

Sidney W. Brewster, of Michigan.
 Paul E. Chamberlin, of Virginia.
 Douglas C. McDougal, of California.
 Albert N. Brunzell, of Idaho.
 Presley M. Rixey, of Virginia.
 T. Edward Backstrom, of Mississippi.

Assistant paymaster in the Navy.

Ray Spear, a citizen of Washington, to be an assistant paymaster in the Navy, from the 19th day of February, 1900.

Colonel in the Marine Corps.

Lieut. Col. William S. Muse, to be a colonel in the United States Marine Corps, from the 31st day of January, 1900.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 27, 1900.

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

The Journal of the proceedings of yesterday was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair, for the further consideration of the bill H. R. 8245.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

Mr. CARMACK. Mr. Chairman, the head of the President's Philippine Commission, Mr. Schurman, in a lecture delivered some weeks ago, frankly admitted that the new policy upon which we are about to enter involves a serious shock to all our national traditions and habits of thought, and even to the venerable Constitution itself. This bill, Mr. Chairman, is the first shock which the authors of this new policy have prepared for the Constitution.

It is difficult to escape the conclusion that it was prepared trusting to the complaisance of the Supreme Court and its readiness to overturn, as it did in the income-tax decision, the law and the precedents of a hundred years. The gentleman from Pennsylvania [Mr. DALZELL] frankly admits that if the Constitution is to cover all our new possessions, as it has covered all of the territory we have acquired in the past, then the new policy is a stupendous mistake.

The President of the United States, speaking with reference to the Philippine Islands, declared that—

Our priceless principles undergo no change beneath a tropical sun.

The theory of the gentleman from Pennsylvania and of his associates is that we must either abandon our "priceless principles" or abandon our new possessions, and that is the issue which is now presented to this House. We can not fail to regard this bill, Mr. Chairman, in the light of the frank forewarning given us by the late head of the Philippine Commission, that this new policy premeditates a deliberate assault on the Constitution and a revolution in the character and principles of our Government.

The chairman of the Ways and Means Committee, the distinguished gentleman from New York [Mr. PAYNE], wants this bill as a precedent because he is alarmed at the prospect of free trade with the pauper labor of the Philippine Islands.

Why, Mr. Chairman, we have been dazzled by the accounts of the great addition to be made to our trade and commerce by reason of our new possessions; and yet here at the very threshold gentlemen on the other side start back affrighted and appalled lest the very trade to which they have looked with such covetous eyes shall bring destruction to American labor and American industry.

We have been told that our possessions would open splendid opportunities for American capital and American enterprise; but let me ask, Mr. Chairman, how shall we encourage American capital or American enterprise to seek employment in Puerto Rico or the Philippine Islands if we deny them access to the markets of the United States?

This, then, is your dilemma. If you adopt a policy which will encourage American capital to develop the resources of Puerto Rico and the Philippines, you bring them into dangerous competition with American industry. If you adopt a policy that will shut off this competition, then you make it impossible for American capital to find profitable employment there. What, then, is left, Mr. Chairman, except to treat these colonies as Spain treated them, to turn them over as the spoil and prey of carpet-bag adventurers who will be sent there to feed like buzzards upon the dead prosperity of a conquered province?

Mr. Chairman, I do not intend to go into any elaborate discussion of the constitutional questions involved in this bill. I wish to address myself briefly to some of the ad captandum arguments and appeals made by the gentlemen on the other side of the Chamber to seduce the consciences of members from what the President calls their "plain duty" and from what the Constitution makes their sworn duty.

We have had a tremendous rattling of the dry bones of slavery and secession, and the bloody shirt has been waived with something of the old time vigor in order to get members upon the other side in the proper condition of mental imbecility for trampling upon the Constitution and violating the oath they have taken to support and defend it. The distinguished gentleman from Ohio [Mr. GROSVENOR] cracked the party whip over the heads of his associates and invoked the old spirit of sectional passion to aid him in his assault upon the Constitution.

His speech was as rank an appeal to prejudice and to ignorance as was ever made upon the floor of this House, and I am sorry that the gentleman from Ohio [Mr. GROSVENOR] is not here, for I had intended to say that in making it he displayed an ignorance of the record and history of his own party almost as dense as the ignorance to which he appealed. [Laughter and applause on the Democratic side.]

The gentleman's speech as it appears in the RECORD is headed "The real issue. The battle of 1860 again on."

By a very incomplete and very unfair quotation from the platform of 1860 the gentleman from Ohio seeks to make it appear that the Republican party in that campaign planted itself squarely upon the doctrine that the Constitution did not extend to the Territories, and that this was the issue in that campaign, just as it is the issue in this debate.

Now, Mr. Chairman, with the platforms of the Republican party before me, I say that there was no such issue in that campaign.

I say that the Republican platform in 1860 was directly to the contrary of the position taken by the majority of the Ways and Means Committee, and was exactly in accord with those who oppose the passage of this bill. I say the same thing is true of the platform of 1856, and I wish to call the attention of gentlemen first to this platform of 1856, the first platform ever adopted by the Republican party. This platform declares that while the Constitution—

contains ample provision for the protection of life, liberty, and property of every citizen, that the dearest constitutional rights of the people of Kansas have been fraudulently and violently taken from them.

And among the constitutional rights which belong to them and which were alleged to have been taken away were the right of trial by jury, the right to bear arms, the right to be exempt from unreasonable searches and seizures, and that no man shall be deprived of life, liberty, or property without due process of law. These were among the "constitutional" rights which belonged to the people in the Territory of Kansas, according to the statement of the Republican platform of 1856. It may be said, Mr. Chairman, that this was true because an act of Congress had extended the Constitution over them; but the very wording of the platform shows that the men who made it believed that they derived their rights direct from the Constitution and without any aid from Congress whatever.

But whatever may be said of the platform of 1856, I say that the platform of 1860, the very platform quoted by the gentleman from Ohio [Mr. GROSVENOR], declares in unmistakable terms that the Constitution of the United States does extend to the Territories of the United States, and that it extends there of its own force, without any legislation from Congress whatever. The gentleman from Ohio read that part of the platform which denounces the new dogma that the Constitution of its own force carries slavery into the Territories, and he construes that as a denial that the Constitution itself was there.

Now, Mr. Chairman, this declaration means what it says and no more. It does not deny that the Constitution extends to the Territories. It simply denies that it carries slavery there. The gentleman argues that if the Constitution had extended to the Territories it would have carried slavery there, because of the provision that no man shall be deprived of life, liberty, or property without due process of law; and slaves, says the gentleman from Ohio, were property under the Constitution.

Now, Mr. Chairman, this very platform from which the gentleman read denies and denounces the doctrine that slaves were property under the Constitution, and in taking that position, in saying that slaves were property in the sense of the Constitution, the gentleman from Ohio expressly repudiates the Republican platform of 1860, and he plants himself squarely upon the Dred Scott decision, which he and others have denounced with such ignorant ferocity upon this floor. [Laughter on the Democratic side.]

Mr. Chairman, if the battle of 1860 is on again, upon which side are the gentleman from Ohio and his associates of that committee enlisted to-day?

Mr. MADDOX. They are the slaveholders and we are the liberators.

Mr. CARMACK. The gentleman makes special reference to that provision in the Constitution that "no person shall be deprived of life, liberty, or property without due process of law," and says that the Democrats affirmed and the Republicans denied that that provision of the Constitution operated in the Territories. Mr. Chairman, I say that the chief plank in the Republican platform of 1860, the very next plank to that read by the gentleman from Ohio, declares in haec verba that this very provision of the Constitution does extend to the Territories of the United States, and that it extends there not only without any Congressional legislation but in spite of any Congressional legislation to the contrary.

Now, I wish to read that provision of the platform of 1860:

8. That the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that "no person shall be deprived of life, liberty, or property without due process of law," it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial legislature, or of any individuals to give legal existence to slavery in any Territory of the United States.

What is the doctrine of that platform, Mr. Chairman? It is that after slavery had been abolished in all our National Territories, it had then been ordained in the Constitution that no man thereafter should be deprived of life, liberty, or property without due process of law, and that this provision of the Constitution covered every inch of our national territory.

The doctrine of the Republican party was that whenever any man set foot upon the national territory, that moment the right of personal freedom attached to him, because the Constitution was there, already there, there of its own force, there without being sent, there with the guaranty that he should not be deprived of his liberty without due process of law.

Let me read again, Mr. Chairman, the latter part of that plank in the platform of 1860:

We deny the authority of Congress, of a Territorial legislature, or of any individuals to give legal existence to slavery in any Territory of the United States.

Did the Republican party in that campaign plant itself upon the doctrine that Congress was supreme in the Territories and that it had a right to either forbid or legalize slavery? No, sir; it declared in express terms that the Constitution was supreme in the Territories, and because it was supreme Congress had no right to legalize slavery or even to permit its existence. The Republican party said that if Congress or a Territorial legislature acting under the authority of Congress shall seek by law to establish slavery in the Territories, that law is unconstitutional and void; that the Constitution is there saying that no man shall be deprived of his liberty without due process of law.

That was the doctrine of the Republican party in 1860. That was the platform on which the Republican party won its first victory, and I make bold to say that when it repudiates that platform it will have won its last. [Applause on the Democratic side.] We believe, as Abraham Lincoln believed, that the Constitution extends to every place within the territory and under the sovereignty of the United States. We believe, as Lincoln believed, that it is there to forbid this Congress to establish either slavery or political despotism under the American flag.

We believe that wherever the power of Congress goes there go the limitations upon its power. We believe that wherever the flag goes there goes the Constitution, without which there would be no flag. [Applause on the Democratic side.] This is the doctrine of the Democratic party to-day; it was the doctrine of the Republican party in its earlier and better days. And we say to gentlemen on the other side that if they will persist in denouncing and covering with odium the platform of Abraham Lincoln, we, as the friends of constitutional liberty, are ready to uphold and defend it. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] is recognized for five minutes.

Mr. CLAYTON of Alabama. Mr. Chairman, a few days ago we were all very much entertained by a speech made by the distinguished gentleman from New York [Mr. PAYNE] who opened this debate in behalf of the pending measure. I hold in my hand, Mr. Chairman, a letter written in behalf of his now abandoned free-trade bill for Puerto Rico by that same gentleman [Mr. PAYNE] against the argument and position that he took in his speech in the opening of this debate, and I therefore ask that this letter, together with an extract from his speech made in this debate—this letter and this extract being taken from the St. Louis Globe-Democrat of Saturday morning, January 27, 1900—be printed in the RECORD.

Mr. WHEELER of Kentucky. Let the Clerk read the letter.

Mr. CLAYTON of Alabama. I have not the time in five minutes. I should like to read it, if the House will give me the time.

Mr. WHEELER of Kentucky. Have it read.

Mr. CLAYTON of Alabama. I ask unanimous consent, then, that my time be extended to read these two clippings.

The CHAIRMAN. Without objection, the time of the gentleman will be so extended.

There was no objection.

The Clerk read as follows:

Mr. W. H. CURTIS,
Palmyra, N. Y.:

DEAR SIR: Your letter of January 19 received, in which you assert that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands and a deathblow to protection. If you are correct in all of your assumptions, of course no Republican would favor any such measure. Suppose we get down to the facts: Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it can ever reach 100,000 tons under the most favorable circumstances.

We imported last year 1,340,000 tons of sugar. You see the importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty. It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240,000 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year.

I am told that the production of the present year will more than double the large production of 1899. Free sugar from Hawaii does not seem to affect the beet-sugar interests. You say that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this you are all at fault; Cuba is not ours, but will have an independent government. The most she can ever hope for is a slight reduction of duty through a reciprocity treaty. You have been voting for reciprocity for the last fifteen years, as you say you have voted the Republican ticket. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands even if we would.

To sum up, then: Puerto Rico is ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not organized into a Territory) would give her relief.

It will not hurt us, but, on the contrary, will give us a market for \$10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I do not in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba. I have worked as hard as anyone to establish the beet-sugar industry and am as thoroughly in favor of it as ever. I am sorry to learn that anybody thinks of voting for a Democrat, who claims to be a good protectionist.

Yours, very truly,
SERENO E. PAYNE.

WASHINGTON, D. C., January 24.

[At various points during the reading of the foregoing letter there was laughter and applause.]

Mr. CLAYTON of Alabama. Mr. Chairman, I ask leave to print in a column parallel with this letter an extract from the speech of the gentleman from New York, made in the opening of this debate. I hope there will be no objection.

Mr. PAYNE. I hope that leave will be granted. I should be glad if the gentleman from Alabama would publish the whole of my speech.

[Special dispatch to the Globe-Democrat.]

PUERTO RICO AND FREE TRADE—PAYNE THINKS THE ADMINISTRATION BILL WILL PASS—IMPOVERISHED BY THE ELEMENTS, WITHOUT MARKETS BECAUSE OF ANNEXATION, THE ISLAND'S PRODUCTS SHOULD BE ADMITTED FREE TO THE UNITED STATES.

WASHINGTON, D. C.,
January 26, 1900.

Chairman PAYNE, of the Ways and Means Committee, has made a statement vindicating the policy of free trade for Puerto Rico. Mr. PAYNE introduced the Administration bill to carry out this policy, and has no doubt it will go through both House and Senate at an early date. He says:

"Puerto Rico was ceded to us by the Spanish treaty, and we accepted it without a dissenting voice in all the United States, so far as I know. In accepting it we cut off their market with Spain and with Cuba, in both of which countries there is now a high protective duty, which is absolutely prohibitive so far as Puerto Rico is concerned. Puerto Rico produces 50,000 tons of sugar annually. No one believes it can ever reach 100,000 tons under the most favorable circumstances. We imported last year 1,340,000 tons of sugar. The importation from Puerto Rico would be as a drop in a bucket. We have had a treaty for a number of years with the Hawaiian Islands, where sugar can be produced more cheaply than in Puerto Rico, by which all sugar has been admitted free of duty.

It is proposed to continue this by the enactment of law, and no one objects to it. We import from the Hawaiian Islands 240,000 tons of sugar annually. In the face of this free sugar from Hawaii, the production of beet sugar in California has doubled and quadrupled from year to year. I am told that the production of the present year will more than double the large production of 1899. Free sugar from Hawaii does not seem to affect the beet-sugar interests. It is urged that free trade with Puerto Rico means free trade with Cuba and the Philippine Islands. In this the opposition is all at fault; Cuba is not ours. Under the treaty the Philippine Islands are to have free trade with Spain for ten years. We could not extend these tariff laws to the Philippine Islands, even if we would.

To sum up, then, Puerto Rico is ours without a dissenting voice anywhere. Her people are impoverished by reason of the hurricane, which destroyed the greater portion of two annual crops. She has no markets, being deprived of them by annexation to the United States. Commercially and industrially, without some aid from Congress, she is without hope for the future. A free admission of her products to the United States (which is now accorded to every other State and Territory and to Alaska, not organized into a Territory) would give her relief. It will not hurt us, but, on the contrary, will give us a market for \$10,000,000 annually, largely of the products of our farms, which will increase as American prosperity comes to Puerto Rico. I am heartily in favor of extending this relief to Puerto Rico, while I don't in any way commit myself to extend the same privileges to either the Philippine Islands or to Cuba.

Mr. CLAYTON of Alabama. I would like the gentleman from New York, during the course of this debate, to give us some better reasons for his change of views than he has yet done.

Mr. RICHARDSON. I hope the gentleman from New York will get leave to bring in another bill.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. ADAMS having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bill of the following title:

On February 26, 1900:

H. R. 5493. An act for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887.

TRADE OF PUERTO RICO.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas [Mr. KLEBERG] is recognized for ten minutes.

Mr. KLEBERG. Mr. Chairman, the convention which nominated me adopted the Texas State Democratic platform, which provided that Puerto Rico should become a part of the United States. Since the ratification of the treaty of peace between Spain and the United States and our peaceful occupation of this island by the consent of both our people and the people of Puerto Rico it has become a part of the United States.

If it is not fully now a part of the United States, it certainly must become so if Congress legislates with reference to it. This being the status of Puerto Rico, it would be clearly unconstitutional to pass this bill, as the Congress has no power under the Constitution to lay and collect duties, imposts, and excises which are not uniform throughout the United States.

If the Congress can thus act without the Constitution and impose this tax against the people of Puerto Rico, it can likewise suspend every other constitutional right which the people of that island enjoy under the Constitution, such as citizenship, trial by jury, and all other rights affecting their person and property. Such exercise of power would be imperialism in its most radical form, and therefore would practically overthrow and destroy the Constitution and vest arbitrarily all power concerning all the Territories and their people in Congress, regardless of all constitutional limitations. Taking this view of the bill, I am utterly opposed to it and shall so record my vote.

Inasmuch as it is claimed in certain quarters and by certain people that American naturalized citizens, and especially those of German birth, indorse the Administration's policy of imperialism, I may be pardoned to deny this statement.

Let it be remembered that the love of liberty and local self-government is not only implanted and inborn in every German heart, but is interwoven in his history and embedded deep in his character and his race; that his ancestors not only repelled Roman aggression under Arminius and destroyed the legions of Varus in the Teutoburgerwald, but that they carried the germs of civil liberty from Saxony to Albion; that they not only stood sponsors at the birth of trial by jury and representative government, but have ever defended them on the battlefield and in legislative councils at home and abroad.

Not only are they lovers of personal liberty, but of civil liberty as well; and wherever the German has gone he has carried with him his love for freedom, for free speech, and for religious tolerance, and his devotion to local self-government. While he is a good and loyal soldier in the Fatherland, as well as in his adopted country, he is not an admirer of militarism or imperialism, but devoted rather to the arts of peace and orderly constitutional government. More especially is this so with the great majority who emigrated to the United States.

Their motive in leaving the old country was largely due to the desire to enjoy greater freedom in this great Republic and to cast their fortunes with those who are here engaged in the upbuilding and maintaining of free institutions for themselves and their posterity. How natural, then, that they should oppose the present policy of militarism and imperialism in this country.

Identified as they are with our principles of constitutional government, they are especially zealous in perpetuating them, both on account of their historical antecedents, as well as from political choice, and the idea of subjugating foreign peoples at the risk of overthrowing constitutional liberty is utterly repulsive to them. Nearly every German newspaper in the United States is anti-imperialistic and directly opposed to the permanent retention of the Philippines or governing their people as a colonial dependency and the establishment of a large standing army.

I believe I can safely say that the thousands of American citizens of German birth in Texas and those throughout the United States are thoroughly opposed to this new doctrine of the Administration, and that the foremost leader among them, the Hon. Carl

Schurz, is outspoken in his opposition against this strange and un-American policy. Many who supported Mr. McKinley in the last Presidential election will not do so again, but, if I read the sign of the times aright, will cast their votes for Democracy and constitutional government in the coming Presidential election.

The present bill, if it becomes a law, is the entering wedge of imperialism, because it destroys and overthrows constitutional government and leads to absolutism, whatever may be its results. It is the beginning of the end to republican institutions, whatever you may call the government it will establish. You may retain the name of the republic, but you will have an empire in fact, and therefore I want to protest against its passage on behalf of Democracy, of constitutional liberty, and in the name of the many thousands of German-speaking Americans who love their country and who are unwilling to indorse imperialism, a colonial policy, Anglo-American alliance, or the alliance of the United States with any foreign country on earth. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from Tennessee [Mr. PIERCE] is recognized for fifteen minutes.

