence, and not so much as express sympathy for the brave and invincible people of the little Dutch Republics. [Applause on the Democratic side.]

Mr. Chairman, this is not all of imperialism. It means large standing armies at home. Before the war with Spain our Regular Army consisted of only 25,000 men, representative of that great army of citizen soldiery engaged in the busy walks of life to whom the Republic must look for support in the hour of peril. But now we are asked to make the standing Army 100,000 strong. How long will it be, if we pursue the present policies, until it will be increased more and more until it will become a burden sorely to be borne by our people and become a dangerous factor in our government, and, in the hands of an unscrupulous, and ambitious President, be the means of overthrowing our own Government or oppressing our people?

But if we are to abandon the Monroe doctrine and cast aside all the warnings of the great statesmen of the past, from George Washington to McKinley, and engage in all the European controversies and struggles for supremacy in the East, we must make up our minds that the military must become the dominating power in our own Government, and that great armies and a navy sufficient to dominate the seas is our only safety, and that trade, business, and labor must be taxed to pay for their support. I warn the people of the dangers of great standing armies. Their existence is repugnant to free government, and will endanger the liberties of the people. I will never vote to put any nation of people under such rule.

Those of us who come from the South have reasons for our objections to military rule. We know what it means to set up military control over a people. We have had the bitter experience.

For four years we groaned under the rule of political plunderers and military criminals, and so long as I shall live I shall never consent to place that scourge upon any nation of people on earth.

I am not ready to abandon the policy as declared by Jefferson when he said:

Peace, commerce, and honest friendship with all nations, entangling alliances with none.

This has been and should continue to be the motto of this country in its foreign relations. In this way we can extend our commerce to every port in the world without the aid of great standing armies, with all their attendant evils and burdens.

I firmly believe that we should still hold to the wise declarations announced by the father of our country in his parting words:

Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

Mr. Chairman, let us all hope that in the final settlement of these great questions the wisdom and justice of the American people will prevail, and that our American institutions will be preserved as a perpetual inheritance to the people of this nation as long as governments among men shall exist.

Let our best energies be put forth to secure to all our people justice and fair treatment, giving each an equal chance in the race of life.

Believing that our territory should extend no further than our Constitution, laws, and institutions may go, I am for the Republic and against the empire. [Applause.]

Mr. Chairman, if there be no objection, I will ask permission to print as an appendix to my remarks certain authorities and declarations of statesmen in the past.

APPENDIX.

Article I, section 8, of the Constitution reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."

What is meant by the words "United States" as used in this provision, and can one tax be levied in the States and another in the Territories?

In Longhborough *vs.* Blake (5 Wheat, 643), Chief Justice Marshall, in the opinion of the court, says:

"The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or *any particular portion of the American empire?* Certainly this question can admit of but one answer. *It is the name given to our great Republic, which is composed of States and Territories.* The District of Columbia or the territory west of the Missouri *is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other.*"

In the case of Cross *vs.* Harrison (16 Howard, 164) Justice Wayne, for the court, says:

"To permit these goods to be landed in the port at San Francisco would be a violation of that provision of the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be clear that no such rights exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other parts of the United States. * * * That the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right."

What is the true policy of expansion? Jefferson in his message to Congress at its first session after the Louisiana purchase used this Democratic language:

"With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired."

President Polk, in his message of December 2, 1845, referring to the annexation of Texas, said:

"This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative Union."

President Monroe, in his message of December 2, 1823, after referring to the struggle of the Greeks for liberty and other matters affecting our foreign relations, says:

"The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments, and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

"With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

President Fillmore in his first message to Congress said:

"Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself."

President Buchanan, in a message to Congress, said:

"It has been made known to the world by my predecessors that the United States have on several occasions endeavored to acquire Cuba from Spain by honorable negotiation. If this were accomplished, the last relic of the African slave trade would instantly disappear. We would not, if we could, acquire Cuba in any other manner. This is due to our national character. All the territory that we have acquired since the origin of the Government has been by fair purchase from France, Spain, and Mexico, or by the free and voluntary act of the independent State of Texas in blending her destinies with our own."

In his inaugural address he said:

"It is our glory that whilst other nations have extended their dominion by the sword we have never acquired any territory except by fair purchase, or, as in the case of Texas, by the voluntary determination of a brave, kindred, and independent people to blend their destinies with our own."

He also said:

"Our past history forbids that we shall in the future acquire territory unless this be sanctioned by the laws of justice and honor."

The immortal Webster in a speech in the United States Senate March 23, 1848: "In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—*one people, one in interest, one in character, and one in political feeling.* If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukrane and the provinces in the Caucasus and Kamchatka by different codes, ordinances, or ukases. We can do no such thing. They must be *of us, part of us, or else strangers.*"

It was also Webster that uttered this grand truth:

"No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon the shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, he can not, and he means not to be happy under its burden."

Mr. SULZER. Mr. Chairman, this bill is radically wrong in principle, against common sense on its face, clearly contrary to the dictates of humanity, and absolutely in violation of the letter and the spirit of the Federal Constitution. It seeks to extend to a limited degree the Dingley tariff law to the goods, wares, and merchandise of the people of the island of Puerto Rico, which island is now, and for some time past has been, a part of the territory of the United States.

It imposes a tariff tax on all merchandise coming into the United States from Puerto Rico, and into that island from the United States, at a rate equal to 25 per cent of the duties collected on merchandise imported into the United States from foreign countries; and further provides that duties collected in United States ports upon manufactured goods from Puerto Rico shall be equal in rate and amount to the internal-revenue tax imposed by the United States upon the same articles manufactured in the United States, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries, and that duties collected in the island upon manufactured goods from the United States shall be equal to the internal-revenue tax imposed in Puerto Rico upon articles manufactured therein, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries.

In my opinion this bill violates the traditional policy of the Government, strikes a cruel blow against a portion of the people of our country, and makes a discrimination as unwise as it is cruel and unjust. It is one of the most iniquitous bills ever introduced in this House. I am unalterably opposed to this kind of legislation, and shall vote against this bill.

Mr. PAYNE. Does the gentleman except the money bill?

Mr. SULZER. I said it was "one" of the most iniquitous bills ever introduced, and I repeat it.

Mr. PAYNE. Oh, that is a stock phrase.

Mr. SULZER. That may be, but your legislation warrants it, and the word is none too strong and, to my mind, can not be too often used to fitly express your action here. You trample under foot the Constitution, and you ride roughshod over the rights of the people. The currency bill is an infamous financial job. This bill is an infamous tariff job, and they are both inherently iniquitous.

Now, Mr. Chairman, since the ratification of the treaty of peace between Spain and the United States the island of Puerto Rico has been and is now a part of the domain and territory of this country, and the Constitution applies to it, and should apply to it, just as much as it applies to the District of Columbia or the Territory of Arizona. To contend otherwise is as preposterous as it is untenable.

The people of Puerto Rico are citizens of the United States and entitled to the same privileges, the same rights, and the same immunities under the Constitution that the people of any other State or Territory are entitled to in the Federal Union. This bill compelling the citizens of Puerto Rico to pay a tariff tax on their goods, wares, and merchandise to and from this country is unwarranted, unjustifiable, unprecedented, un-American, and, in my judgment, unconstitutional. In all our past history no political party ever dared to attempt to pass a bill like this, a bill as inhuman as it is unfair, a bill that discriminates by special legislation against the people of one section of the country in regard to imposts—taxes.

The Constitution regarding this matter is clear and plain. Section 8 of Article I says in language that can not be misunderstood:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises; * * * but all duties, imposts and excises shall be uniform throughout the United States.

This provision of the Constitution has been passed upon and interpreted again and again by the United States Supreme Court, and from the days of John Marshall down to the present time the highest court in all our land has always held that the laying and collecting of impost duties must be uniform throughout the United States.

Mr. Chairman, I do not propose and I have not the time to review the authorities. I shall content myself by referring to a few of the more important of them. John Marshall, in delivering the opinion of the court in the case of Loughborough *vs.* Blake (5 Wheaton, page 319), said of the clause of the Constitution requiring uniformity of duties, excises, and imposts throughout the United States—the very clause involved in this bill:

> The power to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any part of the United States? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territory west of Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other.

In the case of Cross *vs.* Harrison (16 Howard, 198) the court clearly considered the territory embraced in California as a part of the United States within the meaning of this same clause of the Constitution.

I am unable to find any support in judicial decisions for the doctrine that the inhabitants of Territories have no constitutional rights, but exist only by the will of Congress. On the other hand, it has been repeatedly held by the Supreme Court that Congress is bound by the restrictions of the Constitution in dealing with Territories. The broadest construction I have been able to discover, given by any decision of the Supreme Court to the legislative power of Congress over Territories, is set forth in the Canter case, and holds in effect that Congress possesses the powers of the General Government and also the powers of a State legislature unrestrained by a State constitution. This interpretation would still leave Congress subject to those limitations which are imposed by the Constitution upon both the national and the State governments. Since the National Government is required to observe the rule of uniformity in levying duties, excises, and imposts, and the States are substantially prohibited from levying such taxes, it follows that Congress has no power to tax thus unequally either in its capacity as a national or a State legislature.

Daniel Webster spoke directly upon the very proposition involved in this bill. On the 23d of March, 1848, he said in the United States Senate:

> An arbitrary government may have territorial governments in distant possessions. because an arbitrary government may rule its distant territories

by different laws and different systems. Russia may govern the Ukraine and the Caucasus and Kamchatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities: and I think if it go on, for there is a great danger that it will go on, that this Government will be broken up.

Numerous recent decisions recognize the doctrine that Territories are infant States. Among them are the following:

In Weber against Harbor Commissioners (18 Wallace, 65) Justice Field said:

Although the title to the soil under tide waters of the bay was acquired by the cession from Mexico equally with the title to the upland, they held it only in trust for the future States.

And in Knight *vs.* United States Land Association (142 United States, page 183) Justice Lamar said:

Upon the acquisition of the territory from Mexico the United States acquired the title to the tide lands equally with the title to the upland, but with respect to the former they held it only in trust for the future States that might be erected out of such territory.

In Shively *vs.* Bowlby (152 United States, 48) Justice Gray reiterated the doctrine of Knight against United States and Weber against Harbor Commissioners.

Mr. Chairman, in my opinion the true theory is that the Constitution applies to the entire domain of the United States, and while the power of Congress over the Territories is plenary, this term is only used in connection with the Territorial and municipal government which must be conducted under the authority of Congress. Congress thus possesses a power over the Territories which it does not possess over the States; but so far as the Federal powers are concerned, they operate equally over the States and Territories and are to be exercised with regard to the prohibitions and limitations of the Constitution.

This is stated in National Bank *vs.* County of Yankton (101 U. S.), in which Chief Justice Waite, after stating that Territories are but political subdivisions of the outlying domain of the United States, said, with reference to the organic law of a Territory:

It is obligatory on and binds the Territorial authorities, but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

In Reynolds *vs.* United States (98 U. S., 162) the court says:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Springville *vs.* Thomas (166 U. S., 707) the court says:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In Thompson *vs.* Utah (170 U. S., 346) Justice Harlan said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

In Murphy *vs.* Ramsey (114 U. S., 15) the court says:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

Now, sir, it being conceded that Puerto Rico is a part of the domain of the United States, and the Constitution enjoining that all impost taxes shall be uniform throughout the United States, it appears to me that this bill levying impost taxes of 25 per cent of the Dingley tariff rates against the goods, wares, and merchandise of the citizens of Puerto Rico is, and in the name of common sense, justice, and humanity ought to be, unconstitutional, and if the bill ever passes I trust, I hope, and I believe the courts will declare it unconstitutional and absolutely null and void.

Mr. RAY of New York. Will the gentleman allow a question?

Mr. SULZER. Yes; if it is not too long.

Mr. RAY of New York. I hold in my hand a book which contains a decision of the Supreme Court which overrules John Marshall.

Mr. SULZER. Well, God forbid that you should ever overrule him. [Laughter.] John Marshall was one of the greatest jurists that ever sat on the bench of the United States Supreme Court, and in this matter, with all due respect to my colleague from New York and the book he holds in his hand, I prefer to follow the judgment of John Marshall.

Mr. RAY of New York. I am surprised at the ignorance of gentlemen on that side of the House, and some on this side, on this question.

Mr. SULZER. Well, then, I will say that no one is surprised at your knowledge of the law. [Laughter and applause.] And to satisfy you I will now admit that you know more law than the Supreme Court ever knew or ever will know.

Mr. NEVILLE. Will the gentleman yield to me a moment?

Mr. SULZER. Yes; certainly.

Mr. NEVILLE. If the Republican theory is correct, that the foreigners pay the tax, how can the Republicans claim to be good Samaritans and at the same time impose a tax on the Puerto Ricans?

Mr. SULZER. That is an ethical question, and I respectfully submit it to my good friend from New York [Mr. PAYNE]. But let me tell you now that no Republican will answer it. [Laughter and applause on the Democratic side.]

Mr. Chairman, it is not often that I agree with the President. In a political way we differ materially in regard to legislation for the best interests of the people; but in regard to this legislation for Puerto Rico, if the President meant what he said in his annual message to Congress, I agree with him. Let me read what the President said to Congress regarding this matter at the beginning of this session of Congress:

It is our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

This he said was necessary because the island—

had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty: that the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

The Secretary of War in his annual report uses the following language:

The highest considerations of justice and good faith demandthat we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interest of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

And as late as the 19th of January, the chairman of the Ways and Means Committee, Mr. PAYNE, declared by the introduction of House bill 6883, for which the pending bill is offered as a substitute, against the policy of this bill and in favor of free trade between the United States and Puerto Rico.

Now, sir, I concur in the recommendations of the President and the Secretary of War, that it is our plain duty not to enact a tariff law against Puerto Rico, but give her products free access to our markets; and that the dictates of humanity and the highest considerations of justice and good faith demand that we should not disappoint the confident expectations of the poor people of that beautiful gem of the Antilles—Puerto Rico.

If this bill should pass, the President can not consistently sign it, if he were honest and sincere in what he said in his message to Congress.

The overwhelming sentiment of the American people is against the passage of this bill, and in the face of that sentiment and the President's recommendation to Congress I would like some Republican to explain to me and the country the reasons why the Republican majority in this House are resorting to every conceivable expedient to enact this outrageous and unjust measure into law? [Applause on the Democratic side.]