Mr. PIERCE of Tennessee. Mr. Chairman, it has been, in all the past, the boast of the Republican party that it has ever faced the public questions which have been presented without embarrassment, and that whatever changes there may have been upon questions submitted to the country, those changes have been upon the Democratic side of the House. Never in the history of this House has a great party presented a more pitiable spectacle than that presented by the Republican party here to-day before the House and the country. We find that within the last three months the President of the United States, the chairman of the Ways and Means Committee, and the Speaker of this House have all declared themselves absolutely in writing, in such a form as can not be dodged or evaded, in favor of absolute free trade with Puerto Rico.

Now, gentlemen, what is it that has brought about this change? Every prominent member on that side of the House, almost without exception, has stated plainly that he has changed. And why? They have given no reason to the country. They say that "conditions have changed." What conditions? The distinguished Speaker of this House admits in the public press this morning that he, too, in January last, was a strong advocate of free trade with Puerto Rico. What changed him? What changed the chairman of the Ways and Means Committee? What changed the President of the United States? I want to read what the Speaker of this House says on this subject, as reported in the press this morning. The Speaker stated in the Republican caucus last night:

I have talked with the President for two hours, and I know that he considers that the defeat or failure of the bill would be a disastrous thing for the Republican party.

This change of position, then, is put not upon the principles of justice and right, but upon grounds of political expediency. Here is a question affecting a people who have come voluntarily to the United States and put themselves under the protection of the flag, which gentlemen on the other side talk so much about, and yet, without any apparent or assigned reason, you have all changed, and, if we are to believe the statement of the most distinguished Republican in this House, the President of the United States has changed.

Mr. Chairman, I did hope that there was at least one question upon which the President of the United States had not put himself on both sides. [Laughter.] Where upon any public question heretofore raised—finance, the lending of money by the Government to the banks, and other vital questions which have come up—has not the President of the United States changed and adopted views which he had previously condemned? I did hope that at last there would be some consistency in the head of the Republican party; but it seems this hope is not to be realized.

Gentlemen, what was the reason of your change? Was it love for the Puerto Ricans? Was it humanitarian principle? Was it the milk of human kindness that moved you to change your position? Let us see. In the press dispatches which circulated through the country yesterday morning I find a public interview with Mr. Schurman, a distinguished Republican and chairman of the Philippine Commission. What does he say has made you fellows on that side change? And I use the term "fellows" respectfully. Here is what Mr. Schurman says. I ask gentlemen to listen to it, for it states what will be the verdict of the American people; he tells what they believe to be the truth. Listen to the verdict of the country as foreshadowed by a man who is a Republican in every fiber of his being:

Should the present Congress adopt the tariff for Puerto Rico against the recommendations of the commissioners and of the President and against every good sense of justice and generosity, the orators of the Democracy can say with truth during the next campaign that the trusts went down to Washington and grappled the Republican party by the throat and made it choke to their advantage.

There you have the reason! The trusts—the Standard Oil, the sugar trust, the tobacco trust, and all the other trusts; for we

know these evil broods always dovetail in and work together for the interests of each other. Here comes a distinguished Republican who says that the trusts have brought about this change in the policies and principles of the Republican party, so that the policy which up to a few days ago you were clamoring for in the name of humanity and justice and right you are now ready to abandon.

Is Mr. Schurman talking "by the card" or not? He would not give away any political secrets. He would not do anything detrimental to the Republican party if he knew it. When he made the declarations I have read, he had not heard how things were operating here in Washington on the principle of "presto change!" This interview was sent out from Detroit; and he had not caught the cue. The meeting with the President last night had not then been held, for, as the New York Journal says, at 12 o'clock last night the President gave it out that the defeat of this bill would be to the interests of the Democratic party. Thus we have great principles ignored and party exigency made the supreme test.

What a pitiable condition then, the Republican party is in. Having surrendered absolutely to the trusts all that it contended for as just and right, it now turns its face against what every leading Republican a short time ago said was right. Why have they changed?

The country will answer in my humble opinion in November next, and if it were not that in my heart I feel such a sympathy for the Puerto Ricans and that they should have equal rights under the flag and under the Constitution of our country I would be glad to see you pass this bill and put these onerous burdens upon the people—the liberty-loving and loyal people of Puerto Rico.

Why, a distinguished gentleman on that side, Mr. TAWNEY, of Minnesota, said the day before yesterday, in assailing the gentleman from Maine [Mr. LITTLEFIELD], "Why, the gentleman is going back upon one of the cardinal principles of the Republican party upon the tariff. Have you not taught, do not I teach, and does not the Republican party teach, that the importer pays the tax, that the foreigner pays the tax?" is the way he puts it in his speech; and yet for the benefit of the Puerto Ricans, if you are right in this principle, you are going to put 15 per cent on all that the Puerto Ricans export into this country and make the foreigner pay the tax to raise and lower prices there in order that you may carry out the principles of the Republican party and benefit it by making the foreigner pay the tax. [Applause on the Democratic side.] That is the way you do it, clean and clear cut.

Now, then, I suppose gentlemen would say that it is a sort of "antony-over" business. We will make the Puerto Ricans pay 15 per cent and the foreigner pay the tax, and then export from the United States to Puerto Rico, and the foreigner, the American, would pay the tax on their side, and then we have got it "a-coming and a-going." [Laughter and applause.] That is the logic of the position to which you have gone. That is the attitude in which you have put yourselves, and it remains to see what the country will say of your action. What condition are you in? I desire to say, for one, speaking as a Democrat, that I do not wish to see the Philippine Islanders admitted, either as States or as Territories of the United States. [Loud applause on the Democratic side.]

I believe they are, under the Constitution, entitled to the protection of the United States, and I would give to them liberty—liberty with the protection of the American Government. I say, gentlemen, that they are entitled to just as much protection and liberty at the hands of the American Government as Mr. McKinley recognized and allowed when he approved a treaty or a contract with the Sultan of the Sulus. [Laughter.] What was that? I will not have time to read it, but will append it to my remarks. It provides that the sovereign of the Sulus, the Sultan of Jolo, or whatever kind of "lo" you may call him—

A MEMBER. High and low.

Mr. PIERCE of Tennessee (continuing). Shall have absolute free trade with all the Philippine Islands. Why, Mr. McKinley has put himself on record in black and white for free trade with His Majesty the Sultan, and Mr. Nelson says in that alleged interview that he had with Mr. McKinley, and I quote his language, as follows:

Why, as ruler of the Philippine Islands and of Puerto Rico I feel the weight of the great responsibility.

As ruler! Well, ruler means, in the sense he applies it, a kingly power. Well, let us see. Ruler McKinley and the royal Dato Haber Dacker, or whatever else he may be—Ruler McKinley and the Sultan of the Sulus [laughter] dangling their feet under the same table [renewed laughter], and the 300 wives of the Sultan peeping over the bamboo curtains at the illustrious pair [great laughter]—that is a fine spectacle that Mr. McKinley has given to the people of the United States as to what he has done. What else? Ruler McKinley said he would do what? Protect the Sultan on his throne, and if any foreigner dares to interfere the naval force and the armies of the United States are to be sent to

protect his majesty at the command of Ruler McKinley. [Laughter.]

What else? If any insurrection occurs in the Sulus to a brother ruler, why I, Ruler McKinley, promise that I will send the armies and navies of the United States to put down any rebellion against my brother ruler. [Great laughter and loud applause on the Democratic side.]

[Here the hammer fell.]

APPENDIX.

TEXT OF TREATY WITH JOLO SULTAN—SLAVERY IS RECOGNIZED BY THE AGREEMENT WITH THE MORO RULER—SENATE WILL CONSIDER IT—RELIGIOUS PRACTICES OF THE INHABITANTS PERMITTED TO CONTINUE AND FREEDOM FROM PERSECUTION PROMISED.

WASHINGTON, December 13, 1899.

The following is the text of the agreement between General Bates and the Sultan of Jolo, better known as the Jolo treaty, which has been sent to the Senate by the President:

"ARTICLE 1. The sovereignty of the United States over the whole archipelago of Jolo and its dependencies is declared and acknowledged.

"ART. 2. The United States flag will be used in the archipelago of Jolo and its dependencies on land and sea.

"ART. 3. The rights and dignities of His Highness the Sultan and his datus shall be fully respected; the Moros shall not be interfered with on account of their religion; all their religious customs shall be respected and no one shall be prosecuted on account of his religion.

"ART. 4. While the United States may occupy and control such points in the archipelago of Jolo as public interests seem to demand, encroachment will not be made upon the lands immediately about the residence of His Highness the Sultan, unless military necessity requires such occupation in case of war with a foreign power, and where the property of individuals is taken due compensation will be made in each case.

LAND PURCHASES.

"Any person can purchase land in the archipelago of Jolo and hold the same by obtaining the consent of the Sultan and coming to a satisfactory agreement with the owner of the land, and such purchase shall immediately be registered in the proper office of the United States Government.

"ART. 5. All trade in domestic products of the archipelago of Jolo, when carried on by the Sultan and his people with any part of the Philippine Islands and when conducted under the American flag, shall be free, unlimited, and undutiable.

"ART. 6. The Sultan of Jolo shall be allowed to communicate direct with the Governor-General of the Philippine Islands in making complaint against the commanding officer of Jolo, or against any naval commander.

"ART. 7. The introduction of firearms and war material is forbidden, except under specific authority of the Governor-General of the Philippine Islands.

"ART. 8. Piracy must be suppressed, and the Sultan and his datus agree to heartily cooperate with the United States authorities to that end, and to make every possible effort to arrest and bring to justice all persons engaged in piracy.

"ART. 9. Where crimes and offenses are committed by Moros against Moros, the Government of the Sultan will bring to trial and punishment the criminals and offenders who will be delivered to the Government of the Sultan by the United States authorities if in their possession. In all other cases persons charged with crimes or offenses will be delivered to the United States authorities for trial and punishment.

SLAVERY RECOGNIZED.

"ART. 10. Any slave in the archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market value.

"ART. 11. In case of any trouble with subjects of the Sultan, the American authorities in the island will be instructed to make careful investigation before resorting to harsh measures, as in most cases serious trouble can thus be avoided.

"ART. 12. At present Americans or foreigners wishing to go into the country should state their wishes to the Moro authorities and ask for an escort, but it is hoped that this will become unnecessary as we know each other better.

"ART. 13. The United States will give full protection to the Sultan and his subjects in case any foreign nation should attempt to impose upon them.

"ART. 14. The United States will not sell the island of Jolo or any other island of the Jolo Archipelago to any foreign nation without the consent of the Sultan of Jolo.

"ART. 15. The United States Government will pay the following monthly salaries:

	Mexican dollars.
To the Sultan.....	250
To Dato Rajah Muda.....	75
To Dato Atik.....	80
To Dato Calbi.....	75
To Dato Joakanain.....	75
To Puto.....	60
To Dato Amir Hussin.....	60
To Hadji Butu.....	50
To Habib Mura.....	40
To Serif Saguin.....	15

"Signed in triplicate in English and Sulu, at Jolo, this 20th day of August, A. D. 1899 (Arabul Ahil, 1317).

"J. C. BATES,
"Brigadier-General, U. S. A.
"SULTAN OF JOLO.
"DATO RAJAH MUDA.
"DATO ATTIK.
"DATO CALBI and
"DATO JOAKANAIN."

(Signature.)
(Signature.)
(Signature.)
(Signatures.)

[Mr. DE ARMOND addressed the committee. See Appendix.]

Mr. CANNON. Mr. Chairman, I do not know. But that I had better, instead of occupying the time now allotted to me, speak under the five-minute rule to-morrow, to say what little I desire to say in connection with the pending bill. I will therefore cheerfully yield a part or all of my time to any gentleman on this side of the House who may wish to occupy it.

I am not going, Mr. Chairman, to attempt to discuss the constitutional questions involved in this bill. I apprehend that I am

not competent to do so even if I had the desire. But listening, as I have listened, to this long debate as it has been thrown from one side to the other during the past week or ten days, and hearing the distinguished lawyers of the House discussing the constitutional question involved, I am inclined to thank God for it. [Laughter and applause on the Republican side.]

I do not desire to consume unnecessarily the time of the House. I have great respect for the legal profession, and a quarter of a century ago and over I tried to make an honest living, on a country circuit, practicing law, and while there was much main strength and awkwardness in what I accomplished, I did occasionally win a verdict. [Applause and laughter.] Nor does any man within the sound of my voice have a greater respect for the principles enunciated in the Constitution of the United States than I have.

But, Mr. Chairman, in a life of some three-score years, living in a period when, if you measured time by events, instead of sixty I have lived a thousand years, I have grown to distrust, when I come to discuss public questions and all matters touching the public questions in which we are interested—I have come to distrust the men or the man who comes and talks of this, that, and the other feature of a proposition, declaring the entire suggestion to be unconstitutional, without regard to its merit.

Now, just think of it for a minute. I am old enough to recollect when a whole party in this country said, following its President, that there is no power under the Constitution to coerce a sovereign State of the Union. And half of that party, with arms in their hands, organized a separate government, trying to shoot the old Government and the Constitution to death. And the remaining part of it, as it was organized throughout the land, in principle and upon a system, in both the House and Senate, proclaimed the same doctrine. You doubtless recollect, many of you, the conditions then existing.

A little later on, when that great contest was waging for the perpetuation not only of the Government, but, as it seemed to the Northland, and I dare say seems to some of you, speaking kindly for the Southern people, to determine the question whether our civilization was to be preserved, it became necessary, in connection with that contest, to devise ways and means to pay the soldiery, to buy provisions, to provide for transportation—and all of this to be done in the face of impending danger and an empty Treasury. When the legal-tender acts were passed, substantially a Democratic minority in the House and the Senate voted and declared in favor of the view they maintained as to the unconstitutionality of the proposition. This suggestion is borne out by the records, if gentlemen will take the pains to examine them.

Did a Vallandigham of Ohio seek to defy the great war President, and in leading his party in the Northland give aid and comfort to his brethren down South, his arrest was declared to be "unconstitutional," and when they sent him through the lines, that, also, was unconstitutional. [Applause on the Republican side.]

Ab, Mr. Chairman, this is precisely the same position—only it is a breeze, gentle and heavenly, flowing from the Constitution now—not appearing with the force of an absolute cyclone that swept through the Northland at that time. [Applause on the Republican side.] It is a gentle breeze as compared with the feeling that prevailed during that era, and also in the period of reconstruction which followed the war.

Now, you are not going to blame me because I come here surfeited with great constitutional lawyers. You are not going to blame me because I come here with my simple language in its stead. I have listened with great patience to the application of the "precedents" which have been cited by these gentlemen during the course of this discussion, and now I am going to tell you what I think as to the precedents they have cited, and say a few words in reference to the history of the legislation now proposed.

Mr. Chairman, the Constitution of the United States, I think, was made for the country, for the people of the country; and the people of the country were not made for the Constitution. [Applause on the Republican side.] In all the trying epochs of our national history—when plain sailing was interrupted and new problems presented themselves for solution—whether under the administration of Jefferson in making the Louisiana purchase and providing a government for that territory, or under the administration of Madison in defending the nation from foreign aggression without the means to do it, or under Monroe in enunciating the great doctrine that bears his name, or under Jackson in putting down nullification, or under Polk in prosecuting the Mexican war, or under Lincoln in saving the Union, or under our present President, Mr. McKinley—there never has been a day or an hour, thank God, when those charged with the power of the United States, legislative, executive, and judicial, using that power with fidelity to our civilization and for the promotion of the common good—there never has been an hour, I say, when they were not constrained by their solemn oath and bounden duty to go ahead and accomplish what was necessary at the time, even though sometimes saying while they were accomplishing it, as Mr. Jefferson did, that it was unconstitutional, as then narrowly construed,

and throwing themselves back, as Jefferson did, boldly and confidently, on the great saving common sense of the American people, and trusting to that great saving common sense to sustain and justify their acts. And, thank God, it always did! [Applause.]

And you, gentlemen, who have addressed the House on the other side and have contended against the constitutional powers of the Government under certain conditions, I would be glad to know if there is any one of you who will undertake to assert that Thomas Jefferson had no constitutional power to make the Louisiana purchase?—although, being a strict constructionist, he did not believe he had such power under the Constitution. Any of you gentlemen may answer that question on the other side who desires to place himself on record on that question.

Now, we did have the war with Spain. At the end of that war we acquired territory on the payment of \$20,000,000 in settlement for the Philippines and the complete cession of Puerto Rico and the various other islands. Did we ratify the treaty? Yes. Did we appropriate the money? Yes.

When I heard the gentleman from Missouri a few minutes ago announce as his policy, and that of his party, the doctrine that the United States were to forsake the Philippine Islands, to release them and move out and let somebody else take them or let them govern themselves, in their helpless condition, I said to myself: Why did not that gentleman of great ability rise in his place and vote against the \$20,000,000 appropriated to pay Spain for the Philippines? Why was not that sarcastic voice of his and his sarcastic presence, that always commands attention from both sides of this House and a respectful hearing—why was not his voice lifted up in denunciation of that appropriation, and why was not his vote recorded against it?

Mr. WHEELER of Kentucky. The gentleman did vote against it.

Mr. CANNON. Did he vote against the appropriation of the \$20,000,000? Then he is one of the thirty "consistents." But in the name of all that is good, what are the balance of you?

Mr. WHEELER of Kentucky. I think it was partially right.

Mr. CANNON. The gentleman is one of the Old Guard of thirty.

Mr. CLARK of Missouri. Thirty-four.

Mr. CANNON. I will bring you another test. If I held the views that the gentleman from Missouri does, and that your side of the House hold, I would quit now. [Laughter on the Republican side.]

I had the honor to report a bill a few weeks ago which passed this House, substantially carrying \$57,000,000 for the support of the Army and Navy for the balance of this fiscal year, made necessary by our effort to put down insurrection and preserve law and order in the Philippines. Did you vote against that?

Mr. FITZGERALD of Massachusetts. Certainly we did not.

Mr. CANNON. "Certainly we did not," says my friend. After all, if your policy is right, should you not have had the courage of your convictions and voted against it? And if you want to say, "We voted for it because the boys were there," then let me ask you a plain question, in common good humor. Do you not think it is equally as bad to encourage the condition over there that prolongs the stay of the boys in the Philippines as it would have been to have voted against that appropriation?

Now, the treaty ratified, the territory becomes ours; and the question is what to do with it. You gentlemen say that you can not deal with it as property of the United States. Well, we believe we can, because we have dealt with, because we are dealing with, because we always have dealt with all Territories. Oh, when Thomas Jefferson signed the act touching Louisiana Territory, of which the Spooner bill is an exact copy, that when the insurrection was put down and there was complete possession, it vested him with judicial, legislative, and executive power complete, until Congress should otherwise provide, and he exercised that power. Thus we dealt with the Louisiana Territory.

Mr. NORTON of Ohio. Will the gentleman permit me a question?

Mr. CANNON. I can not.

Mr. NORTON of Ohio. It is to give you an opportunity to do something that I would like to know.

Mr. CANNON. If it is upon this question pending, then I yield to a question.

Mr. NORTON of Ohio. You have heard the position taken by the gentleman from Missouri—

Mr. CANNON. I want the question.

Mr. NORTON of Ohio. Well, what is the policy of the President or dominant party as to the Philippines? I want to know what you are going to do with them.

Mr. CANNON. I will give you the policy touching Puerto Rico and touching the Philippines as this discussion progresses. The policy with reference to Puerto Rico is to do that which will give immediate relief at the least cost to Puerto Rico and at the least cost to the Government, and to the best interest and advantage of both, and pass this bill. The proposition as to the Philippines is to do as we are doing.

Mr. NORTON of Ohio. Shoot them down, as you are now doing. Mr. CANNON (continuing). To put down the insurrection, to keep the Army and Navy there, as they are now, as long as necessary, and as you voted to keep them there, to preserve law and order, recognizing that they belong to the United States and that we are responsible to our people and to the world for law and order there, and to hold the Philippines for their pacification and enable them as rapidly as possible to care for themselves, and then to clothe them with self-government from year to year as they become competent for it. That is my policy. [Loud applause.]

Mr. FITZGERALD of Massachusetts. I am glad that the gentleman admits that the Democratic minority has given their assistance to the dominant party in preserving law and order and voting for our soldiers in the Philippine Islands.

Mr. CANNON. Now, my friend gets up and does not ask my consent. I have a great respect for him. He has all the impetuosity of his race and mine, because we are both Irish, but he has one advantage over me—he has the Boston culture, which teaches him to jump up in season and out of season. [Great laughter.]

Gentlemen, this is a very different country from what it was a hundred years ago—less than 5,000,000 people then, 80,000,000 now; no manufactories then, the greatest manufacturing population on earth now; no wealth then, the wealthiest of any nation on earth now; the population now equal to that of Great Britain proper and Germany, almost. Eighty millions in our present territory, the result of that which has made people of our blood through the centuries move on and on and on, for weal or for woe, and generally for weal, taking with it its laws and its language, its civilization.

We are of that people. And in the coming century, as we increase in population from 80,000,000 to 200,000,000 or 250,000,000 in our existing territory, we and our children will be competent to move on and on, to their benefit and to the benefit of all the country to which they go. The Constitution of the United States, which is a symptom of the civilization that has evolved for two thousand years—not that it created the civilization—the civilization created it, and it dwells in the hearts of the people—is elastic enough to meet any and all conditions, as it has heretofore, and as it will in the coming century, and will enable, not hinder, our people to work out justice and right and material prosperity wherever they go. [Applause on the Republican side.]

The strange doctrine is announced, that because, as they say, the Constitution jumps over land and sea for 12,000 miles and by its own vigor spreads over every inch of the Philippine Islands and gives citizenship in its broadest sense to every one of those seventy-nine or eighty tribes, some of them Malays, some of them Filipinos, some Negritos, of every stage of civilization, but none equal to our civilization—they say because the Constitution jumps over there and confers American citizenship upon all those, and gives every man, woman, and child the right to come to the United States or send their products to the United States by the vigor of the Constitution—therefore, they say, we are against keeping the Philippines. Well, now, I am for keeping the Philippines, because I say that they are subject, under the treaty, under the Constitution, under our civilization, to the legislation of the country which owns that territory; I am for keeping them, and, through the coming decades, for working out good results for them and good results for us. [Applause.] And I will risk the verdict of the American people in the Northland and in the Southland, if you will fairly discuss that question and take the other side of it.

We are about to construct the Nicaraguan Canal or the Isthmian Canal, or provide for it; and we are so anxious for it that we can not wait until we get the territory. Some people say we have got to own it from the center of the earth up to the sky, and a zone of it 30, 40, or 50 miles wide. Some say we will negotiate for Nicaragua and Costa Rica entire, so that we may properly police the canal. Here comes the honorable gentleman from Missouri [Mr. DE ARMOND] with his hands up, warning back, "Nay, nay, there is a jungle there, they are not much civilized down there, they have revolutions every fifteen minutes, and the government changes sometimes every thirty minutes, no protection to property, but little protection to life, they are in a chronic state of revolution, they have not stability; nay, nay, we can not take Nicaragua or Costa Rica." If we can get their consent, we can not negotiate for a 40 or 50 mile strip because, forsooth, the moment we get it the Constitution jumps over there and every one of the revolutionists becomes a full-fledged American citizen, although he can not speak the language or read or write, and his descendants will not be able to read or write for two or three generations, and therefore you must not take it. Oh, gentlemen, the fathers in making the Constitution did not make a trap! We can acquire a zone on which to build the canal owned by the United States, and can give to the people just such grade of citizenship as is best for them and best for us.

Now, I want to talk about Puerto Rico. What is the condition of Puerto Rico? Twelve per cent of the people only can read or write—not read and write, but read or write. For three hun-

dred years under Spanish domination they have been under conditions of ignorance. But, as one of the men who is seeking to oppose this legislation that is pending, calling himself a delegate from Puerto Rico, in the Committee on Insular Affairs, in answer to the question, "Are they competent to vote down there if you give them local government?" said, "No; they did not read or write, but the intelligent people tell them what to do." He said, "You can depend on us to tell them right, and on their following." That is the kind of local government that you want in a holy minute. I want it as rapidly as possible; it may come next year, possibly a partial civil government this year, but just as soon as practicable. What is there at present? A military government under the President; and until Congress changes it, it will there remain. A people whose markets are destroyed by their divorce from Spain; a people whose crops have been destroyed by the most destructive hurricane of many, many years; a well-conditioned people, who want to do the best they can, but who have not much to do with, being the victims of misfortune.

Now, what is the best thing to do? You and I have to determine that. Do you want to appropriate money from the United States Treasury—\$2,000,000 for the coming year—to support those people? "Oh, it is splendid," you gentlemen on the other side seem to say, "to tear down a structure." You are good at that. Thank God, you never succeeded at any great rate, though you have always been trying, ever since I was born, to tear down something; but I never saw you successfully build up anything, not even a pippen, not even a henroost. [Laughter.]

But you say, "Oh, no; do not enact this bill." What then? Two million dollars from the Treasury of the United States to be appropriated for these Puerto Ricans. You are seeking to be the majority to-morrow. You say that you are going to stand together and vote against this bill. You say that you are going to have enough reinforcements from this side of the House to give you a majority. I do not believe it; but you say so. What are you going to do? If you spread free trade over those people and make no provision for immediate money, are you going to vote it out of the Treasury? We on this side have to construct; we have got to look out; we have got to do something. This bill must pass or we must vote \$2,000,000 out of the Treasury for the coming year to care for Puerto Rico. We do not like to do that.

But there is another alternative, one which has been proposed and very greatly urged by the delegates, self-styled in the main, from Puerto Rico, with their American assistants—a course suggested by some very good men, for our consideration, and greatly urged by some of these people—namely, that we enact a law of Congress bonding the island for \$10,000,000, with or without the United States guaranty, and pass the money thus raised over to these Puerto Rican delegates, to be loaned out to the people.

But that is as wild a project as was the Government warehousing scheme down in the Southern States when the Populist party was on the rampage—a party which, by the way, stole your machinery, my Democratic friends. Those are two of the alternatives.

What is the third? This bill. What will this bill do? If enacted, it raises \$2,200,000 the first year. It begins to raise this money the very day it is enacted, and will raise more money the first month than it will the last of the twelve months that it is in operation. Twenty-five per cent of the Dingley rates—upon what? Practically upon tobacco and sugar. Coffee already comes in free. But the coffee plantations were destroyed. The old crop in the hands of the raisers was practically destroyed. There is not much coffee to come in. It could come now as well as hereafter, but it is not there. There are 3,000,000 pounds of tobacco there—in the hands of whom?

Now, I want the attention of the gentleman from Missouri [Mr. DE ARMOND], who dines on trusts, lunches on trusts, takes supper on trusts, sleeps on trusts, and talks about trusts. Who has this tobacco—3,000,000 pounds—in Puerto Rico? I will tell you. The merchant has it; and I am informed that the tobacco trust of the United States has it, owns it, and sends some of these Puerto Rican-American people, if not American people, over here to work for "a fair show for Puerto Rico." Three million pounds at 35 cents a pound. If they could import it to-day they would have that duty to pay. It would come just as the tobacco comes from Cuba, just as it comes from the Philippines, just as it comes from everywhere else.

If that tobacco should come to the United States, paying 35 cents a pound, that would be \$1,050,000 upon tobacco in the hands of the American tobacco trust, waiting, over there in Puerto Rico for free trade with Puerto Rico, to come in. Who gets that million of dollars? Will it decrease the price? No; there is so little of it in comparison with the tobacco that is used in the United States that its competition would not lower the price of tobacco to any appreciable extent. Will that sum of \$1,050,000 go into the pockets of the poor Puerto Ricans that you are agonizing about, my Missouri friend? No; they have parted with that tobacco; it is now in the hands of the merchants, and that \$1,050,000 will go into the pockets of the American tobacco trust, all in the

name of God and humanity and the poor Puerto Ricans—blessed by the crocodile tears of the gentleman from Missouri! Is this a fable? No; it is an open secret in New York, in Washington, in various parts of the United States, in Puerto Rico—everywhere.

Now, let us take the next item—sugar. What is the tax upon sugar? We use in the United States 2,000,000 tons of sugar every year. Now, keep that in mind—2,000,000 tons. Where does it come from? Fourteen hundred thousand tons come from foreign countries, and pay on the average a duty of \$1.60 per hundred. Three hundred thousand tons come from Hawaii. How much from Puerto Rico? At the highest estimate 60,000 tons—one-fifth of the amount that comes from Hawaii. Have you any sugar over there in Puerto Rico now waiting to be exported to the United States? Yes. Who owns it? Does the poor Puerto Rican, who can not read and can not write, own it? No. It is an open secret that whatever sugar is there to-day is held by the great American sugar trust; and when it comes into the United States, if it comes before legislation is enacted, it pays \$1.60 a hundred.

My friends on the other side of the House say we ought to have free trade and open ports, and at once. The sugar then coming in and the tobacco coming in will bring down the price of sugar in the United States. Is that a fact? No. Why, Mr. Chairman, for thirty years, under reciprocity, we have had free trade with the Hawaiian Islands, as far as sugar is concerned, and although 300,000 tons come in from those islands, it is so little, in comparison to the consumption by this country, that it does not bring down the price of the other 1,400,000 tons that we import in the United States. That brings up the price, and the \$1.60 a hundred is added to the price of all the sugar coming into our borders free, because all the sugar on hand in Puerto Rico, if admitted in that manner under the operation of the pending bill, would not affect prices materially.

But this "infernal, damnable, red-eyed, baldheaded, brimstone-eating trust" that the gentleman from Missouri talks about, seems in his judgment to have gotten hold all over the country and is agonizing to pass a bill for free trade, not for the relief of the people, not for the relief of the Puerto Ricans, not for the man who has a few pounds of tobacco to sell, or a few pounds of sugar, but for the establishment of what he calls a great constitutional question!

Why, Mr. Chairman, these two great trusts have control now of both of these products in the island, and the moment they land here the price jumps up by the amount of the Dingley tariff bill, and they put the money in their pockets. Who can dispute that proposition?

Is this a feeble thing? Is it worthy or unworthy of consideration? I repeat again, that the opinion of all men of ordinary intelligence who have examined the matter is, that no better proposition could be suggested than that now before the House, although gentlemen on the other side agonize about the question of trusts, and tell us about their constitutional scruples, or, in other words, manage to get into their hearts one principle while in their voices and votes they enunciate another. They have the voice of Jacob, but the hand of Esau. [Laughter and applause on the Republican side.]

Mr. FITZGERALD of New York. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. FITZGERALD of New York. I would like to know, if these trusts should be compelled to pay this duty, why the gentleman from Illinois proposes to reduce the tariff 75 per cent for their benefit? [Applause on the Democratic side.]

Mr. CANNON. We propose to enable these people to have some protection under the laws of the United States and not to gormandize and founder themselves. We are chargeable with legislation, and we are legislating for the present, for the next year, for the next two years, unless Congress steps in and changes the law. Will you stop that legislation and say, "No, it shall not be passed"? What new developments have you to present in support of your contention? We are dealing with a question which merits the most careful consideration; but you, on the other hand, are "red-headed," and nothing that we do, or fail to do, suits you. [Laughter and applause on the Republican side.]

Now, the Republicans, in a majority in this House, with a majority in the Senate, and with the President of the United States, chargeable with all that is done, responsible before the people, coming and giving their best thought and judgment to this legislation, must meet the responsibilities that are thrust upon them. [Applause.]

If any man on earth were given full and absolute control and the power of legislation and the establishment of laws for our new possessions during the next two years, either in Puerto Rico or in the Philippines, he could not—only God himself could—write such legislation as would meet the approval of all men. Therefore, in this condition, with the poverty of these people, with a military government having control of their affairs, with the full denial of representation to them to-day, and to remain for all

governmental purposes subject to the military government until legislation is enacted for that territory, the Republican party comes before this House and says: "We believe, as an administrative measure, as a tentative measure, and the best thing that we can do for the people, that we should put one-quarter of the Dingley rate on those articles imported into the United States, and this will take from the people of this island a burden of three-quarters of the tax that is now upon them."

I regret exceedingly, Mr. Chairman, that we can not do better than that. But we see that we can do that, and do it safely; and we encourage these people to go to work to raise their sugar, their coffee, and their tobacco, with the assurance that they can find a market here at one-fourth the rate provided in the Dingley bill—that is to say, three-fourths less than we proffer to Cuba or the Philippine Islands, and that much less than these other possessions can get access into our market for—and we say to them that this is merely a tentative measure in its nature, to last for two years unless sooner changed by Congress; and further, that it will produce \$2,200,000 of revenue per annum, which, we turn around and say to these people, shall be used for the benefit of themselves, to be used in their own island, recognizing the fact that they are to be united with us in one great Government for the benefit of all of the people, both of the United States and of the islands. [Applause.]

We turn about and say to them that this will give them a market for their products; it will preserve their manhood, their independence, and encourage enterprise and thrift among them. We say: "We do not know anything about your capacity to exercise State and national powers at the present time, or your ability to pay an income tax or a land tax. It will take time to determine these various questions. But in your present condition—in your present distressed condition—we will reduce the duties now charged on your goods that come to the United States three-fourths, and will take the other fourth when it is collected and use it for the benefit of the people of Puerto Rico."

Do these delegates that are here from Puerto Rico get any of it? Yes, they get one one-millionth of it. Do their American friends that are bowing them around get any of it? Thank God, no; not a cent [laughter]; but it goes to Puerto Rico, goes for local government, goes for roads, goes for schoolhouses; and when this bill passes, for the next two years, \$2,200,000 a year will come by this kind of taxation, and every cent will go back to the Puerto Ricans. That is the Republican proposition.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. CANNON. Oh, my friend, if it is right on that point; and yet my time is nearly up. How much time have I?

The CHAIRMAN. The gentleman has fifteen minutes.

Mr. CANNON. Well, just a short question—just a little one. [Laughter.]

Mr. RIDGELY. It will be just exactly on the point.

Mr. CANNON. All right.

Mr. RIDGELY. Could not the same plea be made to raise revenue for any State or Territory within the boundaries of the nation?

Mr. CANNON. Oh, there is not the same necessity. The Republican party deals with facts and conditions. If it is an elephant that comes in the road, it meets the elephant; if it is a mouse that comes in the road, it meets the mouse. If my friend would meet either mouse or elephant, he would say, "My God, I can not do anything because it is not a glacier." [Laughter and applause on the Republican side.]

Now, I want to be fair. In my judgment, my Democratic friends are not really at heart opposed to this bill. I will tell you what they are hoodooing about. [Laughter.] They see that if this humane and proper measure is passed and goes into effect, it will tell all the country and all the world that the American Congress, with its American civilization, with its laws and Constitution, has the power to be practical; and they say, "We will take nothing, when we go out with the bogie man and with Bryan and SULZER or Bryan and somebody else—we will take nothing when we go out and undertake to scare the people, when we talk of the 80 tribes of barbarians, of the Sulu Sultan with his wives, of the Negritos and the Malay races—that they will never in five hundred years come up to be competent for the same kind of government which we have, and that it will cost money, and that it is wicked, and from the standpoint of policy we can not keep them, and therefore we are going to throw them away, although we pledged to keep them, although we paid \$20,000,000 in the bargain; let us throw them away, because it is not safe; the Constitution jumps over there on a thousand legs, and you can not deal with them." [Prolonged laughter and applause.]

The cry has gone forth, "For God's sake, let us defeat this bill," because its enactment would show that we can deal with all questions under our form of civilization, our laws and Constitution—all that humanity and civilization demand. [Applause on the Republican side.] There is the conflict, there is the fight you are trying to put up. There is the foundation you are trying to lay. And while individually I do not believe you would do it, at the

expense of the starvation of the Puerto Ricans, collectively I believe that you would sacrifice a great many things and a great many people to your theories, and for any faint prophecy of success that might come to you on the evening winds from the voice of your great somersault leader. [Laughter.]

"Oh," but says somebody, "CANNON, don't you know that the people in the country don't understand this? Don't you know that the President recommended free trade, and they said 'Amen'?" Yes; and I said "Amen," and you said "Amen;" "and now that you come and propose, instead of free trade, to go three-quarters of the way." You have the Dingley law now, and the bill says we will give three-quarters; take off 75 per cent and keep the other 25 per cent for revenue. "Don't you know that the country has got the idea that you are in conflict with the President?" Well, if it has that idea it will get the other idea. But I will tell you who is being misled. The Democrats everywhere are saying, "My God, why don't you follow your great and good President?"

The John B. Hendersons, the Atkinsons, the Boutwells, the Schurzses—all that set of Democrats on the one hand, and Mugwumps and Populists on the other, are sending their briefs here, saying, "My God, don't fracture the Constitution! Stand by the President!" Well, I am going to stand by the President. I voted for him before. I am going to vote for him again if I live, and he is going to be our leader, and our great leader, in the coming campaign, as he was in the last campaign; and, in my judgment, he is going to be elected, and I am going to be battling for him while every man on that side of the House is "cussing" and damning him politically in his heart, if he is not on the stump. [Applause and laughter on the Republican side.]

Mr. RIDGELY. Will the gentleman permit another question?

Mr. CANNON. Oh, my friend, I have not much more time. I just want to finish and then sit down. I am very sorry to say that I can not yield.

But somebody says I can not explain to my people! And, besides, somebody sent a telegram to a distinguished member of the House, the gentleman from Maine, "All the Chicago papers are with you, and against the bill!" Chicago papers! I have a great respect for the press—a greater respect for those of Chicago than I have for a St. Louis paper or a New York paper. [Laughter.] There are a great many Chicago papers. No man recognizes with clearer eye or with greater force than I do the great jurisdiction of a free press in the United States. No man has ever heard me abuse it. Yet newspapers sometimes come to a hasty conclusion; sometimes they have correct information, and sometimes not; sometimes they have not viewed the whole situation over. When I was a younger man, I sometimes voted at the dictation of the daily press, supposing that it knew better than I did; but when it turned out that I had voted wrong, through months and years I had to bear the blame, while the press passed on to new conquests. [Great laughter and applause.] I glory in the press, but, then, it sometimes is mistaken in fact or theory.