When this Puerto Rico tariff bill was introduced, it abolished all customs tariffs between that island and the United States; but when it was reported by the chairman of the Ways and Means Committee it raised a customs barrier of 25 per cent against the poor people of Puerto Rico. Why the change? Did the President ask it? Did the Secretary of War ask it? Did the people of Puerto Rico ask it? No; absolutely no! The people of the island of Puerto Rico strenuously object and urgently protest against the passage of this bill, and, so far as we are aware, the President has not changed his mind, although we know from experience that mind is like a weather vane, changing with every puff of political wind.

Why, then, was the change made? Well, it is said, and not denied, that the majority of the Ways and Means Committee made this change at the request of the sugar trust, the tobacco trust, and the whisky trust. I believe this to be the truth about the matter.

The agents of the trusts dictated this unjust discrimination against the citizens of Puerto Rico, and seem to have more power and more influence here than the American people. You dare not disobey the trusts. They own and control the Republican party. They are in the saddle and they are riding the Republican party to destruction. They make you sneer at the will of the people; they make you laugh at law and public opinion; they make you violate the imperative injunctions of the Constitution in order to obey their selfish dictates of sordid greed.

Now, sir, I would like to ask my friend from New York [Mr. PAYNE], the chairman of the Ways and Means Committee, what he would do if the agents of the trusts should come here and demand a tariff of 25 per cent against the goods and merchandise of the people of New York, or the people of Illinois, or the people of

Oklahoma? Would he dare pass a bill laying tribute on the products of the people of those States? I think not. Would such a bill be considered just or constitutional? I think not. And yet would not such a bill be just as reasonable, just as sensible, and just as constitutional as the bill now under consideration? I can see no material difference.

The case seems to be analogous. As the Supreme Court has said, all impost taxes must be uniform throughout the United States, and to-day Puerto Rico is just as much a part of the United States as Alaska or the District of Columbia. In my opinion this proposition is incontrovertible, and this inhuman discrimination against the poor people of Puerto Rico is a Republican outrage, an act of unparalleled injustice, a shameful protective-tariff crime, and all done by the Republican party to please the sugar trust, to placate the tobacco trust, and to paralyze the struggling industries of Puerto Rico.

Pass this cruel, this heartless bill, and what will the 1,000,000 starving human beings in Puerto Rico think of us? Will they not wish they were back in Spain? Will it not be a just cause for continued complaint? And will they not cry out against the injustice and truthfully say, in the words of the patriot fathers, "No taxation without representation?" Spain would never treat one of her colonies as we now propose to treat the poor Puerto Ricans. What will the people down there think of our boasted civilization and of our superior free institutions? What an object lesson to the world this bill presents of Republican duplicity, Republican injustice, and Republican subserviency to the sordid greed of the monopolistic trusts.

The other day the gentleman from Ohio [Mr. GROSVENOR], the spokesman of the Administration, said regarding this bill and the islands which came to us by reason of the treaty of peace with Spain:

> We have got them, and we are going to take care of them. We are going to make all the money out of the transaction we can.

That sums the whole question up in a single sentence. The Republican party is going to make all the money out of the transaction it can. It is going to exploit the islands ceded to us by Spain and make all the money out of them it can. This is not expansion; it is imperialistic piracy—the meanest and most inhuman kind of robbery, because it not alone beggars the present generation but entails woe and misery on millions yet unborn, and does it all under the flag of the Republic and in the name of freedom and justice, magnanimity and benevolent assimilation. What an inspiring spectacle of false pretense and hypocrisy the Republican party presents to-day in its unconstitutional march to empire!

The citizens of Puerto Rico are an intelligent, honest, peaceable, law-abiding people. Recently they were visited by a frightful hurricane which did great damage to the property of the island, and they are now poor and sorely distressed. We should, if we are true to ourselves, give to them instead of taking from them. Governor-General Davis, in his last report to the War Department, said:

> I regard free trade between Puerto Rico and the United States as a necessity.

Pass this bill to loot them, and in all the years to come what will they think of us? The Republican party has deprived them of self-government and given them a military government. They have no representation here. Under Spanish rule they were represented by twelve representatives and four senators in the Spanish Cortes. They had their own local legislature and absolute home rule. Why, under the circumstances, I ask, in the name of all that is fair and just and decent, should we now tax them and rob them of the little they have? Have we made their condition better or worse?

Have we liberated them from monarchical tyranny only to enslave them in industrial oppression? The poor people of Puerto Rico will speak, and the great heart of the Republic will answer and respond in the coming campaign. The American people will never repeat in the dying year of the nineteenth century the crimes and the blunders of George the Third in the closing years of the eighteenth century. We have not forgotten our past. The spirit of 1776 still lives, and the American people will ere long again vindicate the immortal principles enunciated in the Declaration of Independence. In the sisterhood of States there must be no stepdaughters. The flag we all love must not be used as a cloak to rob and oppress our fellow-citizens at the dictation of the trusts and to bolster up the falling Republican protective tariff fallacy.

Mr. Chairman, I speak earnestly on this subject. My sympathy is with the struggling citizens of Puerto Rico. I want to extend to them the right hand of fellowship, and under the folds of the American flag and by virtue of the law of the land welcome them into the Federal Union. I want to help them, and not injure them. I want to save them, and not destroy them. I want them to love the Union, not hate us and despise our institutions.

I want to keep faith with them and do unto them as we would that others should do unto us. The act you do to-day is a criminal act of Republican spoliation, and the consequences will be more far-reaching and more destructive than you now imagine. It is another step in your mad march toward imperialism and the subversion of our free institutions. I protest against it with all the emphasis I can command, and I solemnly warn my countrymen that the day is not far distant when the Republic will be destroyed if the wrongs and the usurpations of the Republican party are allowed to go unheeded, unchecked, and unrebuked.

The manhood of this country must speak out, the great conscience of America must find voice, the citizenship of the Republic must assert itself, ere it be too late and ere all is lost. Let us be honest, let us be fair, let us be just, let us be true to our past, true to ourselves, and it will follow like the night the day we can not then be false to any citizen in all the broad domain of our great and glorious Republic.

In the contest which is now on between the Republic and the empire I take my stand with the people against empire and in favor of the perpetuity of the Republic. Ours is the great Republic, the beacon light of the world, the refuge of the oppressed of every clime, the home for the downtrodden of every land, and it is incumbent and a sacred and imperative duty on those who are here and enjoying the inestimable blessings of our free institutions to see to it that the Government of Jefferson, of Jackson, and of Lincoln does not perish from the earth. [Loud applause on the Democratic side.]

Mr. JETT. Mr. Chairman, I ask unanimous consent that all gentlemen who have addressed the committee at this session be permitted to extend their remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

Mr. WILLIAM E. WILLIAMS. Mr. Chairman, it is not altogether encouraging to attempt to discuss a question of so much importance when so nearly all the persons present are of one opinion and belief. I am sorry that there are not more of our friends across the aisle present, but I am pleased that the venerable chairman of the Ways and Means Committee [Mr. PAYNE] survived the ordeal of this afternoon and is able to be present at this session. [Laughter.]

I am not accustomed to extending my sympathy to the enemy; and yet, Mr. Chairman, during the discussion this afternoon, when the gentleman from Maine [Mr. LITTLEFIELD] was debating this question, I did feel sorry to the very depths of my heart for the unfortunate creatures on his side of the Chamber, who withered under the fire of sarcasm and masterful argument that fell from his lips. He certainly punctured their armor, exposed their fallacies, and, I might say, laid bare their hypocrisy. [Applause.]

The intolerance and contemptuous sneers of gentlemen upon the other side of this Chamber of anything that savors of Democracy is wanting in this debate, and instead we find them driven to distraction in their madness and desperation, vainly hoping for some loophole or avenue of escape from their most untenable position. Helpless and pitiful, they grovel in the dark, without a precedent, without a ray of light, without sanction of law or morals.

The brazen assurance and bold effrontery that have heretofore characterized their lordly proceedings upon this floor are gone, but the same inherent tendency, the same defiance of ordinary decency, remains in their mad zeal to dishonor the flag of the nation and trample the Constitution under foot for the mere sake of party expediency. I have predicted that the Republican party would encounter their greatest difficulty when they undertook to create laws and maintain civil government in our new possessions, and, indeed, their boasted expansion has already, as manifested here, proven their downfall and encompassed their defeat.

As I understand the history of this bill, an original bill for free trade with Puerto Rico was introduced by the same gentleman [Mr. PAYNE], following the suggestions and recommendations of the President, but now, instead of that, a change of heart has been indulged, and this substitute has been reported. Some gentlemen have gone far enough to say that the President likewise has changed his mind. I do not know.

I hope, Mr. Chairman, that the President of the United States, whom we all respect as President, if we do not respect his politics, has enough backbone and courage to stand by his deliberate convictions, which he entertained when he transmitted his annual message to Congress, and I hope that he will not be influenced by the tobacco and sugar trusts to change front at this time, and go with the majority of his party upon the other side of the House in their efforts to conciliate those interests, for the purposes and benefit of their party in the coming election.

There are two reasons, as I understand the question, why this change of front has been made. I understand that representatives of the tobacco and sugar trusts from all over the country have hovered around the Committee on Ways and Means for several weeks past, urging upon them that their interests be protected at

the expense of the helpless citizens of Puerto Rico. And for the purpose, I am constrained to believe, of conciliating these interests and bringing to the assistance of the Republican party whatever they may see fit to contribute to the campaign fund of that party, they have changed front and come in here with the flimsy excuse that conditions have changed, without stating wherein they have changed, and now seek to impose a tariff duty upon those people in violation of pledges made, and that too in the face of the recommendations of the Secretary of War and the President.

I believe, though, the stronger and perhaps the better reason for the change which gentlemen have indulged was plainly stated and admitted upon the floor of the House day before yesterday by the gentleman from Pennsylvania [Mr. DALZELL] when, in his desperate appeal for unity of action upon that side of the House, he said, "If this bill is defeated, the Republican party is put in the hole, and every one of us goes in the hole with it." Yes, Mr. Chairman, I believe that the Republican party is in the hole, I believe it will stay in the hole, and I believe when the election comes in November that hole will be closed behind it.

Mr. NEVILLE. Pulled in after them.

Mr. WILLIAM E. WILLIAMS. Yes; and hermetically sealed. [Laughter.] I see the difficulty that confronts the Republican party. The gentleman from Pennsylvania [Mr. DALZELL] frankly admitted it when he said that if this bill is defeated and no revenues are raised for the purposes of defraying the expenses of the local government of Puerto Rico and for public improvements, Congress will have to go into the Treasury of the United States for the money and that the people will repudiate that kind of thing. I may not quote his exact language, but this was the substance and effect of what he said.

Very well; who is responsible? Not gentlemen upon this side, but gentlemen upon the other side of the Chamber who are responsible for the imperial policy upon which they have launched the country; and if it becomes necessary to go into the National Treasury to defray the expenses of Puerto Rico, the least dependent of our new possessions, the one most capable of defraying its own expenses, it is true the people will open their eyes and wonder what will be the result when it comes to maintaining a government in the Philippine Archipelago. I see the difficulty that confronts them, and it is with charity that I for one am willing to concede that the change is an emergency, justified only by the political necessity of the case. [Applause.]

Now, Mr. Chairman, I have not the time and will not undertake to discuss the various phases of this case, but only incidentally to allude to the objections which I see to this bill. The Constitution provides that "all duties, imposts, and excises shall be uniform throughout the United States." Now, to avoid the letter of the Constitution, gentlemen have taken the ridiculous position that these acquisitions are not a part of the United States.

That question has been fully discussed, but I desire to express my candid opinion in accord with what I believe to be the uniform holdings of the Supreme Court, that all countries over which the American flag floats, that all territory which looks to Congress and the American flag for protection are entitled to the benefits of the Constitution, and the residents thereof entitled to all the immunities of American citizens. [Applause.] The power of Congress to lay and collect taxes is plainly defined by the Constitution in section 8 of Article I, which reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The issue joined on this bill involves a construction of the term "United States." The meaning of the term as here employed has been defined by the Supreme Court in an opinion delivered by Chief Justice Marshall in the case of Loughborough *vs.* Blake (5 Wheaton, 660). I read from that case as follows:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.
>
> The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

This case has often been cited with approval, and nothing can be found in the subsequent decisions of the Supreme Court that conflicts with it, but the same construction and definition has been steadfastly adhered to throughout the long line of decisions which follows it, involving, as they do, every conceivable question wherein an application could be invoked.

Hence, Mr. Chairman, Puerto Rico is a part of the United States, as much so as the district of Alaska or the Territories of New Mexico or Arizona or the States of Virginia and Illinois, and Congress has no more right to impose a tariff duty upon the products of the one than the other. To do so is a direct violation of the rule of uniformity enjoined by the Constitution and a disregard of the express prohibitions and limitations of that instrument. This bill levies a tariff duty only upon the products of Puerto Rico and not upon those of any other State or Territory, and is unconstitutional.

The Constitution further provides, Mr. Chairman, that Congress shall have power "to make all needful rules and regulations respecting the territory of the United States." This is true, and it ought to be; but let me say right here—and gentlemen no doubt feel the force of what I say upon this point—that whatever action Congress exercises relative to the control of these possessions, the rules and regulations which it sees fit to adopt relative to the territory of the United States must be exercised by authority and within the limits of the Constitution and not beyond the limits of the Constitution.

It is the Constitution which confers upon Congress the power to deal with these Territories, and not Congress that confers power upon the Constitution. These gentlemen would have us believe that Congress, the creature of the Constitution, is greater than the Constitution, and that the Constitution is suspended and awaits for Congress to put it into operation before its benefits and immunities can be extended to the Territories. It is true that no law, however supreme, is effective without the establishment of judicial machinery for its enforcement, but that machinery, when established, must be such as is contemplated by the organic law and suitable for its enforcement, and can not be extra-constitutional.

The Constitution is our only authority for the imposition of tariff duties, and when imposed must be strictly within the letter or implied construction of that instrument. To assume that Congress may levy taxes or exercise other material functions without authority of the Constitution which created it and clothed it with all its powers would be revolutionary, and if exercised in one instance it may be in many, and the ship of state launched upon stormy seas without guide and without compass, a hapless craft, subject to political billows and partisan breakers.