What do you suppose my people sent me to Congress for? In the shop, in the factory, on the farm, on the railway, forwarding their business, working out and doing their part in the race of life, for a quarter of a century they have given their warrant of attorney to me to come down here and observe and exercise my judgment; and as I am here on the ground, and have studied the questions and know the conditions of the Puerto Ricans, and know the height, depth, and length and breadth of this proposed bill, and having a judgment that is as clear as the noonday sun as to this temporary measure, my people would tramp upon me, would spit upon me and repudiate me if I did not stand erect with my face toward the east and vote according to my judgment and trust their intelligence and their confidence in me, on full discussion, to say, "Well done, good and faithful servant." [Loud applause.]

In conclusion, Mr. Speaker and gentlemen, I believe in our civilization, in our blood, and in what comes to us by heredity; in our literature, in our language, in our science, in our progress, in our capacity to govern ourselves and to help better the condition of those that are necessarily brought in contact with us. I believe in the progress of the Anglo-American-German-French-Irish-Scotch combination. [Laughter and applause.] I believe now, as we have one common purpose, that we are competent to take care of our Constitution and of the civilization of which it is the product. It is not the Constitution which preserves our civilization, but it is our civilization which preserves the Constitution.

To illustrate, in Mexico they have a constitution, an exact copy of ours. I spent some months there a few years ago, studying Mexico and the grand man who is president, the man who gives the only possible government to Mexico; yet, while it is a republic in form, with state governments in form and state constitutions like unto ours, there is no country on earth, Russia not excepted, that has so autocratic, so despotic a government as that of Mexico to-day, though it has the same constitution that we have. "Oh, but," says somebody, "if your Constitution does not restrain a wicked Congress, it will oppress these poor people." Oh, no; the hearth-

stone, the fireside, the schoolhouse, the love of justice, and the love of liberty, demonstrated by the wisdom of eighty millions of people, do restrain, and will work out their salvation and our salvation—the hairsplitting Constitution doctors to the contrary notwithstanding. [Loud and long-continued applause on the Republican side.]

Mr. RICHARDSON. Mr. Chairman, there are only three hours remaining, I believe, before the hour of adjournment. I understand the gentleman from Iowa [Mr. DOLLIVER] is to conclude the debate on the other side and the gentleman from Texas [Mr. BAILEY] on this side. I ask unanimous consent that the remaining time before adjournment be divided equally between those gentlemen.

Mr. PAYNE. There is no objection to that.

The CHAIRMAN. The gentleman from Tennessee asks that the remaining time be yielded to the gentleman from Texas [Mr. BAILEY] and the gentleman from Iowa [Mr. DOLLIVER], to be equally divided, which will be one hour and thirty-five minutes each. Is there objection? [After a pause.] The Chair hears none.

Mr. BAILEY of Texas. Mr. Chairman, before proceeding to discuss the bill which is before the House, I desire to make a very brief reply to a part of the learned constitutional argument of my friend from Illinois [Mr. CANNON]. [Laughter.] The only passage in that hour's speech which calls for any serious reply from this side of the Chamber is his accusation against us, based upon the vote to appropriate the \$20,000,000, which the Government had bound itself to pay to Spain. The gentleman from Illinois declared that he had the honor to report that bill; but, sir, he did not have the candor to state to this House and to the country the purpose of it. He sought to make it appear that those of us who voted for it thereby indorsed the purchase of the Philippine Islands; and yet he knows as well as any member of this body that the wisdom of that purchase was not before the House. I have here the bill which he introduced and which he reported. It is entitled "An act making an appropriation" to do what? To buy the Philippine Islands? Not at all. But "to carry out the obligations of the treaty between the United States and Spain."

The body of the act itself reads:

For the purpose of carrying out the obligations of the treaty between the United States and Spain, concluded at Paris on the 10th day of November, 1898, to become immediately available upon the exchange of the ratifications of said treaty, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000,000.

The purpose of that act, as declared in its title and also in the body of it, was not to buy those lands inhabited by alien and inferior races, but it was to carry out the obligations solemnly entered into by the Government of the United States. It was not for us to consider whether that treaty was wisely or unwisely made. It was unwise as a matter of dollars and cents, because it bound us to pay \$20,000,000 for an option on a fight, and I regret to say we got the fight. [Laughter on the Democratic side.] It was also unwise in other and more important respects, but the wisdom or the folly of it was not before us for determination. That treaty had been negotiated by the President; it had been ratified by the Senate, and it waited only an exchange of the ratifications to become the supreme law of the land. We voted to carry out its obligations, the same as we would have voted to pay any other debt incurred by the proper authorities of the United States.

So much, Mr. Chairman, for that question, and now for the bill before the House. It presents two questions—one is a question of law and the other is a question of morals. Before any gentleman can give it his support he must first consider whether Congress has the power to pass it; and if he should determine that question in the affirmative, he must then consider whether the exercise of such a power is consistent with the principles of justice and good faith toward the helpless and unhappy people of whose country we took forcible possession. It would be impossible within the time at my command to discuss both questions, and since I can not discuss them both I have determined to confine myself to the first and more important one. I place it first because we can never reach the question as to the morality of a law until we have first passed the question of our power to enact it. It must be the more important, too, because if we enact an unjust law we can remedy the injustice by repealing the law; but, sir, it is not so easy to repair a breach once made in the Constitution.

In examining the power of Congress over this question, certainly the advocates of this bill could ask nothing more at our hands than that we shall accept the conclusions of their committee as properly presenting the issues. Without admitting the entire fairness of their manner of presenting them, I have determined, for the purposes of this argument, to accept the issues as they tender them, and I believe that I can demonstrate almost with the exactness of a science that the committee are not justified in their conclusions.

FIRST CONCLUSION.

The majority of the committee say:

Upon the whole we conclude, first, that upon reason and authority the term "United States," as used in the Constitution, has reference only to the States constituting the Federal Union and does not include territory.

Mr. Chairman, it is refreshing to find a Republican committee talking once more about the "Federal Union." We have been so long accustomed to hear them talk about the "Nation" and express a contempt for the "Federal Union" that it is some compensation for this debate to hear them employing the earlier language of the Republic.

Is it true, either upon reason or upon authority, that the term "United States" includes only the sovereign States and excludes the Territories? In the first place, Mr. Chairman, that term is used, as the committee itself has well said, with several different meanings. It is sometimes used to denote the States of the Union; it is sometimes used in a geographical sense to describe the area of the Republic, and at other times it is used to signify the Government organized by the Constitution.

Unless there are plain words or a plain intent in the Constitution to restrict the meaning of the term, it ought not to be restricted, because to separate the States from the Territories under the designation "United States" is an effort to apply, as is proposed by this bill, different principles of jurisprudence to the two; and that, sir, is contrary to the genius of our institutions. A republic is, in its very nature, incapable of maintaining permanent dependencies; and this truth, until these last twenty-four months, has been accepted by all schools of political thought in this country. I defy you to find a respectable authority, until within the last two years, which has ever ventured to affirm that a colonial policy is in harmony with our system of government.

I desire, Mr. Chairman, to call the attention of the committee, in confirmation of this statement, to an eminent authority read by my distinguished friend from Illinois [Mr. HOPKINS], but read only so far as suited the particular contention which he then had in his mind, and it was not concluded. Had he read the entire paragraph, it would have set the seal of the great chancellor's condemnation upon this new and startling proposition to colonize distant and unknown lands. Chancellor Kent, in his Commentaries, declares:

Such a state of absolute sovereignty on the one hand and of absolute dependence on the other is not congenial with the free and independent spirit of our institutions; and the establishment of distant territorial governments ruled according to our will and pleasure would have a very natural tendency, as all pro-consular governments have, to abuse and oppress.

[Applause.]

Mr. Webster, in a passage that has been well quoted by my distinguished friend from Massachusetts [Mr. McCALL], declares that—

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.

Surely, Mr. Chairman, the Republican party will pause before committing itself to a policy which the greatest statesman of its own school has declared would "turn the Constitution into a curse and break up the Government."

If it were possible to find an authority which addresses itself with greater force to gentlemen on the other side of the aisle than the solemn warning of Webster reenforced by the commentary of Kent, it would be the language of one who was reared under the system which we are now urged to adopt. I have in my hand that remarkable contribution to modern literature which the author modestly calls a Sketch of *Cæsar*. It was written by Mr. Froude; and surely his testimony against a colonial government will weigh with the Anglomaniacs who doubtless remember what an earnest defender he has been of English oppression against the Irish race. In the preface of this remarkable book Mr. Froude uses these words, which I will ask the Clerk to read from his desk.

The Clerk read as follows:

To the student of political history, and to the English student above all others, the conversion of the Roman republic into a military empire commands a peculiar interest. Notwithstanding many differences, the English and the Romans essentially resemble one another. The early Romans possessed the faculty of self-government beyond any people of whom we have historical knowledge with the one exception of ourselves. In virtue of their temporal freedom, they became the most powerful nation in the known world; and their liberties perished only when Rome became the mistress of conquered races, to whom she was unable or unwilling to extend her privileges. If England was similarly supreme, if all rival powers were eclipsed by her or laid under her feet, the imperial tendencies, which are as strongly marked in us as our love of liberty, might lead us over the same course to the same end. If there be one lesson which history clearly teaches it is this, that free nations can not govern subject provinces. If they are unable or unwilling to admit their dependencies to share their own constitution, the constitution itself will fall in pieces from mere incompetence for its duties.

Mr. BAILEY of Texas. If it be true, Mr. Chairman, as declared by all of these great authorities, that an attempt to govern subject provinces is at war with the spirit of a free republic, where will the majority of this committee find its justification for asserting that "upon reason and authority the term 'United States' does not include our Territories?"

But, sir, there is still a more conclusive answer than any which has been read—an answer that is not political or historical or literary, but one from the lips of the greatest chief justice who ever served this or any other republic in the history of the world. Although I agree with but little of his political philosophy, the services, the character, and the ability of John Marshall entitle his memory to be revered and his words to be respected. The authority which I shall read is not only a judicial opinion sanctioned by Marshall's great name, but it was the unanimous judgment of the Supreme Court. With that highest tribunal known to our laws explicitly and unequivocally declaring that the term "United States" does include the Territories, I think this committee will find it difficult to explain why they have reported a different conclusion to this House. What opinion of our courts have they cited to sustain their report? What learned judge supports their contention? Not one; and against their single and unsupported assertion I offer these words of Chief Justice Marshall. He says:

Does this term—

Meaning the United States—

designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer.

He had not lived long enough to see this remarkable report of this remarkable committee [applause on the Democratic side], or perhaps he would not have ventured to say that the question admits 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.

I defy any gentleman on either side of the aisle to take an hour, a day, or a week and write out a more explicit contradiction of the statement contained in that committee's report than is found in these words of Chief Justice Marshall. [Applause on the Democratic side.] Let us compare them.

The committee say:

That upon reason and authority the term "United States," as used in the Constitution, has reference only to the States that constitute the Federal Union and does not include the Territories.

Marshall says that the "United States" is the name given to our great Republic, which is composed of States and Territories, and includes our Territories as much as the State of Maryland or the State of Pennsylvania. [Applause on the Democratic side.]

Gentlemen, whose judgment will you follow—that of the greatest lawyer that ever adorned our bench—or the political report of the Hon. Mr. PAYNE of New York? [Laughter and applause on the Democratic side.]

That is not the only case in which this same doctrine is asserted. In *Cross vs. Harrison* the court says:

By the ratification of the treaty California became a part of the United States.

California could not become a part of the United States, if these gentlemen are right, until it became a State of the Federal Union, and therefore if California became a part of the United States by the ratification of the treaty, as stated by the Supreme Court, this report must be wrong, because the ratification of the treaty only made it a Territory, which is not, according to the report, a part of the United States.

Who is right—the unanimous Supreme Court or this divided committee? Who is most apt to have understood the Constitution—those judges removed from the passions and perplexities of the political questions that now confront us, or these politicians who three weeks ago introduced a bill for free trade and now report a substitute which is exactly the opposite? [Applause on the Democratic side.]

But, Mr. Chairman, there is further authority for asserting that the term "United States" does include the Territories. The case of *Canter vs. The American Insurance Company* has sometimes been cited as establishing a different doctrine. The argument of Mr. Webster, an attorney in that case, has been produced as an evidence of what he believed and it is sometimes paraded as if it were an extract from the opinion of the court. Although the Supreme Court decided that case for Mr. Webster's client, it decided against his contention that the then Territory of Florida was not a part of the United States. Chief Justice Marshall, who also delivered the opinion in that case, declares:

In the meantime Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which enables Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States."

Perhaps the power of governing a Territory belonging to the United States which has not by becoming a State acquired the means of self-government may result necessarily from the facts that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of

the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestionable. (The American Insurance Company et al. vs. Canter, 1 Peters, U. S. Supreme Court Reports, page 542.)

SECOND CONCLUSION.

I shall submit the first conclusion of the Committee on Ways and Means without further argument, because it is itself a mere abstraction and is of no practical importance except as a predicate for what follows it. The meat of their report is the second conclusion of the committee, which is—

that the power of Congress with respect to legislation for the Territories is plenary.

In order to arrive at what the committee means by "plenary," we have only to read the speeches of the gentlemen who have joined in that report. By "plenary" they mean that it is outside of and above the Constitution. The gentleman from Pennsylvania [Mr. DALZELL], who is, I will do him the justice to say, one of the greatest lawyers on that side, as well as one of the ablest men in this House, in response to the direct question of Mr. TERRY, of Arkansas, declared that under its plenary power over the Territories Congress can establish free trade between the United States and Arizona and at the same time maintain a protective tariff between New Mexico and the United States. In other words, he meets the question broadly and fairly, and affirms the power of Congress to govern these Territories, not only outside of the Constitution, but to govern them contrary to its express prohibitions. Is that position defensible either as a matter of reason or as a matter of authority?

Perhaps, before we undertake to determine the extent of the power of Congress over the Territories of the United States it might be well enough for us to occupy a few moments in ascertaining the source from which Congress derives whatever power it may possess. That it derives its power from the Constitution all men have admitted until this remarkable report was submitted to the House. The differences heretofore have been as to what part of the Constitution vested Congress with its power over the Territories. Some have asserted that the power comes from that provision which authorizes us "to dispose of and to make all needful rules and regulations respecting the territory and other property of the United States," whereas others, and with better reason, as it seems to me, have insisted that the power is derived from that clause of the Constitution which authorizes Congress to admit new States into the Union. The latter is my own view; and I will detain the House to consider it for a moment.

These two clauses are a part of the same article. Indeed, they are a part of the same section, and one immediately follows the other. Section 3 of Article IV provides:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

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; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

It will be remembered that when the Constitution was framed there were boundary-line disputes, and contentions between certain of the States over the rightful ownership of vast tracts of land. It will also be remembered that a large body of land had been ceded by Virginia and other States under the old Confederation to the Government which immediately preceded the present Government of the United States.

These lands were considered in two respects. They were considered with reference to their future population and admission into the Union as States, and also as mere matters of property. The first provision of the Constitution dealt with them in the shape of future States, and authorized Congress to admit them into the Union. The second provision dealt with them as mere matters of property and authorized Congress to make whatever disposition of them it might choose. The power is "to dispose of and to make all needful rules and regulations respecting" what? Not respecting future States of this Union, but "respecting the territory or other property belonging to the United States." The article "the" and the singular "territory" plainly imply that the framers of the Constitution in that provision treated the question purely as one of property; and if these words left any doubt, that doubt must be resolved when we read the preceding words, "to dispose of," and the succeeding words, "or other property belonging to the United States."

The authority conferred by this paragraph of the Constitution is a mere trader's license to sell, to encumber, to lease, to survey, or to do anything with respect to the land itself that an individual owner of it might have done. Who can suppose that the great men who framed our Constitution intended to confer the power of life and death, the power of freedom and slavery, upon Congress in connection with this authority to dispose of the property belonging to the United States? I might have less hesitation

in asserting this to be my view of the Constitution if it were not the same view that was asserted with such powerful force of reasoning in the celebrated case of Sandford against Scott. Judge Taney, in the course of his elaborate and exhaustive opinion, asserts most positively that this section of the Constitution is a mere trader's license, and does not confer upon us our power to govern Territories.

As Congress has the power to admit new States into the Union, it follows naturally and safely that it shall have the power to govern our Territories in a manner suitable to prepare them for their admission; and that is precisely what Judge Marshall meant when, in the case of the Insurance Company against Canter, he asserted that over these Territories Congress exercised the power of both the General and the State governments. As the Territory is merely the initiative stage of statehood, not yet ready by reason of population or other conditions to become a State, it must be governed, not with the view proclaimed by the gentleman from Ohio [Mr. GROSVENOR], "of making all the money that can be made out of it," but with a view to its ultimately becoming a State of the Union. Adopt that construction of the Constitution and all difficulties disappear. It is not only the one announced in the Dred Scott case, but it is consistent with the statement of Chief Justice Marshall in the Canter case. [Applause on the Democratic side.]

Not only did Judge Taney declare that we govern the Territories of the United States under our power to admit them as States into the Union, but, sir, he also declared that we had no right to acquire and govern colonies; and in this opinion he was following the argument with which Mr. Jefferson was finally persuaded to treat the purchase of the Louisiana territory as an exercise of proper constitutional authority. Almost every gentleman who has spoken upon the other side of this question, either during this debate or since the general policy of territorial acquisition has been under discussion, has been at pains to tell us how Jefferson bought the Louisiana territory, although he believed that in doing so he had acted without the warrant of the Constitution. That is true; but it is not the whole truth, as the people are entitled to know it.

It is true that when Mr. Jefferson negotiated the treaty by which we obtained that vast tract of land he did not believe that he had the power to make that transaction a valid and binding one upon this country; and he likened his conduct to that of an agent who had exceeded his authority for the benefit of his principal, relying upon his principal to ratify it, and he recognized the invalidity of what he had done unless it was ratified and confirmed by the principal as whose agent he had acted. With his own hand Mr. Jefferson drew two constitutional amendments to ratify and confirm the purchase of the Louisiana territory; but his doubt of the constitutionality of his act was not shared by his Attorney-General and many of the greatest lawyers of that day. They contended that under its power to admit new States into the Union Congress could acquire the territory out of which to make new States; and finally Mr. Jefferson yielded to that view of the question.

The treaty under which Louisiana had come to us provided expressly that its people should become our citizens, and that their country should be divided up into States and admitted as equal members of our Federal Union; therefore stating the Louisiana precedent as strongly as it can be stated, it does not contradict, but rather confirms, the statement of Judge Taney when he declared:

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.

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 a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Mr. Chairman, it must be remembered that Judge Taney's declaration in the Dred Scott case, that the Federal Government possesses no power to hold colonies, was not only concurred in by all of those who agreed to the judgment of the court; but it was expressly indorsed by one of the dissenting judges, Mr. McLean, and tacitly agreed to by the other dissenting justice, Mr. Curtis, who did attempt to controvert it in his elaborate dissenting opinion. That decision, although frequently discounted by reason of the unfortunate question with which it dealt, in so far as it touches the power of Congress to govern colonies, has never been overruled or even qualified by the Supreme Court. Then, sir, if it is true that this Government has no power to acquire territory to be held as a colony, how, in the name of common sense, can Congress have the power to govern any territory as a colony?

A DECISIVE TEST.

But there is a more decisive argument than the authority of the Dred Scott case. If the power of Congress over the Territories of the United States is plenary, as these gentlemen assert, and if it is not bound by the Constitution, then, sir, it can establish an official religion such as its conscience might approve, and it can prohibit the free exercise of any other religion in a Territory. Can the gentlemen affirming that proposition produce a line from any law book to support it? Without detaining the committee with an argument of my own upon it, I am willing to submit it to the test of judicial authority, and I will agree to surrender this whole question unless I can produce an opinion of the Supreme Court which expressly negatives that proposition.

Mr. LINNEY. Will the gentleman yield to me for a question?

Mr. BAILEY of Texas. Certainly.

Mr. LINNEY. According to the authority which you have read and the trend of your argument, may not Congress govern a Territory and dispose of it?

Mr. BAILEY of Texas. Can dispose of it as mere property; but a Territory must be considered in two aspects—first, as land of which there is a legal owner, and, second, as a country inhabited by free men. [Applause on the Democratic side.]

Mr. LINNEY. Congress can not dispose of any part of a State. And if so, why not? Is it not because the Constitution applies to the States and does not apply to a Territory?

Mr. BAILEY of Texas. Your question presents the very question at issue, which is whether the Constitution applies to Territories as well as to States. If I can not prove to you that the constitutional prohibitions do apply to the Territories as well as to the States, I will surrender the argument. Will you agree to surrender it if I can prove that? [Laughter and applause on the Democratic side.]

Mr. LINNEY. If you can prove to me that the Constitution applies to the Territories to the same extent that it does to the States, then, of course, I will surrender.

Mr. BAILEY of Texas. The gentleman must understand that I agree that Congress can govern a Territory under its power to admit new States into the Union, and in pursuance of that power it can govern them to any extent appropriate to that end, subject only to the express limitations of the Constitution. But, if I can prove to him that Congress in legislating for the Territories is subject to and restrained by the express prohibitions of the Constitution, will he agree to surrender?

Mr. LINNEY. To the same extent in the Territories as to the States, I would.

Mr. BAILEY of Texas. It is not necessary to add that qualification, because my assertion is that the express limitations on the power of Congress bind it in dealing with the Territories, exactly as they do in dealing with the States.

Mr. LINNEY. If Congress can sell a Territory and can not sell an inch of a State, it must be that the Constitution has greater power in the State than in the Territory. That is the position I take.

Mr. BAILEY of Texas. Congress can sell the public lands in a State, precisely as it can in a Territory. If Congress is not restrained by the express prohibitions of the Constitution, then I repeat that it can establish a religion in any Territory under our dominion. Has that question ever been passed upon by the court? It has; and in *Reynolds vs. The United States* (98 U. S., 162) the court declares, as a matter too plain for argument—

The Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion, because the first amendment to the Constitution expressly forbids such legislation.

And thus a unanimous Supreme Court says most distinctly that the Constitution does limit the power of Congress in legislating for the Territories, while this divided Committee on Ways and Means declares to the contrary. Which opinion will you accept—the unanimous court or the divided committee?

If the power of Congress over the Territories is as broad as gentlemen on the other side assert, it can abolish the right of trial by jury in a Territory. If not, why not? The only limitation that can restrain the power of Congress in that respect is the Constitution of the United States. Has that question ever arisen? Expressly so; and it is not creditable to the candor of the majority of the Ways and Means Committee that they quote the first decision in which the question was mooted, but not decided, without referring to a subsequent decision in the same volume of reports, where it was decided.

In the case of the American Publishing Company *vs.* Fisher the court refused to decide whether Congress could abolish the right of trial by jury in the Territory of Utah, because the question could be and was decided on another ground. In the course of that opinion, which was delivered by Mr. Justice Brewer, he said:

If the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations.

In the report of the committee these words are italicized, and

with an amazing degree of effrontery they submit them as the judgment of the court upon that question, while in the very same volume of reports in which that case is reported there is another case expressly deciding this question and referring to this very case. But these impartial gentlemen, with their exhaustive research and their commendable candor, have not laid that other decision before this body. This case of the American Publishing Company *vs.* Fisher is reported in 166 U. S. Reports, 464; and the words quoted by the majority of the committee do appear in the opinion of Mr. Justice Brewer. But in the same volume, on page 707, the case of *Springville vs. Thomas* is reported, and it expressly decides that the seventh amendment does operate to invalidate the Territorial statute, thus removing the "if" clause from the sentence quoted by the committee and completely changing its meaning.

The distinct issue between the majority of the committee and myself is whether the Constitution restrains Congress in legislating for the Territories. I agree that if the amendment guaranteeing the right of trial by jury does not, then none of the prohibitions or limitations apply, and the power of Congress is plenary. I only ask our opponents to agree that if the amendment securing the right of trial by jury prevents Congress from abolishing that right in the Territories, then all of the prohibitions and limitations of the Constitution do apply to legislation for the Territories, and the power of Congress is not plenary in the sense which they have used it. Within the same year this question presented itself in a distinct and unavoidable form. In the case of *Springville vs. Thomas* (166 U. S., 707) the court say:

In our opinion the seventh amendment secures 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.

Now, will not my friend from North Carolina [Mr. LINNEY] agree that in the decision from which I have just read the Supreme Court did expressly hold that the seventh amendment to the Constitution does restrain the power of Congress in legislating for the Territories? I await the gentleman's answer.

Mr. LINNEY. I think there are other cases to the effect that Congress has a right to pass a law restricting jury trials to a sum different from that named as the minimum in the Constitution—\$20; and that opinion is, in my judgment, in conflict with the ideas of the gentleman.

Mr. BAILEY of Texas. It is unnecessary now to go into that question. I ask if the case I have read does not expressly decide that the seventh amendment to the Constitution prevents Congress from abolishing the right of trial by jury in the Territories?

Mr. LINNEY. It does prevent it, it seems; but, mark you, that territory was not in the condition of this territory. In the one case there was legislation on the part of Congress touching that territory, and in the other there was not.

Mr. BAILEY of Texas. You can not escape me in that way. The question before us is as to the power of Congress in legislating for the Territories, and that power does not in anywise depend upon whether there has been any previous legislation.

Why, Mr. Chairman, if their view of the Constitution be correct, not only can Congress abolish trial by jury and establish a state religion, but they can create a title of nobility in the island of Puerto Rico. Will the gentleman from North Carolina [Mr. LINNEY], or will the gentleman from New York [Mr. PAYNE], or the gentleman from Pennsylvania [Mr. DALZELL] dare to stand up in the presence of this House and country and assert the power of Congress to create the title of the Prince of Puerto Rico? Will the gentleman assert that?

Mr. LINNEY. No.

Mr. BAILEY of Texas. Then, why not? Simply because the Constitution expressly forbids the creation of titles of nobility.

Mr. LINNEY. And the Constitution expressly, on the other hand, confers upon Congress the right to control and dispose of territory. That is the difference.

Mr. BAILEY of Texas. Subject to the express provisions and limitations of the Constitution.

Mr. LINNEY. And if the gentleman will allow me, on that other matter the Supreme Court has just decided that a jury of eight is a lawful jury.

Mr. BAILEY of Texas. That is in a State.

Mr. LINNEY. That a jury of eight in the Territory of Utah under a law passed by Congress was valid.

Mr. BAILEY of Texas. I have not examined the case which the gentleman says has just been decided.

Mr. LINNEY. I have just seen the decision.

Mr. BAILEY of Texas. But I venture to say that the court has decided that if the constitution of Utah provides for a jury of eight it has the right to do so for trials in that State, because the State constitution controls that matter.

Mr. MADDOX. That is the decision.

Mr. BAILEY of Texas. And the Federal Constitution controls this matter. [Applause on the Democratic side.]

Mr. MORRIS. Will the gentleman yield for a question?

Mr. BAILEY of Texas. Certainly.

Mr. MORRIS. Is the gentleman from Texas aware of the fact that at the time of the pronouncement of the decision in the case of *Springville vs. Thomas* this provision was in the Revised Statutes of the United States:

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized, as elsewhere within the United States.

Is the gentleman aware that that was in the statute?

Mr. BAILEY of Texas. I am, and it was considered in the case of *The Publishing Company vs. Fischer*; but the case of *Springville vs. Thomas* was expressly decided on the constitutional question involved in this bill. The supreme court of the Territory of Utah had held that under the act of Congress the Territorial legislature could authorize a verdict by less than a unanimous jury; and consequently the Supreme Court of the United States, upon an appeal from that decision, found it necessary to meet the question of the constitutional power of Congress to authorize the enactment of such a law. They did meet it, and they expressly decided that the seventh amendment to the Constitution, securing the right of trial by jury, limited the power of Congress in the Territories as well as in the several States.

Mr. MORRIS. Will the gentleman permit a further question?

Mr. BAILEY of Texas. I will.

Mr. MORRIS. Were they not obliged to decide that that was the case, in view of that statute?

Mr. BAILEY of Texas. Oh, no. They decided in the *Fischer* case that either the acts of Congress or the seventh amendment to the Constitution, or both together, prohibited the Territorial legislature from providing that a verdict could be rendered by less than all of the jury; but in the case of *Springville vs. Thomas* the act of Congress had been eliminated by a decision of the supreme court of Utah to the effect that Congress had authorized the Territorial statute which permitted a verdict to be rendered by less than the entire jury. The Supreme Court of the United States was compelled to meet the direct question as to the power of Congress in that respect, and they decided that the seventh amendment to the Constitution forbids Congress to abolish the trial by jury, either through a law of its own or through one passed by a Territorial legislature under the authority of Congress. [Applause on the Democratic side.]

Mr. MORRIS. Did not the court in the case of *Springville vs. Thomas* refer with approval to the case of the *American Publishing Company vs. Fischer*?

Mr. BAILEY of Texas. They did; but did not intimate that the act of Congress which was considered in the *Fischer* case was under consideration in that case.

Mr. MORRIS. Did they not cite the case of the *Publishing Company vs. Fischer* as sustaining the case of *Springville vs. Thomas*?

Mr. BAILEY of Texas. They cited it as consistent with it.

Mr. MORRIS. I will ask the gentleman to read the opinion.

Mr. BAILEY of Texas. The gentleman must assume that I have read what I am trying to discuss. [Applause on the Democratic side.] I could cite other decisions to the same effect if my time would permit; and I will take the time to remind the gentleman from Minnesota that in *Thompson vs. Utah* Mr. Justice Harlan says:

That the provisions of the Constitution relating to the right of trial by jury apply to the Territories is no longer an open question.

Now, Mr. Chairman, let us go one step further. I have the admission of my friend from North Carolina [Mr. LINNEY] that Congress could not create the Prince of Puerto Rico.

Mr. LINNEY. Yes.

Mr. BAILEY of Texas. But, sir, if they had plenary power, they could do it, and the only reason why they can not do it is because they have been restrained by a constitutional prohibition against it.

Mr. LINNEY. The constitutional provision prohibits them from making a title or office of that kind anywhere.

Mr. BAILEY of Texas. It says:

No title of nobility shall be granted by the United States.

Mr. LINNEY. Nowhere in the world.

Mr. BAILEY of Texas. You add that.

Mr. LINNEY. Yes.

Mr. BAILEY of Texas. Then, why not add the same to all of the other general prohibitions and limitations? Why not admit that when the Constitution says that Congress shall not do certain other things, it means that we shall not do them anywhere in the world? [Applause on the Democratic side.]

THIRD CONCLUSION.

The third conclusion of the committee is—

that under that power Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the United States.

Let us see. From what source does Congress derive its power to lay and collect taxes, duties, and imposts? Every gentleman on

that side will admit that it derives it from the Constitution. It is the first power expressly granted to Congress by the Constitution. In section 8 it is provided that—

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—

Now mark the limitation—

all duties, imposts and excises shall be uniform throughout the United States.

It would be impossible to express a limitation more plainly than is done in that provision; and the only way by which these gentlemen can escape that injunction of uniformity is to return to the subterfuge that the United States does not include the Territories. No distinction is attempted by the committee on account of the peculiar situation of Puerto Rico, and none could be sustained if attempted. The gentleman from Pennsylvania [Mr. DALZELL] concedes that the same rule which applies to Puerto Rico applies also to Arizona and New Mexico.

I would be glad to debate this question first as a matter of principle, but a glance at the clock admonishes me that I have not the time, and I must therefore content myself with invoking again the decisions of our courts. This very question has been presented to the Supreme Court on two different occasions: First, in the case of *Loughborough vs. Blake*, and again in the case of *Cross vs. Harrison*. One was decided when John Marshall was Chief Justice, the other after Roger B. Taney had succeeded him; and in both cases the court was unanimous in its opinion. If this very proposition to lay a different rate of duty upon goods which are carried into Puerto Rico from that which is laid upon goods which are brought into the port of New York had been before the court, the following language of Chief Justice Marshall could not have been more in point. He says:

The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes thereafter 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.

Further on in this same case, and while addressing himself to the argument upon another phase of it, he again lays down the same doctrine in these words:

Yet it is admitted that the Constitution not only allows but enjoins the Government to extend the ordinary revenue system to this District. If it be said that the principle of uniformity, established in the Constitution, secures the District from oppression in the imposition of indirect taxes, it is not less true that the principle of apportionment, also established in the Constitution, secures the District from any oppressive exercise of the power to lay and collect direct taxes.

And thus, for a second time in this same opinion, the great Chief Justice declares that the rule of uniformity must be observed by Congress in laying duties, imposts, and excises in the District of Columbia and in the Territories, as well as in the sovereign States. No gentleman on that side who has any regard for his reputation as a lawyer will venture to deny that these statements taken from the opinion of Judge Marshall are applicable to the question now before us; nor will one of them rise in his place and contend that the opinion in the case of *Loughborough vs. Blake* has been overruled, modified, or even doubted.

What excuse, then, will the committee render to this House and to the country for asking us to fly in the face of a decision of our highest court rendered by its greatest Chief Justice, and which has stood unchallenged for eighty years? Do they expect the intelligent people of this Republic to excuse their palpable disregard of the Constitution and the law on the ground of partisan emergency? I am aware, sir, that the people will forgive much to the spirit of a sturdy partisanship; but I do not believe that they will tolerate this reckless and unnecessary violation of the plain letter of the Constitution and the well-established and unquestioned decision of the court.

In the case of *Cross* against *Harrison* the question again arose as to the uniformity of duties, imposts, and excises. In that case suit had been brought to recover money which had been paid to a temporary collector of customs at the port of San Francisco. The Supreme Court, in a unanimous opinion, says this:

The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last became a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kinds of goods; thus entering, by the retail sale of them, into competition with such goods, and with our own manufactures, and the products of our own farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection

district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.

[Applause.]

Those duties were collected in the Territory of California, and the court held that although Congress had not up to that time erected it into a revenue-collection district, yet the goods of foreigners could not be landed there without paying the same duties as would be paid at other ports of the United States, because to permit that would violate the constitutional requirement of uniformity in duties; thus asserting that duties must be uniform in the Territory of California, as well as in the several States of the Union. [Applause.]

The power to lay and collect duties, all men agree, is as wide as the jurisdiction of the Republic. Then how can you deny that the limitation on that power follows it wherever it is exercised? [Renewed applause.] You will collect these duties in Puerto Rico under a particular clause of the Constitution; yet, sir, while asserting its authority you deny its limitation, and in denying its limitation you ignore the authority of Marshall and of Taney.

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 than in one than in the other.

So said John Marshall. What say you, gentlemen of the Republican party?

To land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision of the Constitution which enjoins that all duties, imports, and excises shall be uniform throughout the United States.

So said the Supreme Court in *Cross vs. Harrison*; and can party exigency establish a different doctrine?

THE CONSTITUTION TO BE SET ASIDE.

I understand and appreciate the situation of the gentlemen who are supporting this bill. They realize the utter impossibility of governing colonial possessions according to the Constitution of the United States and they have resolved upon the dangerous course of boldly setting the Constitution aside. [Loud applause on the Democratic side.] If I could derive a personal satisfaction from any circumstance which I deemed a misfortune to my country, I would rejoice in their decision, because it abundantly confirms what I said in the very beginning of this controversy. Eighteen months ago, when the fever of war and conquest was in the blood of our people, when men talked only of battles and victories, when the music of the fife and drum had aroused our martial spirit, I did not yield to this general excitement; but in the midst of it all I stood unmoved, and warned my countrymen that the Constitution of this free Republic could not be applied to the government of colonies. [Loud applause on the Democratic side.] When emotional statesmen cried out to know who would take down the flag, I dared to say that I would take it down from any land where the Constitution of my country could not follow it. [Applause on the Democratic side.]

Gentlemen of the Republican party, are you ready to present to the world the anomaly of a government restrained by a Constitution in one-quarter of the globe and yet possessed of despotic power in all other regions of the earth? How long will our Constitution shield us and our children if we withhold its protection from the meanest under our jurisdiction? It was ordained to limit the powers of this Government at all places and over all men; the greatest are not exempt from its limitations, nor can its protection be denied to the humblest. [Applause on the Democratic side.]

Under this new and strange philosophy which we are now invited to embrace, the people of our new possessions will neither perform its obligations nor enjoy its blessings. To them those sacred guaranties which we hold more precious than our lives are meaningless. Their houses may be searched; the altars of their religion may be leveled to the ground; soldiers may be quartered on them in times of peace, and when they have peaceably assembled to petition for a redress of their grievances they can be dispersed at the point of the sword. They can be arrested without a warrant; they can be tried without a jury, or condemned without a trial. The greed of one American pro-consul may strip them of their property, and the lust of another may despoil their homes. And yet, sir, against these unspeakable atrocities they can not invoke those great provisions which our fathers deemed the heritage of all freemen. [Applause on the Democratic side.]

Gentlemen, are you ready to divide our people into citizens and subjects—half monarchy and half republic? Let me borrow the immortal words of Lincoln, and, applying them to this new condition, let me remind you that this Republic can not endure one half slave and the other half free. [Applause on the Democratic side.] Either we must all be citizens or else in time we all shall become subjects. I did not want these alien and inferior races, and I

fervently pray that we may yet be delivered from the impossible task of assimilating and governing them. [Applause on the Democratic side.] But, sir, if you will take them, you must make them a part of us; we must share their destiny with them, and they must share their destiny with us, for there is no place under our form of government for that wretched creature without a citizenship. Every man who stands beneath the ample folds of that flag which adorns yonder Speaker's stand shall have the right to face the world, and with that prouder than Roman boast upon his lips, proclaim: "I am an American citizen." [Great applause on the Democratic side.]