Our only safety lies within the sacred limits of the Constitution, which vouchsafes equal protection to life, liberty, and property to all our citizens, at home and abroad, in the Orient and in the Occident, and no less to the plain, law-abiding, confiding, and helpless inhabitants of Puerto Rico or the struggling Filipinos than to the brave, strong, and capable citizens of the States who live within the shadow of the Dome of the Capitol. [Applause.] Mr. Webster, who has been quoted often in this debate, than whom no abler expounder of the Constitution has lived, near the close of his brilliant career, in the discussion of a proposition in the Senate involving the issues presented by this bill, said:

> An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine, and the Caucasus, and Kamchatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and I think if it go on, for there is a great danger that it will go on, that this Government will be broken up.

There is another reason; not only a legal reason under the Constitution why we should not pass this bill, but there is a moral reason as well. Gentlemen are familiar with the fact that General Miles when he landed upon the territory of Puerto Rico, when he met no enemy but the Spaniards, issued a proclamation to the people there pledging them the immunities of American citizens and guaranteeing them the protection of the American flag and the Constitution of this Republic. It has been well said that we can not afford to violate faith; we can not afford to violate our pledges made to those people, who came to us freely, believing that they were to receive the benefits of a republican form of government, and willingly submitted themselves to the jurisdiction of the United States.

Now, in order to effect what we understand is attempted here, the Republican party have to run afoul not only of the Constitution of the United States, but they violate the pledges made by the commanding general and ignore the recommendations of the Secretary of War and of the President of the United States. I am glad to know—and yet it is with a sense and degree of shame—I am glad to know that the President himself has changed front, as well as other members of his party, and to-day seeks this iniquity, and is willing to go to the country on this question. Hear

what he said in his message to Congress in December and explain, if you can, his remarkable flop in less than three months. Listen. He says it is—

our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

This he said was necessary because the island—

had been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. That the markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

The Secretary of War in his annual report uses the following language:

The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interest of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

Late in January the chairman of the Ways and Means Committee introduced a bill providing for free trade with Puerto Rico. That measure would have received practically the unanimous support of both sides of the Chamber and have become a law. But it is not the purpose of the Administration to treat our new possessions as a part of us, eventually to become States of the American Union. The Constitution is to be departed from in our dealings with the new territories, and they are to be made dependent colonies.

I understand full well that the Administration does not care a fig for Puerto Rico; that this precedent is about to be established not for the mere sake of deriving a revenue from that island, but as a precedent for our future guidance in the control of the Philippines. It is not so essential in the case of Puerto Rico, but the Republican party have conceived that whatever policy or system of government may be established there will be extended to the Philippines. They attempt to justify this bill by the pretext that the revenue derived shall be expended by the President for the use and benefit of Puerto Rico, in the establishment of schools and the construction of public improvements.

That, Mr. Chairman, is a mere subterfuge, designed only to deceive and hoodwink the American voter. What difference does it make, so far as the principle involved is concerned, whether this money is covered into the Treasury of the United States and judiciously appropriated by Congress in the usual, customary, and constitutional way for needful purposes in the island, or whether it shall be expended by and under the direction of the President without constitutional authority, and that, too, by the means and instrumentality of carpetbaggers, political jobbers, and partisan favorites? [Applause.]

We are told that the reason for extending this imperial system to the Philippines is because they are a lot of savage tribes, semi-barbarians, incapable of self-government. Then why, in the name of God, did you pay twenty millions for them and make them a part of us? Why, in the name of justice and right, are you expending one hundred millions a year, maintaining a gigantic army in an effort to subjugate them and make them amenable to the Constitution and the laws of our country?

We were told that they possessed great commercial value and that their acquisition would redound to the commercial glory and material wealth of our nation, and now, when they have proven an enormous burden without any equivalent in return by way of revenue or trade, some other excuse and justification is ventured, and God Almighty is now charged by the President with all the responsibility. Says he:

Providence cast them into our lap, and now a great duty devolves upon us as a Christian people.

[Laughter.]

In the first instance an appeal is made to the sordid, mercenary spirit of greed and monopoly in the interest of trade and commerce, and when that theory is exploded, we hear the old appeal to the maudlin, religious sentiment of the country, resorted to only by hypocrites and Pharisees, demagogues, sacrilegious pretenders, and political mountebanks. [Applause.] We are also told that American labor must be protected from competition with the cheap labor of the islands, by imposing a tax upon their products commensurate with the difference in the cost of labor between the different sections of our country.

This was easy of accomplishment when they were foreigners, but since they are a part of us you can not discriminate against them in favor of any other section or part of our common country. Give the Filipinos their independence and then you can afford ample protection to American labor without trespassing upon the spirit and violating the letter of the Constitution. Besides, my friends, these islands produce nothing that will come in competition with American labor in any essential or material degree. Develop their industries to the fullest extent and yet they can not supply our demand for those products adapted to their soil and their climate, which can not be produced in this country. This, Mr. Chairman, is a mere excuse, a bit of political claptrap designed to deceive the American workman. [Applause.]

The attempt here made to make an exception of our new possessions and the establishment of an arbitrary system of government for them other and different from that of the rest of our common country; denying them the protection and immunities of the Constitution, and yet subjecting them to all the rigor of its penalties; refusing them the blessings of the flag of the Republic, and yet exacting of them homage and allegiance to its authority; depriving them of independence and self-government, and yet compelling them to worship at the shrine of American liberty—all this, gentlemen, is imperialism in its worst and meanest form.

Go on in your mad and reckless purpose, heed not the warning upon every hand, hear not the rumbling of the gathering storm, pass this bill, do violence to the heart and conscience of the people, outrage every instinct of virtue and decency, scorn every sentiment of justice and equity, defile the American flag, trample the law under foot, tear the Constitution into shreds, and there is a day of reckoning awaiting you, when the hand of justice will smite you, when an outraged and indignant people will rise in their might and repudiate your iniquity, dethrone your party, and consign to eternal and everlasting oblivion the authors of this infamy. [Applause.]

In conclusion, Mr. Chairman, let me say, so long as we retain these possessions they are comprised within the United States and constitute a part of the great American Republic, and are as much entitled to the immunities of American citizens, the protecting ægis of the Constitution, and the glory of our flag, as the proudest State of the Union or the most exalted citizen in the land. The Constitution and the flag are one and inseparable.

Wherever one goes the other must follow. The flag symbolizes the essential truths of the Declaration of Independence and signalizes the authority of the Constitution. Withdraw the one and the other must be hauled down. We revere the Constitution and love the flag of our country; with uncovered heads and the most profound reverence we bow beneath its dauntless colors; untarnished and unsullied we bear it aloft on the shield of democracy and fervently pray that it may continue in all the future as in the past, to "wave over the land of the free and the home of the brave." [Loud applause.]

Mr. BURNETT. Mr. Chrirman, no more important question has come before this House for many years than the bill now under consideration.

The pending measure is pregnant with importance, not only because of the financial or commercial interests involved, but, above and beyond those, on account of the grave legal questions and the principles of governmental policy that are at stake. I believe if this bill passes that it will have to be done in flagrant violation of the plain letter of the Constitution itself.

The language of Article I, section 8, is so clear, it seems to me, that no recourse to any other canon of construction is needed than that which is given to plain, unambiguous English language. But were this not true, that rule of construction which permits us to refer to the history and situation of the country, and the mischief to be remedied, when the meaning of a constitution or of a statute is sought to be ascertained, will throw a flood of light upon the section now under consideration.

One of the causes that gave the new Republic birth was that it was oppressive and unjust imperialism to tax English subjects without giving them representation. The long struggle which had had this and other causes for its origin was, no doubt, fresh in the minds of our forefathers when they met to declare the fundamental law that was to give organic life to the young Republic. With this before their eyes, they declared that "all duties, imposts, and excises shall be uniform throughout the United States." Was it their intention in the very inception of the Government to retain to Congress the right to do with future acquisitions—call them Territories or colonies, if you please—that from which they had fought for seven long years to free themselves?

Did those who had just stricken from their own limbs this chain of tyranny deliberately leave it in the power of a legislative body to rivet it upon posterity?

Mr. Chairman, to argue such a proposition is to strike from the brows of those whom we have honored as patriots that halo with which it has ever been our pride to invest them. They did not so intend, and the splendid judges who were their contemporaries, and whose pens, and heads, and hearts were inspired by the same noble motives, show by their enunciations from the bench that such was not their purpose or intention.

Read these opinions in the light of contemporaneous history and hold them before the mirror of then passing events and you will find reflected the intention of those who desired to be true to their posterity as well as to themselves. The rule of construction that I have stated applies as well to the organic as to the statute law.

A learned writer on the Constitution, Judge Baldwin, who was himself a distinguished member of the United States Supreme Court in the first half of the century, in discussing the rules of construction that I have invoked, says:

An adherence to these rules is called for by the highest considerations in the construction of the Constitution. If they are not followed, there are none others which a court is at liberty to adopt as the indicia of the intention of the members of the general convention which framed and the State conventions which ratified it.

The conditions from which sprang the war of the Revolution, the evils they sought to remedy first by the old Articles of Confederation, then by the Constitution, would stamp its framers as traitors to their own posterity to say that the oppressions which they themselves had thrown off they intentionally empowered Congress to place upon their offspring.

We look back through the vista of a hundred years for their meaning, and yet we have it given in no uncertain tones by those who were themselves actors in the thrilling drama of the last quarter of the eighteenth century.

When Chief Justice Marshall, in the Loughborough case (5 Wheaton, 660), announced the proposition that the term "United States," as used in the Constitution, designated the whole American empire, Territories and States, there came from that body no word of dissent. Why? Because it was the enunciation of a proposition that those knew to be true who had lived through the times which gave it birth.

I believe, Mr. Chairman, that it was no dictum, but a plain declaration of the law involved in the case before the court. But suppose it was dictum, and does not rise to the dignity of settled law. It is, at least, the opinion of one of the most magnificent lawyers that ever graced the bench or bar. Not the opinion of one who, like ourselves, must look back through the shadows of a century, but of one who lived and moved and had his being just when the Constitution which he was construing was being ordained.

Judge Baldwin was an associate justice of the Supreme Court of the United States during part of the time that Marshall was Chief Justice. In his Views of the Constitution, on page 84, he says, referring to Florida and Louisiana:

When power or property thus passed to the United States, it is held subject to the terms and stipulations of the grant; and Federal power is exercised over all the territory within the United States, pursuant to the Constitution and the conditions of the cession. Whether it was a part of the original territory of a State of the Union or of a foreign State ceded by deed or treaty, the right of the United States in or over it depends on the contract of cession, which operates to incorporate as well the territory as its inhabitants into the Union, placing both under the jurisdiction of its Constitution and Government. It—

The Constitution—

was a cession of nine States of so much of their separate power as was necessary for Federal purposes to the body politic called the "United States," the "American Confederacy," "Republic," or "empire," as a term of designation including States and Territories.

On page 85 of this same excellent little volume this judge, sitting side by side with Marshall on the bench of the court which must ultimately settle these great questions of constitutional law, citing the Loughborough case, said:

That the court held that Congress had the same power of taxing in the District as they have in the Territories, by the same rules of apportionment and uniformity as the States; that the power did not depend solely upon the grant of exclusive legislation, but was given in the grant of the first clause, eighth section, first article, "to lay and collect taxes," as a general one, without limitation of place, extending to "all places over which our Government extends," in the words of the grant, throughout the United States. This term designates the whole "American empire." It is the name given to our great Republic, which is composed of States and Territories, all of which are alike within the "United States;" and it is not less necessary, on the principle of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Its language comprehends the Territories and the District of Columbia as well as the States.

It will be seen that this learned judge quotes almost literally the language of the court in Loughborough's case and gives it his unequivocal sanction.

Is it not significant that one who was not only the contemporary of Marshall but his associate on the bench should thus concur in his language and views unless he, too, thus interpreted the Constitution? But the repeated decisions of the United States Supreme Court confirming the doctrine laid down in the Loughborough case should forever set at rest the idea that the declaration in that case is dictum. Not only so, but this view of it was taken by the majority themselves until they began to see how the contrary opinion might be of great substantial benefit to them in the coming campaign.

Judge Curtis, of the Insular Commission, in an article in The Outlook of February 10, says:

Territorial government means absolute free trade with the United States, and all control or regulation of trade removed and no protection of the island's infant industries; the flooding of our country with all the products of manufactures of the islands raised by the cheap and slave labor prevailing there. It means declaring all the inhabitants of these islands "citizens of the United States," at least all who do not own allegiance to some country other than Spain, and all the Spanish who do not within the year qualify as citizens of the Peninsula; and all the children of these and of Chinamen, Japanese, Portuguese, Spaniards, and others who are thereafter born on the islands, are to be at once American citizens, as decided by the Supreme Court in United States *vs.* Wong Kim (169 U. S., 654).

It will be seen that Judge Curtis admits that all these evils, as he terms them, will follow Territorial government; but his intimation is that no such condition will exist till Territorial government is inaugurated. But the majority of the Committee on Ways and Means who report this bill take the startling position that the Constitution in its political sense is confined in its limitations to the States, respectively, that constitute the Union. In this they differ widely from the opinion of Judge Curtis, just cited, and we may say from the decision which he cites.

When the treaty of Paris was ratified, the inhabitants of Puerto Rico became citizens of some government. Certainly not of Spain, because by that treaty they ceased to be citizens or subjects of that Government. Then it follows as a corollary that they became citizens of the nation to which the island was ceded and amenable to its laws. But what laws? Certainly the laws of the United States. But Congress had passed no law governing it, and the only law of ours that could apply to them or extend over them was that organic law of the United States which gives life and vitality to our Government itself. The laws existing in that island at the time of cession, so far as not inconsistent with the Constitution, continued then in force; but wherever they were in conflict with that higher law they must of necessity yield to it. The very language of the treaty itself, instead of militating against that proposition, as the majority of the committee seem to assume by their report, sustains that view.

The treaty says, "The civil and political status of the native inhabitants shall be determined by Congress." Does this mean that between the time of ratification of the treaty and the action of Congress there shall be an interregnum when there is no law of the United States in force in the island? Surely not. If not, what law but that of the island then in existence, so far as limited by our Constitution, could apply?