Mr. DOLLIVER. Mr. Chairman, I had intended to argue at least some of the questions of law to which my friend from Texas has adverted during the course of his speech, but the length and general character of the debate seem to make that unimportant. I stayed in the House while the speeches on this subject were being made and I discovered what my friend lost while he was on the outside preparing his—that every case which he has cited and every argument which he has submitted have been brought forward again and again by gentlemen on his own side of the House and repeatedly replied to by our friends on this side. [Laughter and applause on the Republican side.]

So that I am not disposed, even if the House were able to bear such a thing, at the end of a ten days' debate, to attempt a case-grinding recital of what has happened from time to time in the Supreme Court of the United States.

This bill, which is a temporary measure—and I will advise the House will be so declared in an amendment to be offered by the committee—aims simply to provide a revenue for the island of Puerto Rico. Yet it has been magnified by this debate in a strange way to include the whole problem of our government of the possessions that have come to us under the treaty of Paris as a result of the war with Spain.

The President of the United States in his annual message recommended that Congress should abolish all customs tariffs between Puerto Rico and the United States, and should admit their products to our markets without duty. The argument upon which the President's recommendation was based was drawn mainly, I may say entirely, from a consideration of the position in which the people of Puerto Rico have been placed by our disturbance of their connection with Spain and by the unfortunate experience of flood and storm through which nearly the whole of the island has recently passed. It was evidently the purpose of the President, and the only purpose which he had, to do something to give that people a chance to rebuild its fallen fortunes and to begin anew its commercial and industrial life. Now, notwithstanding the abuse that has been heaped upon this bill on this floor and in the public press, I undertake to say that it does in substance exactly what the President had in mind to do. [Applause on the Republican side.]

At the same time it keeps account of the fact that whatever form of government is finally established in the island of Puerto Rico will, from the beginning, stand in exigent need of money to pay its expenses and to provide for the education and material development of the community.

Under this bill as it will be finally shaped they will be enabled to collect a revenue equal to 15 per cent of the established tariff rates of this country on goods entered from the United States, and required to pay a corresponding rate on goods sent from Puerto Rico here, the entire fund—all collected here and all collected there—being expressly devoted to public uses in connection with their local government. In that view of the case the injustice will appear which has been done to the Ways and Means Committee by gentlemen on our own side of the House, by our friends on the other side, and by an organized coercion of public opinion elsewhere in the United States.

We have been accused of a conspiracy to rob and to levy tribute upon a helpless and unfortunate people. We have been charged with "treating Puerto Rico as an orange to be squeezed," and the intimation has been thrown out to the public that this Government proposes to appropriate the juice [laughter], when in point of fact we are simply fixing a nominal rate of duties for the sole purpose of guaranteeing a working revenue for the necessary uses of the Puerto Rican government for the time being, until it has prepared and put in operation a fiscal system of its own.

It will be seen, therefore, that the committee has done in substance exactly what the President recommended should be done. We have given to these people the least burdensome method of taxation that can be devised; and our departure from the letter of the President's recommendation in form, but not in substance, is hardly entitled to the attention which it has received from our worthy Democratic brethren in this Chamber. Their solicitude lest the counsel of the President be set at naught needs only, in addition to its somewhat showy appearance of benevolence, a faint note of sincerity to entitle it to the sympathy of every real friend of the Administration.

The anxiety and zeal with which gentlemen on the other side, and some on this side, have rallied around a single sentence in the President's message, if it could be distributed over the whole of that historic Executive communication would have a tendency to broaden the outlook of an uneasy lot of politicians who are now engaged in obstructing the highway of national progress by the inventions of a cheap partisan ingenuity. [Applause.]

There may have been a time when kind words from the other side of this Chamber might have been grateful to the troubled heart of the Chief Magistrate as he has borne the burden of national responsibilities which he did not create. But I doubt very much whether this belated and whimpering pretense of eulogy and indorsement will be accepted as a suitable recompense for two long years of clamor and calumny with which Democratic ideals of propriety have surrounded the President of the United States. [Applause.]

If our departure from the letter though not from the spirit of the President's recommendation is to be set up against us—if the words of that recommendation, taken out of connection with the meaning and intention of it, are to be put forward here as the inflexible standard to which all our notions of legislative duty are to be conformed, I beg my friends on the other side of the House to put away their mask of inordinate respect for the President's opinion and leave that plea to the more appropriate attorneyship of my friend from Maine [Mr. LITTLEFIELD] and my friend from Massachusetts [Mr. MCCALL], who have lost their footing in the catch-as-catch-can wrestle with the Constitution which has so conspicuously characterized the present session of Congress. [Applause.]

What is the purpose of this bill? I have seen in the newspapers, and I have heard it mumbled in this Chamber, that the measure is in the interest of the sugar trust. I do not believe that any man whose mind is at all adapted to the consideration of such a question would stand up in a presence like this and make such a statement as that. We know, if we know anything, that the sugar trust, so called, has no interest in any proposition pending here except in securing free trade in the material out of which it manufactures refined sugar.

Only last fall Mr. Henry O. Havemeyer, the president of the American Sugar Refining Company, went before the Industrial Commission and denounced the whole protective tariff, because the law of 1897 was more careful to protect the beet-sugar industry of the United States than to keep up the profits of that company.

We have bills pending in this House, offered for the purpose of striking down that monopoly, by relieving it of the burden of paying taxes on the raw material which it imports; when even the slightest comprehension of the subject would suggest to any active mind that free trade in raw sugar would be an open gift to the magnates of the American Sugar Refining Company of a purse equal to one-third of the total customs revenues of the United States.

And yet we hear it said that the sugar trust and the tobacco trust are behind this bill. The fact is, if we may believe the correspondent of the Associated Press, that two crops of sugar and tobacco are now on hand in Puerto Rico awaiting shipment. There are 5,000,000 pounds of tobacco and the sugar crop of two years, not in the hands of the people of Puerto Rico, but piled up by speculators in the warehouses of San Juan and other seaport cities of the island, now chargeable, if shipped to the United States, with full duties under the Dingley law, held there in bulk waiting for the profit that will accrue from free trade.

A gang of speculators, mostly Americans, have been hounding members of Congress for weeks. This syndicate of sugar and tobacco brokers are even now jostling one another in the corridors of this Capitol, pleading, with sordid hypocrisy, for the people of Puerto Rico. This bill does not suit them because it diverts from their pockets a portion of the profits which they had hoped to reap, puts it into the treasury of the island of Puerto Rico, and devotes it to the pressing necessities of that stricken and unfortunate people. [Applause.]

Now, there is another thing I wish to speak of. It has been said that certain interests of the United States, such as the tobacco, beet-sugar, and fruit industries, have come here and demanded this legislation. It is true that a memorial from farmers' associations in Florida, in California, and elsewhere in the United States has expressed the fear that free trade with tropical America will damage many of the flourishing agricultural industries of our country.

For that reason they have petitioned, as they have a right to do, for the maintenance of the Dingley tariff rates with Puerto Rico and with the Philippine Islands. In the opinion of the committee, their fears, at least so far as Puerto Rico is concerned, are groundless. And this bill has not been drawn with any view to comply with these petitions, so far as Puerto Rico is concerned. There is not a line, there is not a syllable, in it which has been put there

for the protection of any American industry; and, in fact, the bill comes nearer free trade with Puerto Rico than even the Democratic party has ever dared to attempt. [Laughter on the Republican side.]

Ever since I can recollect anything about politics the Democratic party has been talking for free trade; yet when Mr. Morrison came to draw a tariff bill he was satisfied with a horizontal reduction of 20 per cent; and when Mr. Mills, in response to a Democratic platform calling for free trade, drew a tariff bill he reduced the existing schedules less than an average of 6 per cent.

The same thing happened on this floor in 1894, when, after a struggle which is interesting to recollect, as it was interesting to participate in, we got down to a free-trade basis, with an average reduction of less than 10 per cent in all the schedules of the tariff law of 1890. In this bill we propose a horizontal cut in existing rates of 75 per cent; and in order to avoid the prejudices that have grown up around this measure we offer on this floor to reduce it so that it shall equal a horizontal reduction of 85 per cent. And yet our Democratic brethren are complaining because we are imposing an outrage and a robbery upon an unfortunate population in Puerto Rico.

My friend from Illinois [Mr. CANNON] has shown, and no man can answer him, that if you are going to raise money for those people by any kind of taxation, if you are not going to give the island a strictly pauper relation to the United States, this tax is just and wise and fair; and I can prove by my friend from Massachusetts [Mr. MCCALL], who has the Constitution in a shape which has disabled him for usefulness in the present emergency of the party to which he belongs [laughter on the Republican side], that as a fiscal proposition this bill is not open to anybody's criticism, as his report now on file states.

What else is in this bill? There is one thing in it that nobody seems to see who is fighting it on this side, but which the able political managers who have organized the fight against it on the Democratic side see with perfect clearness. It contains an intimation to the world that the United States in its effort to care for the future of far-off peoples, an effort that has already cost incalculable sacrifice and anxiety, is under no constraint either of law or of duty to put in jeopardy the interests of our own people. [Applause on the Republican side.]

We have heard on this floor in this debate speeches made, addressed to the meanest prejudices of class and race and even color, predicting the speedy destruction of particular industries and the disintegration of the whole social fabric on account of the Republican policy of acquiring possession of the late colonies of Spain. And yet, when a bill is brought forward here, now pending in both Houses of Congress, which foreshadows in a practical way the right of the United States to deal with these possessions with an eye to our own interests as well as theirs, we are beset by the scribes and pharisees of the Constitution [laughter] because in the supreme court of their imagination no power is found to prevent the consolidation of these alien and backward races with the political and commercial system of the United States.

So far as I am concerned, I am not stampeded by these tales of woe, by these predictions of disaster, one following the other, coming up straightway out of the Caribbean Sea or the Pacific Ocean, though I concede that after national experiences so recent it is possible to underrate the effect of an appeal to the popular fear of free trade, on a scale however small, even when presented by the managers of Democratic politics in the United States. [Laughter on the Republican side.]

But if that were the only issue at stake, it is not settled in my mind that anybody ought to be frightened, certainly not out of his wits, even by a proposal so extreme as the free admission into our markets of all the products of our new possessions, either now or in time to come. At any rate, it is not contended that any American industry is likely to suffer on account of the free admission into this country of the surplus productions of the people of Puerto Rico.

And so the proposed reduction of 85 per cent in all the schedules of the tariff law of 1897 has introduced no element of alarm whatever into the American market place. The nominal rate retained in this bill is for the sole purpose of providing, in part at least, for the expenses of the local administration in Puerto Rico, though that is not the only advantage of it, if it operates to put a stop to the unscrupulous agitation that has filled the country with the fear that in taking possession of vast tropical territories the Government is found helpless to deal with them except on terms of such political intimacy and commercial equality as the Constitution prescribes for the people of the United States. [Applause.]

If the Constitution of the United States establishes free trade between Manila and San Francisco, as it undoubtedly does between Maryland and Virginia, then the circumstance that we have got into a new competition, possibly injurious to some of our industries, is only the least trouble that is before us. A consideration

vaster by far than that arises at once, for we are in that case disarmed in advance in the momentous demand which this nation has made for equal rights in the commerce of Asia.

I violate no secret of this Government when I say that to-day there is pending in the State Department the most elaborate commercial negotiation ever attempted in the history of our diplomacy, based upon a pledge made by our commissioners at Paris, that whatever we do, in the Pacific Ocean we will maintain an open door for the commerce of the world. And I ask Republicans, I ask those Democrats from Georgia, from South Carolina, from the great cotton belt of the South, whose people are interested in the prospects that are wrapped up in the commerce of the east, with what countenance can we stand before the cabinets of Europe, protesting against the occupation of the ports of China to the prejudice of American trade, when we ourselves, from our headquarters on the border, being tied down by an obsolete construction of our own Constitution, have deliberately drawn a commercial dead line about the Philippine Islands for the permanent exclusion of everybody else.

The open door of Asia, through which the enlightened community of American business, North and South, looks forward to opportunities not even yet explored, to opportunities that shall broaden with the centuries—that is the larger question that is on trial here. We are in the Philippine Islands under circumstances known and read of all men. Our going there was not an act of statesmanship; it was not an act of partisan policy. It was an act of war, a step in the strategy of a military campaign, a fruit of victory presented to the American people by our great Admiral in Asia when his day's work in the harbor at Manila was done. [Applause on the Republican side.]

While the hostilities lasted the occupation of the Philippine Islands was a war problem altogether. It did not descend into the region of politics—possibly I ought to say it did not ascend into the region of politics, because I use the word in the larger and higher meaning of a term which, in its origin and early history at least, is entirely respectable [laughter]—it did not descend into the region of politics until our commissioners at Paris had assembled in pursuance of the protocol agreed upon with M. Cambon, the French ambassador, acting in the place of Spain. Then, for the first time, the question was open for the counsel of the wise and for the advice of the leaders of public thought in the United States.

I am not going to stand here a minute to defend the treaty of Paris. We have heard here that in making that treaty our Government drifted from its moorings and became a pirate upon the high seas. Men have stood here denouncing the whole affair as a scheme of land-grabbing rapacity. Even the neutrality which from every motive of national interest we are under obligation to maintain in the unfortunate war now in progress in South Africa, has been put under criticism more malignant than intelligent, and the nation itself has been held up to scorn and derision, because, having itself become a robber nation, it can no longer turn aside from its own business to interfere in the affairs of other nations and, in the language of Danton in the French Assembly, go forth to "expiate the wrongs of the world."

It is some satisfaction for me to know that no element of national ambition, that no sinister suggestion of territorial aggrandizement, that not even the greed of commerce, is found in the official literature of the treaty of peace. Its sole motive was to help and give an unselfish guidance to the helpless populations brought thus under our authority. And I say to both sides of this House that when the archives of that negotiation are published to the world, as they will be, every American will see that the President of the United States ended our war with Spain in the same lofty spirit which led the people to begin it, and will be able to reverently invoke upon every line in the history of the transaction the considerate judgment of mankind and the gracious favor of Almighty God. [Applause on the Republican side.]

I hold that the treaty of Paris merely set down in writing the achievement of our arms, though I do not deny that there is room for a difference of opinion about that. But I maintain that if any American statesman cherished the design of hindering and disabling the United States in the management of the heavy weight laid upon us by that treaty, it was his duty, before it became a part of the supreme law of the land, to exhaust his influence to defeat its ratification. That course was taken by some, notably by the former Speaker of this House, and by a venerable and patriotic Senator from New England, the sincerity of whose heart no man who knows him has ever questioned.

Whether the somewhat caustic observations of the former Speaker or the earnest arguments of the eminent New England Senator were founded in wisdom or not, it is now at least a year too late to profitably inquire. They had, at all events, one quality which enabled both of them to preserve the respect of mankind, and that was their definite conviction that the United States ought not to assume the sovereignty of the Philippine Islands, with the cares unavoidably involved, and its duties, both defined and im-

plied, to the Kingdom of Spain, to the native inhabitants; and to the world at large.

The war, by the total prostration of the enemy, was at an end; and no man ought to have advised the ratification of the treaty without a manly resolution in his heart to stand by his country in taking up the immeasurable load laid upon the United States by that solemn act of its Government. It is inconceivable that men who count themselves fit for the highest dignities of our national life should have deliberately reckoned the party advantages of the situation, and advised the ratification of the treaty, not for the purpose of making it the law of the land, but for the miserable opportunity of harassing the Government in the interest of a political party.

Yet such was the reckless mental reservation of the political leader, who left his uniform in Florida, while he hastened to this capital to rally his followers to the support of the treaty of peace. Even in the excitement of the approaching campaign the moral characteristics of such a leadership will not altogether escape the attention of the American people; and when in other times, free from the prejudices of the hour, the depths of this degradation are truly measured, a judgment will be recorded in everlasting condemnation of so gross a betrayal of the national welfare for the sake of a temporary partisan advantage. [Loud applause.]

Even now these advantages are not as profitable as they appeared a year ago, for the wisdom of the national policy has been emphasized by the indubitable folly of every project that has been offered in its place. At Paris we had the choice of giving the islands back to Spain, leaving them to fight it out with that unfortunate Kingdom, or providing for their independence, leaving them to fight it out among themselves, or assuming sovereignty in our own name and undertaking to administer their affairs on our own account.

Nobody blames us for putting an end to the sovereignty of Spain, and even Mr. Bryan has been careful not to demand the withdrawal of our Army, leaving the islands to their fate; yet he appears to reject the only two propositions in connection with the subject that, according to my friend from Missouri [Mr. DE ARMOND], have any sense in them, namely: That we shall stay there as in duty bound by the treaty, and administer their affairs; or that we shall leave them, notwithstanding the treaty, and let them work out their own salvation.

The proposition which Mr. Bryan makes concedes that without us the islands would become a prey to those nations which are accustomed to protect the interests of their people in the out-of-the-way places of the world. He therefore asks us to first recognize the government of an insurgent tribe, representing only a small minority of the population of the islands, to commit the sovereignty which we acquired from Spain and which we hold in trust for several millions of people, embracing over sixty tribes, to the dictatorship of the military chieftains of a single one, and then stand off at our own expense with our Army and Navy, responsible for all that follows, but without a vestige of authority to direct the course of affairs. I undertake to say that in the whole history of the world no such blatant stupidity has ever masqueraded for wisdom, even in the leadership of a forlorn political hope. [Great applause on the Republican side.]

It may be set down for sure that, whatever else happens, this clumsy and unmanageable thing will not happen. If we go, we will take our baggage with us [laughter], leaving the police duties of civilization, after our ignominious default of our treaty obligations, to be performed by the nations interested. If we stay, we will stay in our own right, exercising the functions of our own Government, deriving our authority from the treaty which defines our responsibility. [Applause.]

My own conviction, strengthened by months of solicitous inquiry and confirmed in the unanimous report of the official board whose report has just been laid before Congress, is that we can not leave the Philippine Islands without surrendering the national character, without disowning the sacrifices we have made, without turning our backs on the mission of the Republic among the nations of the world. Our Navy is there, still glorious in the renown of its great sailors; our Army is there, patient and uncomplaining amid the hardships of a strange land; our flag is there, with no stain upon it except the blood of the brave men who have died in its defense. [Applause on the Republican side.]

The open attack on the front of the national position made by the Democratic party and its allies is already a failure, pitiable and complete. Even while it lasted it was more contemptible than formidable. It went into partnership with the fevers of the camp and tried to pick up a few votes at every soldier's funeral; it sought to reap a profit from the quarrels of officers in both arms of the service and from the grievances of enlisted men; and even in the hour of victory it degraded the national reputation by filling the world with scandals and hearsays without decency or truth. [Applause on the Republican side.]

It furnished enough votes in favor of the treaty of Paris to ratify it, and talk enough against it to encourage adventurers to make

an insurrection against the sovereignty which it established. It formed a combination with Aguinaldo, more tangible by far than the secret Anglo-Saxon alliance which will be found recorded in the dream book of that inimitable fortune teller from Missouri, who so often delights us with his tales of falling empires. [Laughter on the Republican side.] By its terms Aguinaldo was to do all he could for the Democratic party, and the Democratic party was to do all it could for him—a sort of mutual aid society, in which each depended on the success of the other, while both were moving swiftly in the direction of the bottomless pit. [Laughter and applause on the Republican side.]

The time has come, in my judgment, for somebody to do some plain speaking in this House, and having waited nearly three months for somebody else to come forward to attend to it, I propose now to attend to it myself. [Applause.] The other day, passing through the city of Philadelphia, I took up the evening papers, and at the head of the column, in type an inch long, was "McKinley a murderer," and reading down the column, I found that a gentleman whose name I can not recall, had denounced the President of the United States as a murderer, amid the applause of the United Anti-Imperialist Convention meeting there to celebrate Washington's birthday, that great assembly, organized by dead men, and its exercises conducted on the floor by madmen. [Laughter and applause on the Republican side.]

I made up my mind that if I could get an opportunity here I would read the orders of the President of the United States, that the world may know what manner of men these are whose wicked and reckless malice against their country does not even spare the Chief Magistrate of the United States. I hold in my hand the President's telegram to General Otis and to Admiral Dewey, of January 8, 1899, and I desire to read it in this House.

To OTIS and DEWEY, *Manila*:

We transmit to you the following message from the President:
ALGER, LONG.

"Am most desirous that conflict be avoided. Your statement that a conflict 'at Iloilo or other southern port means war in all the islands' increases that desire. Such conflict most unfortunate, considering the present, and might have results unfavorable affecting the future. Glad you did not permit Miller to bring on a conflict.

"Time given insurgents can not hurt us and must weaken and discourage them. They will come to see our benevolent purpose and recognize that before we can give their people good government our sovereignty must be complete and unquestioned. Tact and kindness most essential just now. Am sure you both, having full knowledge of situation, can be trusted to accomplish purposes of this Government with the least discord and friction. We accepted the Philippines from high duty in the interest of their inhabitants and for humanity and civilization. Our sacrifices were with this high motive.

"We want to improve the condition of the inhabitants, securing them peace, liberty, and the pursuit of their highest good. Glad you are conferring with them in their unofficial capacity. Will send commissioners if you think desirable to cooperate with you both in your delicate task. They can not leave here for two weeks or report Manila for two months. Will send them as above on hearing from you. If possible to hasten repatriation of Spanish soldiers before treaty ratified, it will be done. You are masters of the situation there and must not relax your power or vigilance. Hope good counsel will prevail among the inhabitants and that you will find means to save bloodshed and restore tranquillity to that unhappy island.

"How is the health of Miller's command?"

"WILLIAM McKINLEY."

I desire to read also the following letter from General Otis to the insurgent commander, in which he calls his attention to the fact that he was under strict orders of the President to avoid conflict in every possible way:

HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
Manila, Philippine Islands, January 9, 1899.

Gen. EMILIO AGUINALDO,
*Commanding Revolutionary Force, Malolos,
Philippine Islands.*

GENERAL: I have the honor to acknowledge the receipt of your communication of to-day, and am much pleased at the action you have taken. I greatly regret that you have not a clear understanding of my position and motives, and trust that my explanation, assisted by the conference I have invited, will make them clear to you.

In my official capacity I am merely the agent of the United States Government to conduct its affairs under the limits which its Constitution, laws, precedents, and specific instructions prescribe. I have not the authority to recognize any national or

civil power not already formally recognized by my Government, unless specially authorized so to do by the instructions of the Executive of the United States. For this reason I was unable to receive officially the representatives of the revolutionary government, and endeavored to make that inability clear to the distinguished gentlemen with whom I had the pleasure to converse a few evenings since. You will bear witness that my course throughout my entire official connection with affairs here has been consistent, and it has pained me that I have not been able to receive and answer communications of the cabinet officers of the government at Malolos, fearing that I might be erroneously charged with lack of courtesy.

Permit me now briefly, General, to speak of the serious misunderstanding which exists between the Filipino people and the representatives of the United States Government, and which I hope that our commissioners, by thorough discussion, may be able to dispel. I sincerely believe that all desire peace and harmony, and yet, by the machinations of evil-disposed persons, we have been influenced to think that we occupy the position of adversaries. The Filipinos appear to be of the opinion that we meditate attack, while I am under the strict orders of the President of the United States to avoid conflict in every way possible.

My troops, witnessing the earnestness, the comparatively disturbed and unfriendly attitude, of the revolutionary troops and many of the citizens of Manila, conclude that active hostilities have been determined upon, although it must be clearly within the comprehension of unprejudiced and reflecting minds that the welfare and happiness of the Philippine people depend upon the friendly protection of the United States. The hand of Spain was forced, and she has acknowledged before the world that all her claimed rights in this country have departed by due process of law.

This treaty acknowledgment, with the conditions which accompany it, awaits ratification of the Senate of the United States, and the action of its Congress must also be secured before the Executive of that Government can proclaim a definite policy. That policy must conform to the will of the people of the United States expressed through its representatives in Congress. For that action the Filipino people should wait, at least, before severing the existing friendly relations. I am governed by a desire to further the interests of the Filipino people, and shall continue to labor with that end in view. There shall be no conflict of forces if I am able to avoid it, and still I shall endeavor to maintain a position to meet all emergencies that may arise.

Permit me to subscribe myself, General, with the highest respect,
Your most obedient servant,

E. S. OTIS,

Major-General, U. S. Vols., Commanding.

A year ago on this floor I was jeered by my Democratic colleagues because I refused to advise a policy of force against the Philippine people. I did not then know that for months our boys had borne in silent humiliation the taunts and jeers and insults of this mob of swift-footed warriors. I did not know that the President of the United States had commanded both our Army and Navy under no circumstances to make an attack, but to treat these people with kindness and consideration and make known to them the good will and friendly purposes of our Government. I did not then know the objects with which that armed horde was encamped on the suburbs of Manila; nor did I understand the motive and form of that unique system of government by which a self-appointed leader of the Tagal tribe, in virtue of a constitution which he wrote himself in a Chinese boarding house in Hongkong, had become the head of an imaginary Philippine republic.

But whatever my desire to avoid the necessity of waging war on Aguinaldo's army may have been, I never have been even tempted to regret that our little garrison lying in the mud in the outskirts of Manila refused to run from them. [Applause.] And from that day I assert, with the unanimous report of the Philippine Commission in my hand, that nothing has been done there that has not been necessary to secure for our Government the respect and obedience which belong to it. [Applause.]

No American army ever volunteered for a service more arduous; none ever had a better right to look to their countrymen at home for encouragement and sympathy; none ever earned a higher title to the love of a generous people. In camp and garrison, on the march and in the field, in the tangle of swamps and over the passes of untraveled mountains they have borne the flag of the American Republic—that flag which never yet stood and never can stand for anything except the liberty of men. [Loud applause.]

That little army of volunteers stayed in the service nearly a year after the term of their enlistment had expired. When the returning regiments came back they were welcomed with all the signs of public honor in every city and village from San Francisco to their homes, and the President of the United States did not think it below the dignity of his office to leave this capital and

go out to meet the men who had served the nation, take each one of them by the hand, and speak to him in words of appreciation and gratitude. [Applause.]

With gracious sympathy he consoled the sorrow of those whose loved ones had fallen in battle or died in the hospitals of disease, and in the presence of the living he comforted broken hearts with this sentiment, native to the feelings of kindly and patriotic men everywhere, "They died on the altar of their country." [Applause.] A few days later the Omaha World-Herald, Mr. Bryan's personal organ in Nebraska, printing the Associated Press cable containing General Otis's official list of the dead and wounded (I have a copy of the paper before me), set over it, in jest and mimicry of the President's gentle words, this infamous headline: "Still dying on 'the altar,'" and then follows the pathetic roll of our poor boys fallen in a land of strangers in the discharge of a soldier's duty.

I have been accused of calling men traitors, though I never did. I give every man the same right to his views that I claim for myself. I have been accused of calling men copperheads, though I never did. I recognize every man's right to his own opinions. But if I had done so in a case like this, I would apologize to the old rebels of the South and the old copperheads of the North, for I declare here that political degradation never before fell so low as to turn into jest and ridicule the death reports of the army either North or South. [Loud applause.]

A few days ago in this city, in a stately ceremonial, his comrades carried to Arlington the bravest of the brave. It was he who, at the time when the printing presses of America were busy with deeds of valor furnished in manuscript by gentlemen who performed them, standing before the multitude at Macon, could only say, "I am not an orator; I am a soldier. I am not a hero; I am a Regular." [Applause.]

What right have people living under the shelter of our laws to embitter the service of a man like that as he rides under unfriendly skies, careless even of his life, at the head of an American command? Is it not a shame that this old soldier, who for forty years had obeyed the orders of this Government, receiving hardly enough to support his family and educate his children, with no ambition except to do his duty, should in his last great campaign hear messages from home so filled with banter and criticism and reproach that his heart sank within him, and in his agony of spirit, seeing the shadow upon him, he wrote the words I am about to read?

I wish to God that this whole Philippine situation could be known by every one in America as I know it. If the real history, inspiration, and conditions of this insurrection, and the influences, local and external, that now encourage the enemy, as well as the actual possibilities of these islands and peoples and their relations to this great East could be understood at home, we would hear no more talk of unjust "shooting of government" into the Filipinos or of hauling down our flag in the Philippines.

If the so-called anti-imperialists would honestly ascertain the truth on the ground, and not in distant America, they, whom I believe to be honest men misinformed, would be convinced of the error of their statements and conclusions and of the unfortunate effect of their publications here. If I am shot by a Filipino bullet, it might as well come from one of my own men, because I know from observation confirmed by captured prisoners that the continuance of the fighting is chiefly due to reports that are sent out from America.

Standing by the grave of Henry W. Lawton, I appeal to the patriotic millions of my countrymen without regard to politics to put an end to the pestilent fire in the rear which for nearly two years has followed our Army in the Philippines, filling the hearts of our own soldiers with despair and the hearts of their enemy with comfort and good cheer. [Loud applause.]

But the failure of the front attack has not discouraged the enemies of the national Administration. They have other resources, and it is not remarkable that they have at length undertaken a movement by the flank, bringing into action a dilapidated battery of condemned cannon and opening on the Republican works with a smoothbore interpretation of the law, in the expectation of making the position of the Government uncomfortable, if not untenable. [Laughter on the Republican side.]

There are some timid souls who think that the leaders of the Democratic party are going to be able to scare the American people out of the Philippine Islands by pounding their commercial prospects to death with a copy of the Constitution of the United States, annotated in the handwriting of John C. Calhoun. [Laughter and applause on the Republican side.] Such persons may be pardoned for expressing their surprise that this question has been permitted to rise.

In the face of a united and disciplined enemy, how could we help it coming up? You say you are surprised. Well, I am not. I never saw but one day in my life when I thought we would get any help from the Democratic party in managing this business, and that was the day when my friend from Texas [Mr. BAILEY] got up and pledged everybody to stand by the Government in the Cuban intervention. My faith in that distinguished young statesman lasted just three days; for when we brought in a bill to pay the expenses of it, he went all to pieces because we declined to feed the Army and float the Navy on the seigniorage in the Treasury.

[Laughter.] He did not resent our failure to coin the bullion. He did not seem to want that coined. He wanted to coin the seigniorage—that is, the atmosphere that surrounds the bullion. [Laughter on the Republican side.]

I can not, therefore, share in this surprise; knowing the Democratic party as I do, I have never since that allowed myself to indulge the hope that the nation would get through the vast undertakings growing out of the Cuban intervention without sooner or later finding the entire organization out of breath and red in the face, with the Dred Scott decision in one hand and holding on for dear life to your Uncle Samuel's coat tails with the other. [Laughter on the Republican side.]

I have no surprise to express, no complaint, and, as events have developed, not even a regret. The fact is that, like nearly everybody else, I prefer the Democratic party in its habitual attitude of belaboring the policy of its adversary, rather than to see it clothed with authority, helplessly struggling with a policy of its own. [Laughter.] It shows off our system of government to a better advantage to have the Democratic party on the outside, howling to get in, than to have them on the inside, with everybody else desperately awaiting the expiration of their term of office. [Laughter.]

It is impossible, even with the best management, to keep them from occasionally getting in, but such a thing does not commonly happen when important pages are being added to the national history—such pages as from decade to decade have glorified the last forty years in the life of the Republic. [Applause.] It is not an accident that everyone of them has been written by the Republican party—every page, every line, every word. Our Democratic friends have only managed to work in a few punctuation points on us—a comma here, a semicolon there, an exclamation here, an interrogation there, with a full stop in 1892, at least so far as our worldly interests were concerned. [Continued laughter.]

My friend from Missouri [Mr. CLARK], and I am glad to see his saintly and benevolent face before me [laughter], in glancing back the other day over the roll of Democratic Presidents never allowed his eyes to rest until he got to James Buchanan. He never even looked at the man for whose election he did what he could three different times—twice successfully, once when it did not count, and once when it did; the man who, from the defeat of James G. Blaine to the carnival of soup and rags that followed the election of 1892, bestrode the narrow world of Democratic politics like a Colossus, while the petty men who now ignore his existence walked underneath his huge legs and peeped about to find themselves a comfortable berth. [Laughter.]

What has become of this obscure hero of Democratic victories, that my friend from Missouri should stand here for two hours giving his attention to all sorts and conditions of men, from Crassus and Augustus Cæsar to Philip of Macedon and Dr. Johnson's indispensable widow, without even mentioning the most conspicuous name in the poll list of his anti-imperialist associates? You say that he betrayed the sacred cause. Be not deceived. He never did a thing to silver which he had not publicly promised to do before you either nominated him or elected him. What, then, was the matter with him? I will tell you. The time had come for a change of base, and Mr. Cleveland was left holding the bag while his boon companions in the glorious work of tariff reform one by one departed for fresh fields and pastures new. [Laughter.]

To-day the Democratic party, in a similar strait, is under the necessity either to retire from business or to reassert its principles and find one not yet shopworn in the bankrupt stock of American politics, warranted to last at least through one campaign. [Laughter on the Republican side.] And Mr. Bryan would have been left holding the bag too, if he had not, with an instinct decidedly professional, comprehended, in a dim sort of way, in the leisure of camp life in Tampa, that an important step in the history of the United States was about to be taken and that his party would need somebody experienced in the strategy of Democratic warfare to manage the tail end of the procession. [Laughter.]

I do not dispute his qualifications for the place. The man who dug his way out of the debris of the Wilson tariff law, and inside of three years pasted the label on a new remedy and actually got more than 6,000,000 of his countrymen to take it down, needs no instruction from Boston to qualify him to superintend the little jobs that the Democratic party is now engaged in setting up on the United States of America. [Laughter on the Republican side.]

Gentlemen, with all respect to such of our boys on this side as have gone into the labyrinth of the Constitution and are not expected back [laughter], I say here publicly that our Republican forces in this House hold themselves ready to meet any maneuver of the Democratic party—front, flank, or rear. [Applause on the Republican side.] We do not deny that a question of law is involved here. In fact, we think that we have been studying this question of law a good many months before some of the folks on this side who refuse to take our opinion about it heard that such a question was up. I am quite sure that may be said of the

responsible officers connected with the Administration of the Government of the United States.

I ask the membership of the organization which we love and have served for so many years, is it not fair to give the old Republican party a chance for its life by allowing this question to pass from this place, where it can be debated but not determined, to that tribunal where it can be both argued and decided? [Loud applause on both sides of the House.]

I say to my Republican colleagues that if the Constitution of the United States bears the interpretation that has been given to it by the gentleman from Texas [Mr. BAILEY], if that is what it means, then we might as well recognize that our Democratic friends have driven us into a position where our national policy, if not made untenable, is at least increased in difficulty a thousand fold; and I beg the men who have loved the Republican party not to contribute to its discomfiture now. [Derisive applause on the Democratic side.]

I had a good deal rather have the derisive applause of the Democratic party on this floor under these conditions than to be in the position of the gentleman on my own side [Mr. LITTLEFIELD] who last week, on a few days' notice, gave his favorite exhibition of Japanese jugglery, keeping a hundred decisions of the Supreme Court in the air at once for the entertainment and comfort of the Democratic party in this House. [Laughter and applause on the Republican side.]

It will be seen that this question contains more than a commercial problem; it contains also problems of citizenship and civil government. If it is allowed that this territory, ceded to us under the treaty stipulation, leaving the political status of its native inhabitants to be determined by Congress, became at once a part of the United States, and its population citizens of the United States, in the full sense of the word, by the spontaneous transition of the Constitution, then this bill is subject to the objection that it contravenes the supreme law of the land.

If our tariff laws, our labor laws, our bankruptcy laws, our internal-revenue laws, and immigration laws, and all kindred national policies are swallowed up in the amalgamation of newly acquired territory, brought about instantly by virtue of the Constitution, a respectability is added to the protest against the extension of national boundaries which is wanting in most of the arguments which have been brought forward on that subject. It is hard to overestimate the importance of such a question, because if the position taken by the Democratic party here is sound, the trouble of administering the trust which the United States has assumed is multiplied so many times as to almost baffle the strength and fortitude of the American people.

A diligent investigation, begun more than a year ago, has convinced me that the power expressly conferred on Congress "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States" creates an ample prerogative, restricted in no way except as Mr. Justice Bradley said in the Mormon Church case, speaking for the Supreme Court, by those fundamental limitations in favor of personal rights which exist more by inference from the general spirit of the Constitution than by an express and direct application of its provisions.

In quoting this opinion of Mr. Justice Bradley the other day my friend from Nevada [Mr. NEWLANDS] in the course of his able argument described it as a loose opinion, although such expressions run through several decisions of the Supreme Court, and are used in substance by Mr. Webster in his speech in the Senate in 1849, when he discussed at great length the power of Congress in dealing with the territory of the United States.

The proposition of law which Mr. Webster made near the end of his career simply matured the judgment which he brought to the argument of the case of the American Insurance Company vs. Canter, an argument in which Chief Justice Marshall and Mr. Justice Story acquiesced in the opinion which has been so often cited in this debate, making that case, so far as I am concerned, a sufficient authority for all that we claim here now; for in it the greatest lawyer of America won to the support of his contention the greatest judges in the history of our Supreme Court.

I do not intend to enter at length into a consideration of the law cases which have filled this debate with so vast an appearance of legal learning. The gentleman from Texas has brought forward no new light on these questions, and I think has cited no cases which have not been presented by his own colleagues in earlier stages of the debate, and answered more fully than I can hope to answer them by the chairman of the committee [Mr. PAYNE], by the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from Illinois [Mr. HOPKINS], and by others who have addressed themselves to the legal aspects of this question.

Nor can I forbear to refer to the profound historical researches that have been laid before the House by my colleague from Minnesota [Mr. TAWNEY] and my colleague from Kansas [Mr. LONG], and I desire especially to record the obligation which all students of this subject are under to the distinguished gentleman from

Minnesota, Judge MORRIS [applause], who more than two weeks ago gave the House the benefit of a conscientious study of these questions in their legal aspect in an argument which can hardly be described as less than monumental in the breadth of its learning and the diligence of its investigation.