Suppose that punishment by unusual torture should be inflicted in that island before Congress gives it a code of laws. Could not the authorities of our Government interfere to prevent it? If so, that power comes from the Constitution.

Many of the natives of the island, under the authority of Wong Kim's case, heretofore cited, are citizens, subject to our authority, recognizing our flag, and yet, if the majority are right, without the pale of that Constitution which should ever go in the hands of the American flag bearer wherever that flag is set up.

Again, when Congress does begin to legislate under the terms of cession upon the civil and political status of the native inhabitants of the island, now citizens of our Government, there is nothing to restrain them save the sweet will of the lawmaking power of the Government. This is the view of the majority, but was that the purpose and intent of those who erected a fabric destined for immortality?

Can any American conceive of an American citizen on American soil not under the ægis of that Constitution which is the boast of our people in every land, in every clime? If so, then may the citizens of Puerto Rico, nay, of every Territory within the bounds of our Union, well refuse to say amen to that prayer of the American citizen for the Constitution—"Esto perpetua." Well may that ardor for the principles of our Government be cooled in the breast of an inhabitant of the island or of our Territories when told that the arms of our Constitution are too short to embrace him within its folds.

The Texan is within its protection so long as he stays within the borders of his own State, but let him step one foot into New Mexico, and no constitutional power can reach him there. But unfortunately for the majority, this absurd doctrine is again laid low by the just hand of our Supreme Court. In Thompson *vs.* Utah (170 U. S., 346) the court says:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

If this be true, it would seem that, for some purposes, at least, the Constitution goes with the flag. If for some, where is the line of demarcation? Again, we suppose it is to be left to the arbitrary and despotic will of Congress to say, "Thus far, O Constitution, shalt thou go, and no farther!"

If Congress is supreme, and no existing Constitution can lay its restraining hand upon it, to what extremes of injustice it may, by force of political pressure, be compelled to go. By this bill it is seeking to perpetrate a most outrageous and unjust discrimination against its own citizens.

We have an island prostrate at the feet not of its conqueror, but its former ally and pretended friend. Starvation stares its people in the face. The gaunt, hungry features of its women and children appeal to Congress to fulfill its pledges made when we asked their aid against the Spanish foe. But with scorn we turn from them to the fat and bloated Hawaiian sugar king. And why? Because a national campaign is at our door, and the poor Puerto Rican has not a cent to help the cause of his oppressor, while Spreckels can open his barrels to the greedy Republican maw. Thus his sugar comes in tariff free, and the Puerto Rican is made to foot the bill.

Truly they have come asking you for bread, and you have given them a stone.

But, Mr. Chairman, if this bill passes and stands as law, it has broken down the barrier, so far as our islands and Territories are concerned, against imperialism, militarism, and centralism, and, unrestrained by the Constitution, a partisan Congress has nothing to stop its martial tread.

Let us see what may be done if this bill is passed.

In section 9 of Article I of the Constitution we find this declaration:

No title of nobility shall be granted by the United States.

In speaking of this clause, Mr. Hamilton, in the Federalist, says:

This may be truly denominated the corner stone of republican government; for so long as they are excluded there can never be serious danger that the government will be any other than that of the people.

But if that clause of the Constitution does not apply to Territories, how easy will it be for a Republican Congress to confer upon a Republican Territory the power to create counts and lords and barons in return for the check of some rich foreign potentate who is willing to aid the exchequer of the failing Republican cause. In this day, when so many American girls are willing to trade off themselves and their inherited fortunes for an empty title, how many there are who would willingly step just over into the Territories and procure an act of Congress to confer a title upon some native American citizen, and in return help the Grand Old Party in its dying throes.

The first amendment of the Constitution says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.

But if the position of the majority is correct, that the Constitution does not go into our new possessions, can not Congress pass a law establishing the Catholic religion for one part of the island and the Protestant for another?

Could it not capriciously declare that no newspaper shall be published in the island or that it would be treason to criticise any official within its domain? If this could be done in Puerto Rico, because the Constitution does not go there, could it not be done in Arizona or in Alaska also? To say that no such thing will ever be attempted does not meet the argument, for if the power exists, how soon it will be exercised if the apparent necessity should arise. Three months ago, when the President in his message advised free trade with Puerto Rico, that man would have been thought insane who would have predicted that the American Congress in less than three months would have been seriously discussing a tariff on the products of American labor made on American soil. But when the tobacco trust and the sugar trust give the command their loyal subjects fall into line.

The fourth amendment of the Constitution says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

Yet, if this Constitution is as so much waste paper in our island possessions, or in the Territories, the minions of an oppressive constabulary could on any pretext search the houses and seize the property of American citizens, and none could molest or make them afraid.

The eighth amendment of the Constitution says:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

Yet if that Constitution does not follow the flag and lodge with every American citizen while on American soil, the poor laborer beneath Puerto Rico's tropic suns or on Alaska's frigid soil may rot in prison cells because he can not give excessive bail to meet some greedy landlord's trumped-up charge.

When trial day at last shall come, he is led in chains to be tried, not by a jury of his peers, but by some Jeffries in some dark Star Chamber where justice can not come and mercy is not known. Time was when just such scenes as these were known. When? When the Constitution did not hold its sway and the many bowed as humble vassals to the few. Blot the Constitution from our law in any land where waves the flag, and the carnival of the oppressor of the weak will run red-handed through all that land. Then what will the wondering native think of that justice and liberty which General Miles promised should be his?

But, Mr. Chairman, Moloch must be appeased, and, as is ever the case, the weak must be the sacrifice. He can not resist. He is prostrate beneath our triumphant feet; storms have wrecked his little all, but that does not count to those who father trusts and lead the people chained to their victorious car.

Mr. Chairman, the dangers I have pointed out are but a few of those which may follow in the wake of the passage of this bill. It is the ruthless hand of the despoiler laid at the root of that tree which has sheltered us and stood the storms of a hundred years.

Woodman spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now.

That Constitution which was once thought to be the sheet anchor of our faith is now to become the hiss and byword in the mouth of the strong, and is made an instrument of oppression against the weak.

The reach of this question is not properly estimated by those who press this bill. Their report shows that it is not.

They assume by that report that the treaties by which our former territory was acquired are inhibitions upon the power of Congress to deprive the inhabitants of such territory of their civil or political rights.

This proposition sets the treaty above the power of Congress.

Such is not the case. A treaty provision may repeal an act of Congress passed previously to the ratification of the treaty, but Congress, on the other hand, has power by subsequent legislation to repeal the treaty. This is settled in numbers of decisions of the United States Supreme Court. (See Tobacco case, 11 Wallace, 516–521, and authorities there cited.)

Then, if this be true, no matter how positive may be the treaty assurances given to those who desire to cast their lot beneath the American flag, a partisan Congress may come along as soon as we have them within our grasp and set at naught all the promises by which we gained their confidence and secured our power.

Is this the law of a republican government? When we have wound our nets about them, is there no power but the limit of our wills which restrains us? If there is, it is the Constitution of the United States, and nothing else.

If that is broken down, it is an assault not so much upon the commercial interests of our wards as it is upon the liberties of our people. Stroke by stroke the Constitution will be undermined, step by step the onward tread of imperialism will be heard, until the heavy foot of the tyrant will be upon the prostrate form of the Republic.

Mr. Chairman, I have not discussed the general principles of expansion, because I believe the constitutional questions involved in this case, and the contempt with which they are treated by the expansionists who favor this bill, are the strongest illustrations of the danger that lies hidden in the doctrine of expansion itself.

Judging from this first step, it means a large protective tariff and no constitutional rights or liberties.

How does that accord with the teachings of those who from the blood and treasure of the Revolution evolved the doctrine of equality under the law?

If it merely stopped with our island possessions, it would not be so dangerous. But that will be but another link in the chain that the trusts and money power are forging about the limbs of the people.

Hence, I said, Mr. Chairman, at the opening of my remarks, that "no more important question has come before this House for many years than the bill now under consideration."

Note the prediction: If this bill passes it marks the first milestone on the road that leads to the destruction of constitutional government, and he who now boasts of American independence may truly say, with Scotia's bard:

If I'm designed yon lordling's slave,
By nature's law designed,
Why was an independent wish
E'er planted in my mind?
If not, why am I subject to
His cruelty or scorn?
Or why has man the will and power
To make his fellow mourn?

[Loud applause.]

Mr. STARK. Mr. Chairman, I had not intended to address the House on the pending measure, as the legal phase of the question has been so ably traversed, and eminent speakers, representing all political parties, have so clearly demonstrated the injustice and unconstitutionality of the proposed law; but on hearing the remarks of the distinguished gentleman from Ohio [Mr. GROSVENOR] in relation to conditions in my home State with which I am perfectly familiar, and noting that he is greatly in error in relation thereto, I consider it a duty to let the facts be known. His utterance was as follows:

Last fall, in the campaign in Nebraska, the members of a Nebraska regiment criticised the conduct of Colonel Bryan in resigning and coming home, and a good deal of jeering and laughter was going on over the State, and the lieutenant-colonel of his regiment wrote a letter, which was widely published in Nebraska, explaining why the Colonel resigned and came home. He said that he (the Colonel) had information that there was critical danger that the treaty with Spain would be defeated, and he fled from his regiment and came here as a patriotic duty to secure a vote or two in favor of ratification. And he secured one or more. One Senator at least who was opposed to ratification when he came voted for the ratification and made it the supreme law of the land. And now his followers everywhere are coming before the people of the country and saying that it is a condition into which the country has been thrown by the act of the Republican party.

At that time it was legitimate. At that time it was good politics and good patriotism to have shut out the Philippines and all this horde that these last two hours of the speech of the gentleman from Georgia has been aimed at. Everybody knows that it was at that time a question of fair and just deliberation, and yet to-day if you were to select the one man of all other men on the continent of America who is, above all others, responsible for the condition that we are in in regard to the Philippines and Puerto Rico, it would be William J. Bryan, of Nebraska. Everybody knows that. Did he do it to get

his country into trouble, that his followers on the floor might charge it to the Republican party and make political capital for him; did he? If so, it was an unpatriotic thing that he did. Did he do it because he thought it was the best thing for the country? If he did, it was a patriotic thing, and I honor him for it; but his followers must not undertake to charge the responsibility alone where the responsibility does not belong.

The reputation of the gentleman from Ohio for fairness and mathematical accuracy is well established. Desiring to spare him any possible mortification that might result from the reflection that the public was acting on misleading information promulgated by him, I respectfully ask his attention and that of the House to certain facts that seem to have escaped his penetrating scrutiny. He speaks of the resignation and home coming of Colonel Bryan having caused a good deal of jeering and laughter, and of his having received the criticism of the Third Nebraska for his action. It is possible that Mr. Bryan might have been ridiculed by certain of his opponents, no matter what course he had seen fit to adopt, but the first query of the thoughtful mind would be as to the source from which the carping proceeded. It is better to receive the jeers than the cheers of some people. Men have been known to measure the hospitality of a kindly host by the snarling of a surly cur at the entrance of his domicile, and this is not always a safe guide.

A few politicians, a handful of noisy newspaper men, did try to arouse partisan clamor and popular discontent with the action of Colonel Bryan, but their efforts were wholly unsuccessful. It may interest the gentleman from Ohio to know that an election has taken place in Nebraska since the return of Colonel Bryan's regiment. The subject upon which he speaks and all other matters relating to national issues have been directly passed upon by our people. Most potent, grave, and reverend seigniors from Ohio and elsewhere were sent by the Republicans to Nebraska to enlighten our electors and assist them in arriving at a verdict. After a full hearing of arguments presented, the principles represented by Colonel Bryan were vindicated in 85 of the 90 counties of our State, and the Fusionists increased their majority from 2,800 to 15,081. This certainly is a sufficient answer as to the attitude of the voters of Nebraska, and shows the estimation in which W. J. Bryan is held in the State of which he is an honored citizen.

Touching the intimation that members of the Third Nebraska censured Colonel Bryan, I wish to state that Governor Poynter, of Nebraska, is in the city and characterizes all such utterances as "wide of the truth." He avers that Colonel Bryan received hearty cheers publicly given by the Third Nebraska after its return, and that there was no disapprobation or lack of cordiality manifested toward him by officers or men. In further testimony concerning this fact, I desire to submit an article printed in the Washington Post—certainly not a Bryan organ—on December 16, 1898, giving the official language of United States officers bearing upon the resignation and public services of the great Nebraskan:

COLONEL BRYAN'S RESIGNATION—TEXT OF THE LETTER AND FLATTERING INDORSEMENTS OF HIS SUPERIORS.

The War Department yesterday made public the following letter from Col. William Jennings Bryan, resigning his commission as a volunteer officer:

CAMP ONWARD,
Savannah, Ga., December 10, 1898.

To Adjutant-General United States Army, Washington, D. C.

SIR: The dispatches from Paris announce that the terms of the treaty between the United States and Spain have been fully agreed upon, and that the commissioners will sign the same as soon as it can be engrossed. Believing that under present conditions I can be more useful to my country as a civilian than as a soldier, I hereby tender my resignation, to take effect immediately upon its acceptance.

Respectfully, etc.,
W. J. BRYAN,
Colonel, Third Regiment Nebraska Volunteer Infantry.

The letter bears the following indorsements from the division and corps commanders under whom Colonel Bryan served:

HEADQUARTERS FIRST BRIGADE,
FIRST DIVISION, SEVENTH ARMY CORPS,
December 10, 1898.

Respectfully forwarded. It is with sincere regret that the First Brigade should lose the services of so efficient an officer.

W. H. MABRY,
Colonel First Texas Volunteer Infantry, Commanding.

HEADQUARTERS FIRST DIVISION, SEVENTH ARMY CORPS,
December 10, 1898.

It is with regret that this resignation is forwarded approved. Colonel Bryan's regiment, the Third Nebraska Volunteer Infantry, is in high state of efficiency and discipline, and his efforts for its welfare have been untiring.

LLOYD WHEATON,
Brigadier-General, United States Volunteers, Commanding.

HEADQUARTERS UNITED STATES FORCES,
Camp Onward, December 10, 1898.

Respectfully forwarded, approved. I deeply regret that Colonel Bryan is called on to tender his resignation. I concur in what is said in the foregoing indorsements.

J. WARREN KEIFER,
Major-General Commanding.

SAVANNAH, *December 10, 1898.*

Having turned over the command of the troops here to General Keifer, I will not be prevented as Colonel Bryan's former commander, on the eve of my departure for Cuba, from saying I greatly regret that the Colonel has decided to sever his relations with my Seventh Corps, for our relations have been very agreeable, and he has ever been most faithful and conscientious in all duties confided to him.

FITZHUGH LEE,
Major-General, United States Volunteers.

Accepted by order of the President.

R. A. ALGER,
Secretary of War.

DECEMBER 12, 1898.

The response to the letter was contained in the following telegram, dated Washington, December 12, 1898:

Col. WILLIAM JENNINGS BRYAN,
Third Nebraska Volunteer Infantry:
(Through Corps Commander, Savannah, Ga.)
Resignation received and accepted.

H. C. CORBIN,
Adjutant-General.

I do not mean to charge the Ohio statesman with misrepresentation or deception, but simply state the truth, offer the evidence, and rest this portion of the case. His difference is with the facts, not with me.

Touching the latter part of the extract from the speech above quoted, the attitude of the speaker is a peculiar one. It might be explained on the theory of a lack of candor, but I will assume that he was actuated, as in the other propositions mentioned, by lack of information. It is possible that he is such a busy man—that his time is so fully occupied in acting as apologist in chief for the present Administration—that he has never heard of the last election in Nebraska; that he has been so engrossed that he did not know of the utterances of Colonel Mabry, Brigadier-General Wheaton, Major-General Keifer, General Fitzhugh Lee, and Governor Poynter; that he was not advised of the personal care bestowed by Colonel Bryan upon his men, of the expenditure of his own salary in hospital luxuries for them, nor of the well-known fact of their loving loyalty to him. No echo of the cheers of the soldiers for their respected leader reached his ears. He has had no time to read from the published work of Mr. Bryan, Republic or Empire, page 53, that—

The opponents of a colonial policy should make their fight in support of a resolution declaring the nation's purpose rather than upon the ratification of the treaty.

A man can not be everywhere and know everything, and it is not surprising if, engrossed in his gigantic and self-imposed task as mouthpiece for the man who has favored and opposed bimetallism, opposed and favored criminal aggression, and who is now said to oppose the tariff legislation favored by his party, there are some little matters that escape his notice. Like other mortals, he is but human (I have sometimes thought very human, indeed), and of course must be conceded to have his limitations.

If it were not the result of lack of knowledge, it might well be deemed cowardly for Republicans to charge Mr. Bryan with supporting the treaty without at the same time quoting his spoken and written utterances in favor of a declared policy for the United States. Think of the Republican party, with its mighty leaders, its majority in Congress, its full control of the executive department and national appointments, placing upon a private citizen the primary responsibility for legislation he did not design, which he never approved, and which he refrained from opposing only upon the plainly stated ground that there was, in his judgment, a better way to mitigate the evils brought upon the country by Republican abandonment of the ideals of the Republic. What a spectacle is presented in the onward march of the majority toward militarism and imperialism, protesting at every step their reluctance to undertake the journey, and asserting that they are only induced to do so by the fact that they are acting under the leadership of duty, destiny, Deity, and democracy.

Colonel Bryan's policy was to permit the ratification of the treaty accompanied by the same clear and frank declaration of the purposes of the United States regarding the Philippines that had been already made in reference to Cuba. No person, unless an imperialist at heart, could make objection to such a course. We had taken that action with regard to Cuba. In the early days of the Republican party the act of March 2, 1867, placing the South under military rule, was accompanied by a similar provision indicating a purpose to abolish that form of authority as soon as a just and safe civil government could be established to take its place. The precedents were in favor of the adoption of that policy, and it was evidently desired by the American public.

Had this suggestion been followed, bloodshed would have been avoided and our difficulties satisfactorily adjusted. It was not done. The Administration took its own course and in so doing is entitled to the glory of success and chargeable with the ignominy of failure. They are answerable for the blood and treasure their course of action has cost, and its results upon our institutions will be laid at their door. Any attempt to make an Alger of Colonel Bryan and drive him to the wilderness of obscurity as an expiation for their offenses will result in ludicrous and lamentable failure. [Applause.]

Mr. RYAN of Pennsylvania. Mr. Chairman, the bill now under consideration raises the question, Has the Congress of the United States the power to impose a tax or income duty on all imports from the territory of Puerto Rico, the same being territory belonging to the United States?

I will not here enter into a discussion as to the right of the United States to acquire territory, for it has long since been settled by the highest judicial power of our country that that is one of its prerogatives, either by conquest or cession. I will not now dwell upon the wisdom or propriety of our country acquiring islands off the coast of Asia, 8,000 miles from the coast of North America and having no possible link of connection with the American continent, but confine myself to the important question raised by this bill.

Upon examination we find that the first section applies to Puerto Rico and its adjacent islands, which were ceded by treaty of December 10, 1898, by Spain to the United States.

Section 2 provides that all merchandise imported into Puerto Rico from ports other than United States ports shall pay the rate of tariff duties collected on merchandise from foreign countries imported into the United States.

Section 3 imposes a tariff tax on all merchandise coming into the United States from Puerto Rico, and into that island from the United States, at a rate equal to 25 per cent of the duties collected on merchandise imported into the United States from foreign countries; and further provides that duties collected in United States ports upon manufactured goods from Puerto Rico shall be equal in rate and amount to the internal-revenue tax imposed by the United States upon the same articles manufactured in the United States, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries, and that duties collected in the island upon manufactured goods from the United States shall be equal to the internal-revenue tax imposed in Puerto Rico upon articles manufactured therein, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries.

Section 4 provides that the net collections under this act in Puerto Rico and the gross amount collected on merchandise from the island into the United States shall be placed at the disposal of the President for the expenses of the island,

The gentleman from New York, chairman of the Ways and Means Committee, who opened the debate on the other side of the Chamber, felicitates himself on the declaration of the Constitution—

> That Congress shall have power to make all needful rules and regulations respecting the territory and other property of the United States.

And furthermore that the—

> sovereignty over the islands of Puerto Rico was ceded to the United States by the recent treaty with Spain, and that it was therein provided inter alia that "the civil and political status of the native inhabitants shall be determined by Congress."

This, it appears, he takes as his basis for presenting and recommending the passage of this bill, not unmindful of section 8, Article I, of the Constitution, which restricts the powers of the Congress of the United States, when it says that "all duties, imposts, and excises shall be uniform throughout the United States."

The Constitution is the supreme law of the land, and that Constitution has full force wherever the flag of the Union floats over its soil. It can not and is not denied by the gentlemen on the other side that Puerto Rico belongs to the United States. To maintain that the Constitution is inoperative as to the territory of Puerto Rico is equivalent to contending that it is without force in all other Territories of the United States. It is a well-settled question that the Constitution has full force in all parts of the United States—its supremacy paramount, as all State laws must conform thereto.

In Reynolds *vs.* United States (98 U. S., 162) the court says:

> Congress can not pass a law for the government of the Territories which shall prohibit free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Thompson *vs.* Utah (170 U. S., 346) Justice Harlan said:

> That the provision of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

When California became ours by the treaty of peace and a contest arose over the right of the temporary government set up by the United States to exact duties on imported goods landed at San Francisco, the Supreme Court said:

> By the ratification of the treaty California became a part of the United States.

It is, therefore, Mr. Chairman, evident that the Constitution of the United States is operative and applies to all the Territories of our country, and at this time applicable to our new Territory, Puerto Rico. There the flag waves, and there the Constitution rules through the temporary government established by the Chief Executive under the powers given to him by the Constitution.

Again, Mr. Chairman, he says:

> The Constitution provides that Congress shall have power to make all needful rules and regulations respecting the territory and other property of the United States.

And then proceeds to say:

> It would seem plain that the revenue laws to be applied to Puerto Rico are absolutely within the power of Congress to determine.

The conclusion arrived at by the gentleman from New York is not borne out by the Constitution, which says that—

> All duties, imposts and excises shall be uniform throughout the United States.

There is an express prohibition in this provision that Congress shall not impose unequal duties, imposts, and excises, which can not be changed except by the people through constitutional amendment. Congress has but limited power over the Territories. The instrument which created this body, prescribed and defined, in language unmistakable, its powers, says:

> Congress shall have power to make all needful rules and regulations respecting the territory and other property of the United States.

In Murphy *vs.* Ramsey (114 U. S. Reports), the Supreme Court of the United States held that—

> The power of Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territory to become States in the Union.

Judge McLean says:

> In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit.

Justice Curtis, in considering the clause of the Constitution giving Congress the power to make all useful rules and regulations respecting territory of the United States, said:

> If, then, this clause does contain a power to legislate respecting the territory, what are the limits to that power?
>
> To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

It is therefore evident, Mr. Chairman, that it is not within the power of this House to pass this bill without disregarding the spirit of the Constitution. It can not be contended that we have the power by implication, for that power is confined to all acts not inconsistent with the genius and spirit of the Constitution. The bill, when first presented to the House by the chairman of the committee, provided for the removal of all customs tariffs between the United States and Puerto Rico and to give her products free access to our markets.

It has been openly charged on the floor of this House that no change was suggested until the representatives of the sugar trusts, beet-sugar producers, and tobacco producers gathered about the committee room and importuned for this taxation, fearful, I presume, that the free importation of sugar and tobacco would be a potent factor in not only reducing the price of sugar and tobacco to the consumer, but endangering the life of the trusts by reducing their dividend-declaring powers. It is vicious legislation of this character which has caused trusts and monopolies to grow in our country at the expense of the consumer and honest American laborer whose devotion to flag and country has been proven on every battlefield of the Union.

The sugar trust of this country has sent its representatives to the Committee on Ways and Means to impress upon that body the necessity of placing a tariff on sugar imported from Puerto Rico into the United States.

Before the sugar trust had fully fastened its fangs upon the consumers of the United States good granulated sugar was bought at $3.90 a hundred.

To-day the sugar trust has forced the American people to pay $5.20 to $6 a hundred for the same grade of sugar, a difference of more than $200,000,000 annually to the American people.

From conditions existing at this time throughout our country I believe I am warranted in asserting that a criminal conspiracy exists among the heads and representatives of trusts whereby business is arrested, the consumer impoverished, and the laborer degraded. They strike, Mr. Chairman, at the elective franchise of the citizen. They are not entitled at the hands of an American Congress to special privileges, and Congress ought to restore to the people the equal rights and privileges intended by the Constitution. The special privileges which created and fastened trusts upon the people should be uprooted and forever destroyed. [Applause.]

Paid agents, organizers, and officers of trusts are at this time engaged spreading pamphlets and statements throughout this country in an effort to convince the public that the consumer will receive the benefits of this concentration of capital and business; that the miner, laborer, farmer, and mechanic all are to be benefited through a reduction in the price of articles brought about through the reduced cost of production.

I now hold in my hand a pamphlet, in size about 12 by 15 inches, containing 32 pages, entitled A Memorial to the Congress of the United States from the League of Domestic Producers. A work of art, Mr. Chairman, for in it I find 32 beautiful engravings of various sugar factories, sugar cane and sugar-beet fields throughout this country.

On the first page of this book I find a picture of the largest sugar-beet factory in the world, built by Spreckels Sugar Company, near Salina County, Cal., at a cost of $2,500,000. But, Mr. Chairman, it appears from the wailings of its representatives who appealed to the Committee on Ways and Means that this little company that could only afford to spend $2,500,000 to build the largest sugar-beet factory in the world is yet but a swaddling infant industry and must be protected against the free importation of sugar from the little island of Puerto Rico, now one of the Territories of the United States. When President McKinley sent his message to this Congress, among other things, he said:

Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

The President set forth his reasons why this should be done, and well knew that it was contrary to the spirit and purpose of the Constitution of the United States to continue a tariff between this country and Puerto Rico, a Territory of the United States; and I have no doubt but he was guided in his interpretation of that instrument by the learned opinions delivered by our Supreme Court judges, of which Chief Justice Marshall was one, whose opinion I here present in full:

The eighth section of the first article gives to Congress the power to "lay and collect taxes, duties, imposts, and excises," for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, "to lay and collect duties, imposts, and excises" may be exercised, and must be exercised, throughout the United States.

Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

The leader on the Republican side of this House, in order to carry out the wishes of the President, immediately presented a bill to abolish all tariffs between the United States and the territory of Puerto Rico, and now, to the surprise of the members of this House, and no doubt to the President likewise, offers a substitute for the original bill, reducing the tariff now existing and still continuing a tariff, contrary to the law of our land. To justify his act he says it is done for the purpose of raising revenue for the territory of Puerto Rico, to build the roads, improve the country, and educate the people and prepare them for statehood, and most earnestly denies that the tariff proposed is for the protection of the great American sugar trust. It can not be denied that the gentleman who appeared before the committee represented large interests, when we call to mind that the amount of refined sugar which went into consumption in 1899 was 2,040,676 tons. The American Sugar Refining Company manufactured 1,385,608 tons, the independent refiners but 585,765 tons, the beet-sugar factories, which make refined sugar, 63,368 tons, and the foreign refiners only 5,935 tons.

The importance of further protecting this infant industry is to be considered when we are reminded through the Chicago press of February 24 that a $200,000,000 trust has been in contemplation for some days past, through the consolidation of the American Sugar Glucose Refining Company and all the so-called independent sugar refineries. H. O. Havemeyer, of the sugar combine, has, it is said, secured an option on the Arbuckle Sugar Company, the Doescher concern, and outside plants in Boston and New Orleans, and the purpose is to increase the capitalization from $75,000,000 to $200,000,000.

But, Mr. Chairman, we are told by the leaders on the other side of the House that this bill is for the benefit of the poor Puerto Rican, and not in the interest of the sugar trust; that the sugar trust does not want this bill. In connection with this statement I wish to call the attention of members to the statement of Mr. Oxnard, made before the Committee on Insular Affairs, of which Mr. PAYNE has the honor of being a member. And at this time I will also call attention to the fact that the same Mr. PAYNE presented a bill to this House to abolish all tariffs between the United States and Puerto Rico on January 19, and three days later, on January 22, Mr. Oxnard made the following statement, in a hearing before that committee. In reply to the question "What is your business?" Mr. Oxnard said:

I represent the American Beet Sugar Association, of which I am president, and which comprises thirty of the sugar factories from the Pacific to the Atlantic, in twelve different States.

And continuing, he said:

What we claim is this: While we are perfectly willing to let them come in, we think they will very largely increase their production of sugar and perhaps be a reproduction of what Hawaii did, and we claim they are taking and will take in time a large portion of our markets from us, and we would like to have some tariff put against them.

[Applause.]

I believe, Mr. Chairman, I stated that Mr. PAYNE was there, and here is one of the questions he put to Mr. Oxnard, president of the American Beet Sugar Association:

You have had free sugar from Hawaii all the time?

To which Mr. Oxnard answered:

Yes; but that has more than doubled in the last ten years, and that has hurt us.

Continuing, he said:

I do not claim that the admission of the present sugar—what they are making now—will hurt us so much, but what I claim is large investments will go into Puerto Rico in the sugar business as soon as it is found that these immense profits can be made.

That is the statement of the representative, and president, of the American Sugar Association; and can it be denied that they do not want this tariff after they have appealed to the committee to impose it?

Well may the people, the consumers of sugar, ask, Did the conversion of the other side of this House date from the time that the president of the American Beet Sugar Association appealed to the committee for a tariff on sugar from Puerto Rico?

The organization of trusts, Mr. Chairman, was never meant to benefit the public, and the Supreme Court of the United States, in a recent decision, said:

It is not for the real prosperity of any country that such changes should occur which result in transforming an important business man, the head of his establishment, small though it may be, into a mere servant or agent of a corporation for selling the commodities which he once manufactured or dealt in, having no voice in shaping the business policy of the company and bound to obey orders issued by others. Nor is it for the substantial interests of the country that any one commodity should be within the sole power and subject to the sole will of the combination of capital.

They do not benefit the army of commercial travelers heretofore employed by individuals, manufacturers, and corporations doing a legtimate business under the laws of our country. They are now obliged to seek other employment, as their services have been dispensed with through the organization of trusts, on the pretense, it is claimed, to curtail expenses as a means for reducing the cost of production.

Nearly all commodities controlled by trusts have been advanced from 5 to 100 per cent. The farmer, who pays advanced prices for wire fence, nails, pipes, window glass, plows, harrows—in short, all farming implements; the housekeeper, who pays more for cooking utensils and home necessities; the mechanic and laborer, who fails to receive a proper increase in wages, and the traveling man, who has been dispensed with to enable the trusts to earn large profits to pay unwarranted dividends, can not and will not be deceived; and the power that creates, fosters, and encourages trusts should not receive the indorsement of the American people. [Applause.]

And now, Mr. Chairman, I call the attention of the House to the recommendations of President McKinley to this Congress bearing on this question. He said:

It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected.

The island of Cuba, which used to buy her cattle and tobacco without custom duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products.

Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Mr. Chairman, the situation in Puerto Rico is such as to require the immediate attention of this Congress. In 1898 a tariff was placed on that island for the purpose of obtaining a temporary income for it. The tariff then placed was somewhat better than the Spanish tariff which was in operation prior to 1898, so far as its general provisions are concerned, but it is more hurtful to the island than the old tariff.

Under the Spanish tariff there were concessions in favor of Spain and her colonies; under the present tariff there are no concessions in favor of any nation or colony. Puerto Rico is, therefore, shut out from its natural markets by reason of the change of ownership. The island has been self-supporting; its exports exceeded its imports and became a territory of the United States free of debt. The loss of market through the Cuban and Spanish

tariffs has caused a stagnation in business enterprise, throwing thousands of men out of employment.

Last spring destitution was so great that the General Government gave employment to 20,000 men, building and repairing the roads. The American flag flies all over the island and to-day there is greater suffering than when the insignia of the King of Spain floated from its fortresses. They hailed the advent of our authority with joy. They longed for the "blessings of liberty," which our Constitution insured, and surely it will not be denied them now. Follow the mandates of the Constitution, abolish all tariffs as between the United States and its territories, of which Puerto Rico is one, and contentment, happiness, and fullness will follow in the wake. [Applause.]

The CHARIMAN. The time of the gentleman has expired.

[Mr. DALY of New Jersey addressed the committee. See Appendix.]

Mr. GREEN of Pennsylvania. Mr. Chairman, many important questions must be answered by this Congress. None are more important or more pressing than the framing of legislation for the government of the Sandwich Islands and Puerto Rico and the declaring of the policy which will be pursued in dealing with the people of the Samoan Islands and the Philippine Archipelago. Nearly three months of this session have passed. None of these important questions have been settled.

It is high time that all these questions should be settled. They should not only be promptly settled, but permanently settled by constitutional enactments which shall secure to the people of these countries the greatest happiness and prosperity, and make good our proud boast of being the great apostles of freedom, liberty, and independence, and of not only advocating these principles but of assisting in spreading them throughout the nations of the world.

Legislation for the government of Puerto Rico is especially pressing, owing to the present condition of affairs there. With an area of but 4,000 square miles, with a million of inhabitants, over 800,000 of them white people of mixed nationality—Spanish, Portuguese, French, Italian, English, American, and Irish—fully one-quarter of her people can read and write. All are accustomed to a stable government, are law abiding, and thrifty. They, in large part, follow agricultural pursuits, and have no important manufacturing industries. They are all free and have never been ground down or abused by Spain. They have enjoyed equal representation with the provinces of Spain in her legislative bodies, have been lightly taxed, and had their interests well protected. At the time they became a part of this country by treaty they had not only no public debt, but one million and a half dollars in their treasury.

For the five years from 1892 to 1896, inclusive, the exports were worth nearly $85,000,000, the imports about $70,000,000, leaving a trade balance in their favor of nearly $15,000,000, or about $3,000,000 per annum. The chief products of the island are coffee, sugar, tobacco, and tropical fruits. These articles constitute almost entirely their exports. The coffee grown there is the finest in the world—easily the equal of the Mocha and Java sold in our markets; so fine in quality that almost the entire product found a ready market in Spain and the Spanish possessions, where it went by reason of favorable discriminating tariff duties. In value, the coffee exported exceeded that of all other commodities.

Sugar came next in value. For the past twelve years the average annual production has been about 58,000 tons. The high-grade sugars went largely to Spain and the raw sugars to the United States. In value the exports of sugar were about one-half that of coffee.

The next most important article of production and export is tobacco, about 4,000,000 pounds. Nearly all was exported to Cuba and there mixed with Cuban tobacco and was sold in foreign markets. It is not of a kind such as is grown in this country, but of much higher and finer flavor, suitable for making the highest grade of cigars.

Such is, in brief, our new possession, Puerto Rico, the Pearl of the Antilles. Its people are worthy of American citizenship. In ordinary times it is more than self-supporting. At all times it can pay its way from its own resources. Its products will be of great benefit to our people, and it will furnish a comparatively large market for our cereals and manufactured commodities.

The great hurricanes of last summer brought great distress upon the people of this island, destroying many million dollars' worth of their crops, stored and ready to be marketed, and many million dollars' worth more of their growing crops, besides doing great damage to the coffee, sugar, and tobacco plantations, reducing these people temporarily to poverty and want and making them in part dependent upon the charity of this country for present maintenance and support.

By the high tariff maintained by Spain and Cuba since Puerto Rico became a territory of the United States she has lost her reliable coffee markets and must establish new ones. So also has she lost her old-established markets for sugar and tobacco. To establish new ones is costly and takes time. At the present time she has suffered much by the transfer of her sovereignty from Spain to the United States.

Should any citizen of this country hesitate in saying that under all these conditions our policy in dealing with the people of this newly acquired territory should be most broad and liberal, one which would make them friendly, contented, and happy, and cause them to feel that they had been benefited by their change from the yellow and red flag of Spain to the Stars and Stripes?

We must remember that the people of Puerto Rico came to our soldiers as soon as they set foot on their shores, not with arms in their hands intent upon repelling us and treating us as invaders, but with outstretched arms welcoming us as friends and deliverers. We must also remember that General Miles, the commander of our armies, promised them that they would not only be treated liberally and fairly, but that under our flag they would have the same freedom from taxation and the same rights, privileges, and immunities as were enjoyed by the citizens of the United States; and with this understanding and promise they became our allies and accepted our sovereignty.

This is not the time nor this the subject for patchwork legislation; this is not the time to sacrifice the interests of these people at the beck and nod of those selfish combinations who control the sugar and tobacco trusts in the United States.

This is not a partisan question, but a national question, neither in the interest of nor for the advancement of the success of the Republican, Democratic, or Populistic parties. It will only become a partisan issue as you who control the majority of this House of Congress by your action make it partisan.

I congratulate the Democratic members of this House who have already preceded me on the straightforward stand they have taken. I congratulate those on the Republican side who have publicly registered their determination to treat the people of Puerto Rico as part and parcel of the people of the United States, and I congratulate the President of the United States on his declaration, which says, in language too plain to be mistaken by our plain people:

> That our plain duty is to abolish all customs and tariffs between the United States and Puerto Rico and give her products free access to our markets.

I congratulate the Secretary of War on the declaration, made in his recent report, as follows:

> The question of the economic treatment of the island underlies all the others. If the people are prosperous, and have an abundance of the necessities of life, they will, with justice, be easily governed, and will, with patience, be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous.
>
> The principal difficulty now on the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live on the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their products are in the main coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products. I most strongly urge that the custom duties between the United States and Puerto Rico be removed.

When I read this declaration of President McKinley in his message to this Congress, and when I read the declarations of his Secretary of War, I naturally believed they could be relied upon as having been made with full knowledge of the premises and were sincere; and I have continued to place implicit trust and confidence in the integrity and reliability of their declarations until their truth and sincerity were directly challenged by the Washington Birthday declaration of the gentleman from Ohio [Mr. GROSVENOR]. He shocked me by the blunt statement that no matter what the President of these United States had said to Congress, his statement in that message was insincere or unreliable, and that if any Republican member of this body doubted the fact that the President now no longer adhered to the doctrine that it was both right and expedient that the products of Puerto Rico should be admitted into this country free and that our products should go into their ports free, he had only to visit the White House and be assured that such was the fact.

This startling declaration challenged attention; it amounted to an arraignment of the President's public declaration and practically accused him of practicing deception. Although it was known that the gentleman from Ohio was close to the President, it was hard to believe that the head of the Government was insincere or untruthful.

I could not credit the statement that in the most public manner the President should demand that we should give free trade to Puerto Rico; that this should be followed by the more detailed statement of the Secretary of War recommending the same action, a statement which by its very detail showed that less than three months ago accurate information of the conditions existing on the island had been gathered and, after mature deliberation, free trade for its products had been advised on the grounds that it would be beneficial to the people residing there;

that such action, and such action alone, would be fair to them and assure their happiness and prosperity and make them contented—and that now, without any known changed conditions, by whisperings in ears of members of this body in the secret recesses of the White House, entirely different action should be advised. I hardly even now can give credit to this declaration of the gentleman from Ohio.

Yet it is but fair to say that I was informed by a Republican member sitting near me when the statement was made that he had called upon the President and been asked to support the measure in its present form. Taking this latter statement to be true, an explanation of this change of front becomes necessary—an explanation that will explain.

The President is put in the dilemma that he either did not know what he was talking about when he published his message or that he had weakly yielded to the influences which notoriously were pressing to have this tariff tax imposed—the sugar and tobacco trusts of this country.

If the declaration in his message was made in ignorance of the conditions existing on the island or in ignorance of what was for the best interests of its inhabitants, what right has this Congress to follow his advice and recommendations on any other inportant question?

If he has yielded to the importunities of the sugar and tobacco trusts and is willing now to oppress people of this country already reduced to a suffering condition by misfortune beyond their control, for the mere purpose of adding dollars to the already large profits of the owners and managers of these trusts, what faith can the people of the United States place in any declaration he or his party may make of their antagonism to monopolies and trusts?

By their fruits ye shall know them—acts always speak louder than words.

The leaders of the Republican party in this body, when all this had been plainly shown and when their attention was called to the fact that the original bill which they had introduced, in line with the declaration of the President's message and with that of the Secretary of War, gave free trade to Puerto Rico, felt bound to offer some explanation. They saw the dilemma their change of front had placed them in; they saw the danger of making a clean breast of it and admit that they had surrendered to the importunities of these trusts; so they attempted to excuse their action by laying it to changed conditions. Although repeatedly asked to inform this body what these changed conditions were, they have been absolutely unable to mention a single important change in the conditions existing on that island. There are changed conditions existing now, but not changed conditions in Puerto Rico. These changed conditions can be summed up in one word: Sugar—cane sugar, beet sugar, any other kind of sugar. Whatever kind of sugar it may be the people of the United States can and will judge for themselves. I do protest against these men standing up in this body and declaring that they are imposing this tariff tax in the interest of and solely for the benefit of our unfortunate people inhabiting these islands. I protest against their posing as good Samaritans to the people of Puerto Rico when they are only subservient tools of these selfish sugar and tobacco interests.

I challenge the sincerity of these declarations that they have solely at heart the interest of these islanders, when the people whom they pretend to benefit deny that the imposition of these duties will benefit them, and protest against their imposition, assuring us that they will injure them. Neither the people of Puerto Rico nor the other people of this great country want these taxes imposed. Would you know on what ground I make the statement that this tax has been imposed at the instance of the sugar and tobacco monopolies? It is admitted that their agents appeared before the Ways and Means Committee, protesting against the free-trade provisions of the original bill and secured the pending measure.

The declarations of the chairman of this committee that when a beet-sugar factory was located in every Congressional district we would see the virtue of the imposition of this tariff sufficiently shows to me the true reasons for making this sudden change.

And it is for this reason that I protest against this bunco game which is attempted to be played upon not only our people of Puerto Rico, but on all our people.

I would have thought the manipulators of this scheme were braver men if they had plainly and frankly given their real reasons for the change.

Although it is admitted that the passage of proper legislation on this subject is urgent, they can not, on their own showing, deny that the constitutionality of the pending measure is, to say the least, doubtful, and will have to be passed upon by the Supreme Court.

The best lawyers of this body have, to my mind, conclusively proved that the provisions of this bill are in two important particulars against the mandates of the Constitution. They are briefly as follows: The duties imposed upon commodities shipped from one part of the United States to another part of the United States are in reality export duties—whether collected at the port of shipment or at the port at which they are received—in direct contravention of section 9, paragraph 5. "No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

Congress by the passage of this act would be acting in contravention also of section 8, paragraph 1:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

It seems to me to be foolish to contend that after we have received Puerto Rico by treaty as a part of the United States, and as such are in the very act of legislating for her people, that she is not a part of these States. If she is not, what on earth is she part of, or to what country does she belong?

By passing this unconstitutional bill, or, for the sake of argument, say this probably unconstitutional bill, are we not making a fine beginning in our dealings of this newly acquired possession. If, after it goes into operation, and expensive machinery is set in operation for the collection of these tariffs, the Supreme Court should declare the law to be unconstitutional, what a spectacle this Congress would present, not only to the people of Puerto Rico, but to the eyes of the world. And we would be forced to pay back these duties to those from whom they were collected, even perhaps after they had been expended for improvements on the island.

What possible harm could be done to anyone if we established absolute free trade between Puerto Rico and the balance of the United States? This is what her people want. This, I believe, is what our people want, for it will give them cheaper sugar and cheaper tobacco of a high grade. Let us see whether the admission of sugar would materially cripple the growers of sugar or tobacco in this country.

In 1898 the total importation of sugar into this country, including that coming from Puerto Rico, was 1,344,900 tons. Statistics show there is an annual increased consumption, by reason of growth of population chiefly, of 100,000 tons. Puerto Rico, before the destruction of her plantations, produced an average of 58,000 tons. By improved methods of production and treatment of the cane we may count upon an annual increase of not more than 5,000 tons a year, and that would be limited to ten years. The utmost limit of her production would never be more than 100,000 tons—not as much as the increased consumption of the United States in a single year. The trusts would not be very much damaged, surely.

Take tobacco. About 4,000,000 pounds in good seasons would come to the States. The tobacco is of superior quality, of high flavor, usually sold to us as Habana; for, as I have said, it heretofore was largely shipped to Cuba, mixed with that tobacco, and sold to our dealers as Habana. Our cigar manufacturers could afford to give a much better cigar for the money our people are paying now, thereby increasing their production and enlarging their trade, and could afford to pay better wages to those who work for them.

Besides this, it would greatly assist in securing for us an export trade in high-grade manufactured cigars, and we are surely looking to extend our commerce. It does not come into competition with the cheaper grades of tobacco raised in the States of the Union. As for the people of the island of Puerto Rico, they will receive more for their commodities to the extent of the tariff which, under this bill, they are forced to pay; they can pay their labor better wages; they can the better pay the taxes necessary to be raised to run their local government and maintain their local institutions, including their schools, as well as make new permanent improvements.

If through present misfortune they need ready money now beyond the amount they are reasonably able to contribute for permanent improvements, I see no great objection to their being permitted by proper legislation to raise money by a temporary loan and pay it off gradually under the sinking-fund process. The States do that now, the municipalities do that now, when extensive permanent improvements are made. It is perfectly proper that those who in the future will enjoy these improvements shall contribute to their payment.

Besides this, the people of Puerto Rico have raised money in emergencies this way before, and are willing and desire to meet present necessities in this way. Why shall we interpose objection and seek to hamper them with tariff taxes under the plea that we wish to build new schoolhouses for them and extend their educational facilities, already in quite an advanced state of development?

What is our plain duty at this time? Adhere to the Constitution strictly construed; by our legislation prevent any questions from arising which shall require the delays and decisions of the

Supreme Court; prevent the possibility of wasting money in collecting taxes which we will have to pay back again with interest; treat our new people as brothers and friends, and deal with them with an eye single to their interests and their interests alone; show them that to live under the Stars and Stripes means liberty, independence, happiness, prosperity; show them that we keep the promises made by the head of our Army, by which they came under our control and protection; show them that we do as we profess, and that no selfish clique of men banded together in monopolies and trusts can control our legislation. If we do this we have done our full duty. If we do otherwise we should hang our heads in shame. [Loud applause.]

Mr. GILBERT. Mr. Chairman, the question now before this Committee of the Whole House is as to the right of Congress to levy import duties upon goods coming into this country from Puerto Rico. The pending bill proposes to impose a tax of 25 per cent of the duties now collected from goods coming in from foreign countries upon all goods coming into this country from Puerto Rico. There are other questions presented of minor importance, and I shall confine what I have to say to this main question.

The Constitution plainly provides that "all duties, imposts, and excises shall be uniform throughout the United States." It is admitted upon every hand that since the treaty of Paris Puerto Rico has become a territory of the United States. But it is now gravely contended that a territory of the United States is no part of the United States and that Congress may legislate for these territories without being restricted by any of the provisions of the Constitution. The ground upon which this claim is predicated is founded upon this language of the Constitution:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Our contention is that under this last provision Congress can make only such needful rules and regulations as the Constitution authorizes.

The other side of this House is insisting upon a new and to me a most startling and dangerous proposition, and that is that as to the Territories Congress is absolute and unrestrained. It is seriously argued that as to this territory Congress has that omnipotent power and divine right possessed by kings, lords, and commons and may enact laws for Puerto Rico directly in conflict with this Constitution. I say this to me is a new and dangerous doctrine. You have, in my judgment, no more right under the Constitution to charge impost duties upon goods coming from Puerto Rico than you have to charge for goods coming from Arizona, New Mexico, or from any other of the Territories of the United States.

This Government never in its history has imposed any tax upon goods coming from any of the Territories into the States; and the reason is Congress has never until this session believed it had the right to do so. No decision of the Supreme Court can be found to sustain or countenance such a right. Those who maintain that Congress is omnipotent in the Territories will be driven by the logic of their position to contend that, although the Constitution proclaims that Congress shall make no law respecting the establishment of religion, this applies only to the States, and that, notwithstanding this provision, Congress may pass a law making all of the inhabitants of this island worship at some particular shrine and pay taxes to support some particular religion. The Constitution proclaims, "No title of nobility shall be granted by the United States."

But the advocates of this bill proclaim that this only applies to the States and not to the Territories and that Congress may make dukes, earls, and counts in Puerto Rico.

The Constitution proclaims that—

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury, etc.

But the advocates of this bill proclaim that Congress may deny a trial by jury to the people of this island and that Congress may build there a Bastile or a Kremlin and place persons therein and keep them to rot without a hearing or a trial. If there is no Constitution to restrain us, we can oppress and enslave our subjects as England does hers.

It is nonsense to say that Congress is too civilized and too humane to maltreat these poor people. That may be so, but I doubt if we are personally any more gentle or humane than the members of the British Parliament. We do not know what Congress might do if all constitutional limitations are withdrawn. We know that England has for more than one hundred years browbeaten, oppressed, and tyrannized over the Emerald Isle. We know that bonfires of welcome were lighted in London for the Sultan of Turkey at the very time he owned and kept eleven palaces, every one of which was a seraglio filled with hundreds of the fairest damsels that could be gathered from the slave markets of Circassia as well as from the homes and firesides of his own countrymen. We know that the British Parliament sustained the unspeakable Turk while engaged in the massacre of hundreds of thousands of Christian Armenians.

We know that this Parliament not only declared war against our ancestors and tried to oppress them, but, not satisfied with ordinary war, armed the savages, filled them with whisky, and turned them loose to murder and scalp the women and children that were left unprotected upon our western frontier.

Nor is it true that this omnipotent Parliament is any more humane to-day than it was during the last century. England to-day keeps a standing army in Egypt to collect taxes, and she collects an annual tax of 40 per cent of the products grown in the rich valley of the Nile, and even the silent statues of Memnon threatened to become again vocal to denounce the hard and pitiless oppressor of that ancient land.

We shall not follow in the footsteps of England. We have a Constitution, we have a Government of limited power, and by that Constitution we will stand, even though the heavens fall.

Why, the fourteenth amendment alone settles this question. It provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

This amendment was added to the Constitution long after Chancellor Kent and Judge Story wrote their Commentaries and settles for all time the preposterous claim of absolute power anywhere.

In the case of Strander *vs.* West Virginia (100 U. S., 310) the Supreme Court construed this amendment, and Mr. Justice Strong, in rendering the opinion of the Court, uses this language:

> The fourteenth amendment makes no attempt to enumerate the rights it designed to protect. It speaks in general terms, and those are as comprehensive as possible. Its language is prohibitory; but every prohibition implies the existence of rights and immunities, prominent among which is an immunity from inequality of legal protection, either for life, liberty, or property.

Pursuant to this fourteenth amendment, section 1977 of the United States Revised Statutes was enacted. This statute provides:

> All persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and to enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

Will some lawyers on the other side of this House stand up and tell me that this statute is unconstitutional when it follows the very language of the Constitution and extends the equal protection of the laws to all the Territories?

Again, the Supreme Court said, in the case of Virginia *vs.* Rives (100 U. S., 317), speaking of this amendment and this statute:

> They enact that all persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and enforce contracts and shall have all the rights of person and property and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind.

The gentleman from Pennsylvania [Mr. DALZELL] admitted that the United States could not institute slavery in Puerto Rico because in the thirteenth amendment new language appears for the first time. Article XIII reads:

> Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

The new words are:

> Or any place subject to their jurisdiction.

He says this amendment does extend into the Territories, and that it is the only part of the Constitution that does extend into Territories. His argument is that these words are here introduced for the first time into the Constitution. That is true, but this is not the last time these words occur in the Constitution. In the fourteenth amendment are the words:

> Nor deny to any person within its jurisdiction the equal protection of the laws.

It is true this amendment is expressly prohibitory to the States. But certainly no lawyer will contend that Congress, since the adoption of the fourteenth amendment, can, within its jurisdiction, deny to any person the equal protection of the laws. And besides, we have just seen that every prohibition to the States carries an implied right to every person and is a guaranty in all the States and in all the Territories to every person of the equal protection of the laws.

The significant words now come back to grieve those who were in such hot haste to make the Southern slave, fresh from the cotton fields, a citizen and a voter. The Supreme Court again said, speaking of these amendments (ex parte Virginia, 100 U. S., 345):

> They were intended to be what they really are, limitations of the power of the States and enlargements of the power of Congress. Congress is authorized to enforce these amendments by appropriate legislation.

It is thus made the duty of Congress to see to it that no person within the States or Territories is denied the equal protection of the laws. Again, the Supreme Court said the word "person" in the fourteenth amendment includes corporations, whether created by Congress or by the legislature of the State. (Santa Clara County *vs.* Southern Pacific Railway Company, 118 U. S., 395; Smyth *vs.* Ames, 169 U. S., 466.)

So that the very moment Congress incorporates a railroad company or a bank to do business in Puerto Rico such corporations at once become persons clothed with the protecting arms of the Constitution and the laws. The very moment an American citizen goes into the ports of Puerto Rico with goods, or lands upon the island and builds a house, he becomes entitled to this all-pervading sweep of the Constitution and is entitled to the equal protection of the laws. Nay, more; the very moment Puerto Rico becomes a Territory of the United States every negro upon that island stands under the protection of the American flag and is entitled to the equal protection of the laws. The Supreme Court has not left us to guess out even this question.

In the case of Yick Wo *vs.* Hopkins (118 U. S., 356) that court again said:

The provisions of the fourteenth amendment extend to all the States and Territories within the jurisdiction of the United States.

The fourteenth amendment to the Constitution is not confined to the protection of citizens. It says:

"Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

These provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws. It is accordingly enacted by section 1977 of the Revised Statutes that: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

The questions we have to consider and decide in these cases, therefore, are to be treated as involving the rights of every citizen of the United States equally with those of the strangers and aliens who now invoke the jurisdiction of the court.

One of the most distinctive powers conferred upon the Federal Government by the Constitution is the power to make treaties with foreign nations, and yet every lawyer knows that if the terms of a treaty conflict with the terms of the Constitution the treaty must give way and the Constitution stands as the supreme law. Why is this? Because the Government of the United States is always and everywhere a government of limited powers. It is always and everywhere a Government limited by the terms of the Constitution, and when this Government exercises its highest functions of sovereignty and nationality, when treating with foreign countries, it goes with the Constitution in its hands and says, here are the limitations of power and this the charter party under which it sails into every port. Certainly the Territories have until now always been regarded as a part of the United States.

Chief Justice Waite rendered the unanimous decision of the Supreme Court in the case of National Bank *vs.* Yankton (101 U. S., page 133), and the court there said:

All Territories within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which countries bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations.

The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly, or by implication, reserved in the prohibitions of the Constitution.

Will anybody argue that the State has absolute and despotic powers over the counties not restrained by any constitutional limitations? "Congress," say the court "may legislate for the Territories just as States may legislate for their own municipalities." So just as the State is bound by the Constitution, Congress is also in dealing with the Territories.

In the constitution of Kentucky and many other States a provision like this is found:

Absolute and arbitrary power over the lives, liberty, or property of the citizen exists nowhere in a republic, not even in the largest majorities.

These States were admitted into the Union by Congress with these provisions in their constitutions, and Congress has thereby frequently announced the truth that arbitrary power exists nowhere in this Republic. Indeed this doctrine has been frequently announced by our highest court. Thus in the great and leading case of McCulloch *vs.* State of Maryland (4 Wh., 405) Chief Justice Marshall said:

This Government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was defending before the people, found it necessary to urge. The principle is now universally admitted.

The States can not exercise supreme arbitary power, for the obvious reason that they surrendered many of the functions of government to the United States, as set forth in the Constitution. The United States can not exercise absolute arbitrary power either in the Territories or elsewhere, because it is itself always and everywhere a Government of limited powers.

In the famous Dred Scott case all the court agreed to this proposition, and there said:

But the power to admit new States includes the power to acquire territory to be admitted as a State when in a suitable condition, and consequently includes the power to maintain a government there in the meantime. The territory being a part of the United States, the Government and the citizens both enter it under the authority of the Constitution, with their respective rights defined and marked out. (Scott *vs.* Sanford, 60 U. S., 393.)

The case of Loughborough *vs.* Blake (5 Wh., 319) is directly in point. The Supreme Court there said:

The eighth section, first article, of the Constitution gives to Congress the power to lay and collect taxes, duties, imposts, and excises for purposes thereinafter mentioned. The grant is general, without limitations as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States."

It will not be contended that the modifications of the power extend to places to which the power itself does not extend. The power, then, to lay and collect taxes, duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or any Territory west of the Missouri is not less within the United States than Maryland and Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one case than in the other.

Then the power to lay and collect taxes, which includes direct taxes (which was the question in that case), is obviously coextensive with the power to lay and collect duties, imposts, and excises; and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

In England, from whence most of our legal principles and legislative notions are derived, the authority of the Parliament is transcendent and has no bounds.

The power and jurisdiction of Parliament—

Says Sir Edward Coke—

is so transcendent and absolute that it can not be confined, either for causes or persons, within any bounds. And of this high court—

He adds—

it may be truly said: "Si antiquitatem spectes est vetustissima; si dignitatem, est honoratissima; si jurisdictionem, est capicissima."

It has sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws concerning matters of possible denominations, ecclesiastical or temporal, civil, military, maritime, or criminal, this being the place where that absolute despotic power, which must in all governments reside somewhere, is intrusted by the constitution of that Kingdom. All mischiefs and grievances, operations and remedies that transcend the ordinary course of the laws are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the Crown, as was done in the reign of Henry VIII and William III.

It can order the established religion of the land, as was done in a variety of instances in the reigns of Henry VIII and his three children. It can change and create afresh even the constitutions of the Kingdom and of Parliaments themselves, as was done by the act of union and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call its powers, by a figure rather too bold, the omnipotence of Parliament. True it is that what the Parliament doth no authority upon earth can undo.

From this passage it is evident that in England the authority of the Parliament runs without limits and rises above control. It is difficult to say what the constitution of England is; because, not being reduced to written certainty and precision, it lies entirely at the mercy of the Parliament; it tends to even governmental exigency; it varies and is blown about by every breeze of legislative humor or political caprice.

Some of the judges in England have had the boldness to assert that an act of Parliament made against natural equity is void; but this opinion contravenes the general position that the validity of an act of Parliament can not be drawn into question by the judicial department. It can not be disputed and must be obeyed. The power of Parliament is absolute and transcendent; it is omnipotent in the scale of political existence. Besides, in England there is no written constitution, no fundamental law, nothing visible, nothing real, nothing certain, by which a statute can be tested. In America it is widely different. Every State in the Union has its constitution reduced to written exactitude and precision.

What is the Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established.

The Constitution is certain and fixed; it contains the permanent will of the people and is the supreme law of the land; it is paramount to the power of the legislature, and can be revoked, be altered, only by the authority that made it. The life-giving principle and death-doing stroke must proceed from the same hand.

What are legislatures? Creatures of the constitutions, they owe their existence to the constitutions; they derive their power from the constitutions; it is their commissions; and therefore all their acts must be conformable to it, or else they will be void. The Constitution is the work or will of the people themselves in their original, sovereign, and unlimited capacity.

Law is the work or will of the legislatures in their derivative and subordinate capacity. The one is the work of the creator and the other of the creature.

The Constitution fixes limits to the exercise of legislative authority, and prescribes the orbit within which it must move.

In short, gentlemen, the Constitution is the sum of political system, around which the legislative, executive, and judicial bodies must revolve.

Whatever may be the case in other countries, yet in this there can be no doubt that every act of the legislature repugnant to the Constitution is absolutely void.

These are the arguments advanced by the Supreme Court in the great case of Vanhorne's Lessee *vs.* Dorrance.

I am opposed to this whole imperial policy, even if there were no constitutional objections. No empire ever civilized any people in the world's history. Sardanapalus put the torch to his own palace and destroyed treasures, concubines, and all. But the historian tells us that less than 5 per cent of the people owned all the property and held in bondage all the balance of the population. When Cæsar fell at the foot of Pompey's Pillar there was not a school for the education of children outside of the patrician class in all the Empire, and Brutus himself was lending money at 48 per cent and owned more than 10,000 white slaves.

When Napoleon was carried to St. Helena he left Europe covered with two millions of freshly made graves, and not a survivor of all his wars had been made freer or better by his campaigns. Our great Constitution has come to us through centuries of strife, treasure, and blood. Its great purpose was to insure the blessings of liberty to us and to our posterity, and let us stand by it. This nation, said Mr. Lincoln, can not last half slave and half free. The citizen is himself not wholly free who owns a slave. So this country can not remain a great Republic and at the same time hold in subjection those alien and oriental races. Make them Territories now, and in a few years some political party will clamor to make them citizens and voters. This you now say is impossible.

At the beginning of the war no Republican would have thought of taking the millions of negroes from the cotton fields of the South and in a few years making them not only citizens and voters but filling the halls of the legislatures of the Southern States with them. That carnival of ignorance and crime no good man wants to see repeated. So let this wild march of imperialism stop now before it is too late. England has not civilized the Egyptian, the Australian, nor the Hindoo. We have not civilized the Indian, the negro, nor the Eskimo, and we will not civilize either the negroes of Puerto Rico or the Malays on the other side of the earth.

I am very well aware that new members, like small boats, are expected to keep close to shore. I am also aware that it was the cackling of the geese that warned the sleeping sentinels that the barbarians were scaling the walls of the capitol.

The march of imperialism is going right on. A handful of English capitalists control our financial system and a handful of American millionaires are talking about an Anglo-American alliance. But these flunkies to the British Crown are not the American people and are not even in sympathy with the American people.

I am opposed to increasing the opportunities for the millions of negroes in Puerto Rico and the 10,000,000 Asiatics in the Philippines of becoming American citizens and swarming into this country and coming in competition with our farmers and mechanics and laborers. We are trying to keep out the Chinese with one hand, and now you are proposing to make Territories of the United States out of Puerto Rico and the Philippine Islands, and thereby open wide the door by which these negroes and Asiatics can pour like the locusts of Egypt into this country.

I say keep them all out. We can not even civilize the Chinese within our borders and who have been here for fifty years. These Chinese will wear pigtails, eat rats, worship Confucius, and die steeped in the dreams of the elder ages in spite of all the churches and schools that are around and about them.

And I am opposed to even risking that heritage of liberty for us and our children by throwing away the Constitution and trampling under our feet the practice and precedents of more than one hundred years. [Loud applause.]

[Mr. GORDON addressed the committee. See Appendix.]

Mr. JETT. Mr. Chairman, that concludes the list of gentlemen who desire to be heard on this side this evening.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BOUTELL of Illinois having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8245, had come to no resolution thereon.

And then, on motion of Mr. PAYNE (at 9 o'clock and 35 minutes p. m.), the House adjourned until 11 o'clock to-morrow, Saturday.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 8072) for the preparation of a site and erection of a pedestal for statue of late Maj. Gen. George B. McClellan, reported the same without amendment, accompanied by a report (No. 423); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4008) to establish a light and fog signal to mark the main southern entrance of the new breakwater at Buffalo, N. Y., reported the same with amendment, accompanied by a report (No. 426); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 282) extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887, reported the same without amendment, accompanied by a report (No. 425); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," reported the same without amendment, accompanied by a report (No. 427); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1243) for the relief of the owner or owners of the schooner *Bergen*, reported the same without amendment, accompanied by a report (No. 424); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROUT: A bill (H. R. 8855) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: A bill (H. R. 8856) amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes"—to the Committee on Indian Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 8874) to extend the anti-contract-labor laws of the United States to Hawaii—to the Committee on the Territories.

By Mr. PEARRE (by request): A bill (H. R. 8875) to incorporate the District Patrol and Alarm Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 185) prohibiting the transportation of barbed fence wire, wire nails, and other products of the American Steel and Wire Company from one State to another—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: A concurrent resolution (H. C. Res. 20) requesting Secretary of War to submit an estimate of cost of dredging 114,000 cubic yards necessary for the improvement of Beach Thoroughfare, New Jersey—to the Committee on Rules.

By Mr. LOUD: A resolution (H. Res. 161) providing a rule for the consideration of H. R. 6071, to amend the laws relating to second-class matter—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 8857) for the relief of Joseph Goodman—to the Committee on Military Affairs.

Also, a bill (H. R. 8858) for the relief of Hugh L. Bowlin—to the Committee on Military Affairs.

Also, a bill (H. R. 8859) for the relief of Henry J. Manis—to the Committee on Military Affairs.

By Mr. DAVIS: A bill (H. R. 8860) for the relief of A. T. Triay—to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 8861) granting a pension to Robert Leonard—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 8862) granting an increase of pension to Hiram Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8863) granting an increase of pension to Samuel Packman—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 8864) for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

Also, a bill (H. R. 8865) to pension Elizabeth Corrie—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 8866) granting an increase of pension to Wayman J. Crow—to the Committee on Invalid Pensions.

By Mr. WILSON of South Carolina: A bill (H. R. 8867) for the relief of the McCreery Land and Investment Company—to the Committee on War Claims.

Also, a bill (H. R. 8868) for the relief of James S. Eichelberger—to the Committee on War Claims.

Also, a bill (H. R. 8869) granting an increase of pension to Mrs. E. C. Steele—to the Committee on Pensions.

Also, a bill (H. R. 8870) granting a pension to Mrs. L. Hames—to the Committee on Pensions.

Also, a bill (H. R. 8871) for the relief of William Lockhart, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8872) for the relief of A. O. Garvin, of Union County, S. C.—to the Committee on War Claims.

By Mr. PEARRE (by request): A bill (H. R. 8873) for the relief of George Ivers, administrator of William Ivers, deceased, late of Santa Fe, N. Mex.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Union Labor League, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

By Mr. ALEXANDER: Petition of Josephine Luelssniger and other trained women nurses, of Buffalo, N. Y., favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

By Mr. BULL: Protest of the Board of State Charities and Corrections of Rhode Island, against the passage of bills to forbid the interstate transportation of prison-made products—to the Committee on Labor.

By Mr. CAPRON: Protest of the Board of State Charities and Corrections of Rhode Island, against the passage of bills to forbid the interstate transportation of prison-made products—to the Committee on Labor.

By Mr. DALZELL: Petitions of Louis Brehm, Frederick Sherer, and other druggists, of Pittsburg, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of United Labor League of Western Pennsylvania, urging the passage of House bill No. 5450, to protect free labor from prison competition—to the Committee on Labor.

Also, petition of Association of American Knit Goods Manufacturers, Philadelphia, Pa., protesting against the ratification of the reciprocity treaty with France—to the Committee on Ways and Means.

By Mr. FLETCHER: Resolution of the St. Paul Trades Labor Assembly, of St. Paul, Minn., favoring the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi River, in the State of Minnesota—to the Committee on the Public Lands.

By Mr. FOSS: Petition of Brunot Batt and other druggists of Chicago, Ill., relating to the stamp act on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. FOSTER: Papers to accompany House bill No. 8809, relating to the demand for indemnity from Spain for the unlawful arrest and imprisonment of August E. Gans, of Illinois—to the Committee on Foreign Affairs.

By Mr. GAINES: Papers relating to the claim of William T. Crusen, administrator of the estate of Jacob Crusen, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the United Labor League of Western Pennsylvania, A. R. Thornburg, president, in favor of House bill No. 5450, to protect free labor from prison labor—to the Committee on Labor.

Also, petition of the League of American Sportsmen, urging the passage of House bill No. 6634, for the better protection of song and insectivorous birds, the game birds, and game animals—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of the Board of Trade of St. Johnsbury, Vt., George H. Cross, president, favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill No. 1957, to remove the charge of desertion from the record of Norris W. Silver, alias Charles W. Nichols—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Hiram Perkins—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 4414, granting a pension to Adaline Powell, of Strafford, Vt.—to the Committee on Pensions.

By Mr. HENRY of Connecticut: Resolutions of the New Haven (Conn.) Chamber of Commerce, for competing cable facilities between the United States and Cuba, etc.,—to the Committee on Insular Affairs.

By Mr. LACEY: Memorial of the Empire State Society of Arizona, in favor of statehood for Arizona—to the Committee on the Territories.

By Mr. McDOWELL: Petition of Francis W. Shepardson and others, asking that Rev. T. J. Sheppard be placed on the roll of Army chaplains—to the Committee on Military Affairs.

By Mr. McRAE: Resolutions of the Commercial League of Fort Smith, Ark., relating to the condition of affairs in Indian Territory—to the Committee on Indian Affairs.

By Mr. METCALF (by request): Resolutions of citizens of Oakland, Cal., in relation to the war in South Africa—to the Committee on Foreign Affairs.

Also, petition of Delancey J. Macdonald and other clerks of the Oakland (Cal.) post-office, praying for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Carpenters and Joiners' Union No. 36, of Oakland, Cal., relating to public lands—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., in relation to the consular service—to the Committee on Foreign Affairs.

Also, resolutions of San Francisco (Cal.) Chamber of Commerce, calling for an increase in coast artillery—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the reciprocity interests of the country—to the Committee on Ways and Means.

By Mr. NOONAN: Petition of W. H. Cramer, druggist, and others, of Chicago, Ill., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of Robert W. Davidson and other employees of the Milwaukee (Wis.) post-office, praying for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS: Resolutions of the New England Shoe and Leather Association, Boston, Mass., favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

By Mr. SPRAGUE: Petition of Post No. 26, Grand Army of the Republic, Department of Massachusetts, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. STARK: Papers to accompany House bill No. 7812 granting a pension to Lydia Strang, of Osceola, Nebr.—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Resolution of the St. Paul Trades and Labor Assembly, of St. Paul, Minn., urging the passage of a certain bill for the establishment of a national park at the head waters of the Mississippi in the State of Minnesota—to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., urging the adoption of the recommendations of the Postmaster-General in regard to the abuses of second-class postage—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the St. Paul Trades and Labor Assembly, of St. Paul, Minn., urging the passage of House joint resolution No. 33, to regulate the employment of enlisted men in competition with civilians—to the Committee on Labor.

By Mr. YOUNG of Pennsylvania: Petition of the Cigar Leaf Tobacco Board of Trade, in relation to duties on merchandise deposited in public or private bonded warehouses, etc.—to the Committee on Ways and Means.

Also, resolutions of the council of the American Society of Mechanical Engineers, urging certain improvements to increase the efficiency of the United States Patent Office—to the Committee on Patents.