If the position of the committee has not been justified by what has already been said, it would be a vain presumption on my part to try to repair the shortcomings of the great lawyers who for months have searched and countersearched these decisions of the Supreme Court to find the truth of this matter. As I have already said, the confidence of my own mind rests mainly upon the opinion recorded on the subject by that great son of New England who, while he belonged to a generation later than that which framed the Constitution, knew more about that instrument, about the history of it, the philosophy of it, the purpose of it, than any other man who ever lived.

The other day I walked into the chamber of the Supreme Court and sat down to meditate. I felt the force of what I heard my friend from Pennsylvania, Judge BUTLER, say not long since. He said that he had been in Congress a good while without either having an opportunity to speak in public or to think in solitude. [Laughter.] So I went over there while the speaking was going on here to sit down in the deserted chamber and think a little in solitude.

On their pedestals about the chamber I saw the images of the great judges who have presided in that tribunal, and as I looked upon the haggard face of Chief Justice Taney, whose bust Charles Sumner for ten years denied the right to stand there in marble, where he had so long presided, I could not refrain from harboring a regret that any Republican should find it necessary to commit the fortunes of his party to the mercy of that court's decision in the case of Sandford vs. Scott.

As I sat there looking upon the figures in the niches, it did not require a very active fancy to fill the place with the shadows of the mighty men who in another generation contended there in the arena of debate. There was Webster, profoundest of all in his knowledge of the law, blindest of all in anticipating the movement of our population toward the Pacific, who filled the old Senate Chamber of the United States with an intellectual splendor which lights up those narrow walls unto this day. On the opposite side sat John C. Calhoun, pure in character, the acutest intellect which slavery had nurtured. And behind both of them was sitting Thomas H. Benton, the historian of the national development, and the strongest single intellectual force yet contributed to the national councils from the territory which Thomas Jefferson bought from the First Consul of France. [Applause.]

If these three men can not tell us what the law of the national growth is, it is in vain for us to ransack the reports and pile precedent on precedent to find the truth. I undertake to settle the question without leaving the presence of these three men. What does Mr. Calhoun say? He says that the Constitution of the United States covers all the Territories and that the peculiar form of property in slaves recognized by the Constitution is under the protection of that instrument wherever it goes. Not so, says Daniel Webster.

Congress has full power over the subject. It may establish any such government and any such laws in the Territories as in its discretion it may see fit. It is subject, of course, to the rules of justice and propriety, but it is under no constitutional restraint. (Works of Webster, Little & Brown, volume 5, 311; 1851.)

And as the two great leaders grow warm in the controversy, Thomas H. Benton comes up, having been contemporaneous with the great events which first raised these questions, and, with his notebook in hand, says:

History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extending of the Constitution. The Constitution does nothing of itself, not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by an act of Congress. (Thirty Years in the United States Senate, volume 2, page 713.)

My friend from Texas [Mr. BAILEY] says that the men who made this Constitution never had the view of it that we have. Well, now, if that is so, it is important. The men who made the Constitution probably knew pretty nearly what it meant. And so, anticipating that there would be so many people seeking ideas on this question that I could not get a book in the Library [laughter], I sent home for the letters of Gouverneur Morris. Now, Gouverneur Morris was quite a man in his time. He knew so much about this business that our fathers, after they got the Constitution made, asked him to write it over so that it would sound well and be intelligible to the ear of posterity. He did that. In his life and letters it appears that Gouverneur Morris claimed to be, and nobody denied it, the author of that section of the Constitution to which my distinguished friend from North Carolina [Mr. LINNEY] alluded a moment ago, which provides for the disposition and government of the Territories of the United States; and it he wrote that section he probably knew what it meant. At least, if he did not and a question arose on the subject, I would not

desire to be called in to settle the controversy. He said, writing to Henry W. Livingston on the 4th day of December, 1803:

I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would admit to establish the exclusion.

Now, my friend from Texas [Mr. BAILEY] says—

Mr. BAILEY of Texas. Will the gentleman finish that quotation?

Mr. DOLLIVER. Yes.

Mr. BAILEY of Texas. He says that he did not dare to candidly avow what he had in view. [Applause on the Democratic side.]

Mr. DOLLIVER. But my friend left the impression on the House that the fathers of the Constitution intended to deal only with the Territories that they then had.

Mr. BAILEY of Texas. I said fathers; the gentleman has mentioned one father.

Mr. DOLLIVER. He is a father qualified by his connection with this particular section to interpret the meaning of it.

Mr. BAILEY of Texas. He admits in that very same letter that he dare not reveal to the country what he desired.

Mr. DOLLIVER. I intend to print the whole letter. My friend said that the fathers intended to limit the power of Congress to the Territories which the United States then possessed. Now, I find a letter to Henry W. Livingston from Gouverneur Morris in November, 1803, in which he says—

Mr. BAILEY of Texas. Will the gentleman not finish the sentence which he read in part?

Mr. DOLLIVER. I do not wish the thread of my remarks to be—

Mr. BAILEY of Texas. I know it would spoil what you have said. [Laughter on the Democratic side.]

Mr. DOLLIVER. By no means. The whole letter is as follows:

MORRISANIA, December 4, 1803.

DEAR SIR: A circumstance which turned up in conversation yesterday has led me again to read over your letter of the 3d of November, and my answer of the 28th. I perceive now that I mistook the drift of your inquiry, which is substantially whether the Congress can admit, as a new State, territory which did not belong to the United States when the Constitution was made. In my opinion they can not.

I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion. Candor obliges me to add my belief that had it been more pointedly expressed a strong opposition would have been made.

I am, etc.,

GOUVERNEUR MORRIS.

Not only so, but on the 28th of November, 1803, writing to Livingston, Gouverneur Morris says, referring to this identical section:

I am very certain that I had it not in contemplation to insert a decree *de coercendo imperio*.

Does my friend catch the meaning of that? [Laughter.]

Mr. BAILEY of Texas. I understand law and Latin both. The gentleman from Iowa seems to understand neither. [Laughter on the Democratic side.]

Mr. DOLLIVER. If my acquaintance with either were of the same grade as the gentleman's, I would be glad to lay aside any claim to the knowledge of both. [Laughter on the Republican side.] Gouverneur Morris says he had in contemplation no provision for the limitation of territory, and adds distinctly that he looked forward to a time when all North America would be annexed, and added:

Happy, indeed, if the lust of dominion stops there.—*Life and Writings of Gouverneur Morris* (Sparks), Volume III, 185.

To my mind, the best way to get at what the fathers meant by those sections of the Constitution which relate to the power of Congress over territory is to find out what they themselves did when they came to deal with the region northwest of the Ohio River, with Louisiana, and with East and West Florida. In all these questions they had to deal with the rights not only of native races, but of a mixed population, speaking a variety of languages, and for the most part without qualifications to participate in a government based upon such a Constitution as ours. It is fortunate that our pathway is, at least in a measure, lighted up by the experience of our ancestors. They did not hesitate to do whatever was necessary to be done to lay the foundations of social order and stable government without the slightest constraint arising from morbid interpretations of their legal duty.

It will require no extraordinary wisdom on our part to give to the Philippine Islands a freer government than Thomas Jefferson gave to Louisiana, or James Monroe, by means of the dictatorship of bluff old Andrew Jackson, gave to the Floridas. And if we manage to keep as close to the Constitution of the United States as the men kept who saw it made and helped to put it in operation, we may expect to live through the storm of pedantic criticism which now fills the air in both Houses of Congress.

My friend from Texas [Mr. BAILEY], with the Dred Scott decision before him, finds no power in Congress to acquire territory,

except for the purpose of making new States out of it. But again and again Chief Justice Marshall declared that the power to make war and the power to make treaties, each of them, includes the power to acquire and govern territory.

These powers are of the essence of political sovereignty. Can absurdity go any further than to claim that in entering into a war the Government is required to stop in the field and inquire into the fitness of territory to be used as raw material for States? It is at liberty to exercise the rights that belong to a war-making power. Besides all this, it is evident to anyone who carefully peruses the debates incident to the Louisiana treaty that there was more doubt about the right of the Government to make States out of that territory than there was about the right of Mr. Jefferson to acquire it, even after he himself had sought in vain for constitutional authority to do so.

Fortunately for mankind, he was not a constitutional lawyer; but he had an intuitive foresight which enabled him to feel and know the inner springs of the national development. I can not imagine him taking the position that the organic law, made for themselves by the people of the United States, was intended to be applicable to the population of every Territory which the United States might subsequently acquire. On the other hand, he is known to have had convictions strictly opposite as to the authority of written constitutions.

In a letter to Madison, preserved in volume 3, page 102, of Jefferson's Works, he says:

That every constitution and every law naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force and not of right.

That is an extreme statement, not to be tolerated for a moment, but there lies behind it one of the profoundest principles of jurisprudence, and that is that all constitutions and all laws are to be construed and, if need be, broadened by interpretation to fill the measure of the needs and aspirations of the national life.

So that, in truth, the best commentary on the Constitution is found in the history of the Republic in its struggle toward the fulfillment of his high calling in the midst of the ages. In such a light how small the argument seems which proposes to settle the national problems of this generation by a side remark of Chief Justice Marshall in the case of *Loughborough vs. Blake*, a suit for the recovery of one Gelding in the District of Columbia, decided offhand without argument, nearly a century ago.

And what I have said of *Loughborough vs. Blake*, which has become in the hands of these Democratic oracles of the law so great a case, is true also of a large majority of the decisions which have been resurrected for our instruction in this debate. Not one of them was made in view of the stupendous facts that now surround the national situation and there is not one of them that will not be set aside by the Supreme Court of the United States if it appears to stand in the path of the national progress.

For, after all, much as I revere the opinions of Daniel Webster, opinions fit to guide the Supreme Court of the United States, as they usually did when Marshall presided, I prefer to found the great contention which we make here on the history of the United States, recorded in the acts of Congress in relation to Territories from time to time, and on the unanswerable documents that preserve the dealings of our fathers with the vast possessions on this continent, which they acquired by treaty with foreign nations.

And so I leave the judges and the lawyers contending before them, and again summon Thomas H. Benton, with his notebook in his hand, to testify what the fathers thought and what the fathers did on the question which has been so ably argued by my friend from Texas. I will read from *Thirty Years in the United States Senate*, and I will tell you what I am going to read about. In 1823 the Territory of Florida was organized, and while the bill was before Congress Mr. Montgomery, of Kentucky, proposed an amendment to the effect that all the principles of the Constitution and all prohibitions as to legislation "should be declared applicable to such Territory as paramount acts."

The resolution was as follows:

And be it further enacted, That all the principles of the United States Constitution for the security of civil and religious freedom, and for the security of property, and the sacredness of rights to things in action; and all the prohibitions to legislation, as well with respect to Congress as the legislatures of the States, be, and the same are hereby declared to be, applicable to the said Territory as paramount acts. (*Annals of Congress*, Seventeenth Congress, first session, volume 2, page 1374.)

This was voted down by an overwhelming majority, and Mr. Benton records his impressions of the case in these words:

This prompt rejection of Mr. Montgomery's proposition shows what the Congress of 1822 thought of the right of Territories to the enjoyment of any part of the Constitution of the United States. * * * The only question between Mr. Montgomery's proposition and the clause already in the bill was as to the tenure by which these rights should be held—whether under the Constitution of the United States or under a law of Congress and the treaty of cession. And the decision was that they should be held under the law and treaty.

Thus a direct issue was made between constitutional rights on the one hand and the discretion of Congress on the other in the government of this Territory, and was decided promptly and without debate (for there was no speech after that of Mr. Rhea on either side) against the Constitution. It

was tantamount to the express declaration: "You shall have those principles which are in the Constitution, but not as a constitutional right; not even as a grant under the Constitution, but as a justice flowing from our discretion, and as an obligation imposed by the treaty which transferred you to our sovereignty."

You will see how completely that corresponds with the opinion of Daniel Webster, how completely it corresponds with the words of Mr. Justice Bradley in the Mormon Church case, and how fully it justifies us in the belief that we may go forward in our work of governing the island possessions which have come under our flag, with no prohibitions upon us except those which belong to our institutions and which are inseparable from the spirit and principles of the Government under which we live. But some men say this is despotism! This is imperialism! This is the end of free government.

I have no fellowship with such an opinion. It impeaches the national character and puts upon the American people an inexcusable libel. My friend from Missouri [Mr. CLARK] has said on this floor that the United States is not fit to go any where or to undertake any duty, and invoking the names of the martyrs of liberty in every age whose sacrifices have made the American Republic what it is, he pleads with us to use our heritage like a mess of pottage, for ourselves and our posterity. He stood here for a long time explaining the weak points about the United States.

He attacked Pennsylvania, he attacked Illinois, and many of the Southern States; but he saved the vials of his polite wrath for the State in which he was born, the old Commonwealth of Kentucky. He pointed out the miseries of their present condition, the strife of parties and factions, and used that State to demonstrate that the American people are unfit for any high mission in the world in the century that is about to open. I was sorry to hear him take such a view of the country in which he lives.

I believe that, without intending it, he had misjudged even the State of Kentucky. I think that I have as decided convictions about the rottenness in Denmark of Kentucky politics as my friend from Missouri can possibly have; but in all my reflection about the condition of society there I have never thought to measure its moral value by its crimes and its failures and its misfortunes. I prefer to reckon up the countless homes all over that State where humble men and women, sound at heart, are daily doing their duty in the world.

When I think of Kentucky I do not have in mind the ruffian and the outlaw or the election machinery that brings to the front the thieves of one party and assassins of the other. I think of the homestead where Henry Clay lived and of the log hut in which Abraham Lincoln was born. [Loud applause.] And so, when I think of our great country, I do not measure its moral possibilities at the level of its vices and its crimes; these do not make up the character of our country.

I think of 79,000,000 people living in peace and contentment, doing the sober work of life, exemplifying the homely domestic virtues, and bringing up a race of God-fearing men and women who are to make the world better for their living in it. It is these that make up the moral estate of the nation and that fit the American Republic for the nobler work that has been given it to do. [Applause.] If I had an opinion of the United States like that which my friend from Missouri has so often expressed on this floor, I should be strongly tempted to move to that State myself. [Laughter.]

Another gentleman rises here and says that the Republican party is trampling on the Declaration of Independence. A statement like that, made by anybody who in deed and in truth believes in the Declaration of Independence, is entitled to receive consideration. If any Republican has ever said a word here or elsewhere in light or trifling regard for that document, I am sorry for it, for after more than a century that great charter remains the most priceless possession in the political riches of the world.

We may count ourselves happy if, in dealing with the varied stages of civilization which have come under our jurisdiction, we are able to follow in the footsteps of the men who signed the Declaration and gave to mankind the manuscript of equal rights.

Every year since I have been a member of this House I have gone at least once to the library of the State Department to look upon the original draft of the Declaration in the handwriting of Thomas Jefferson, with its erasures and interlineations. By its side, also in Mr. Jefferson's handwriting, is the rude drawing of the monument which he desired to be erected to his memory, together with the inscription he wished to have carved upon it. He asked to be remembered, first of all, as the author of the Declaration of Independence, a title surely to an immortality which belongs to only a few of the great names of history.

I yield to no man in my reverence for that handwriting, and the only favor I have to ask of those gentlemen who are now using that document to waylay the progress of civil liberty in the earth is to concede to the author of the Declaration of Independence at least the same right to interpret it and apply its meaning in practical affairs which they arrogate to themselves; for no sooner had

Mr. Jefferson established the Territorial government of Louisiana than this exact question arose.

The consent of the inhabitants was neither sought nor obtained; and even before the President had entered upon the task of administering their local government, memorials began to pour in upon both Houses of Congress protesting against the despotism which had been established. There were Frenchmen and Spaniards, frontiersmen, and Indian tribes, and in the shadow of every settlement and garrison there crouched a figure which in years to come was to play a bloody part in the tragedy of the national affliction—the abject and pitiable figure of the negro slave.

The petitioners quoted the Declaration of Independence in the face of the man who wrote it, and, strange to say, one of their grievances was that the act of Congress had cut them off from the blessings of the slave trade. Their complaints, while without effect on the policy of the Government, did not fail to excite the sympathy of men who concealed their malice against the Administration in their noisy declamations on the subject of human liberty.

Aaron Burr was one of these, whose love of freedom and hatred of despotism were so elaborate that they brought him into the district court of the United States to be tried for treason against his country. In the midst of the storm Mr. Jefferson, upon whose grave is written the epitaph "Author of the Declaration of Independence," uttered these words of rebuke, applicable to-day as they were in 1803 to the masters of craft and cunning who seek to turn its principles to the service of chaos and anarchy:

Although it is acknowledged—

Said he, speaking of the doctrines of the Declaration of Independence as applied to Louisiana—

that our new fellow-citizens are yet as incapable of self-government as children, yet some can not bring themselves to suspend its principles for a single moment.

The Democratic national convention has been called to meet on the Fourth of July in order to emphasize their love for the rights of races which, in the words of Mr. Jefferson, "are yet as incapable of self-government as children." If they will have the manhood to put into their platform a single sentence denouncing the political movement which in five Democratic States has nullified the great amendments to our Constitution, taken away from millions of people the right to be consulted in the government of the community where they were born, and established a white man's oligarchy with hardly a principle of popular institutions left in it, it would have a tendency at least to save that masquerade of false pretenses at Kansas City from the laughter of the world. [Applause on the Republican side.]

Another gentleman stands up here and says: "Judge a tree by its fruits; your policy has already destroyed the freedom of the press." I deny it. What prompts a statement like that? I will tell you. The fact that we have not allowed military intelligence to be telegraphed to this country from the seat of war, in order that it may be recabled to the insurgents on the island of Luzon for their information, leads my friend to get up here and say that we have entered into a conspiracy to strangle the freedom of the press.

A free press is a part of the Republican faith, because the party has learned by experience that in the noise of controversy men are most likely to find the truth. Free speech and a free press—the Republican party has nothing to fear from these. When it came into existence it found Democratic mobs stoning William Lloyd Garrison in the streets of Boston and driving John Greenleaf Whittier out of New England villages; and history will not forget that the great leaders of the Republican party came to manhood after the little printing press at Alton had been thrown into the Mississippi River and the blood of Elijah P. Lovejoy, shed in its defense, had become the inspiration of song and story in the legends of patriotism and liberty. [Loud applause.]

Another gentleman says, "You have already got on your hands in the Philippine Archipelago polygamy and slavery." If that is so, we are not responsible for it. We found both in the Mohammedan islands there. But I will say to the gentleman that the Republican party has a record for effectual dealing with both of these relics of barbarism. Its first successful platform denounced them, and even those of us who are younger have lived to see one of them, as Garfield once said, "shot to death on the field of battle," and the other sneaking and hiding in the secret places of our Western mountains.

And if this nation, when called on to deal with pagan and savage institutions in our distant Territories, has the same fortune that the Republican party has had in dealing with them in the United States, I think it ought at least to satisfy the Democratic party in the present state of its culture. For I observed while the gentleman from Texas was speaking how rapidly his party is moving toward the light. It was a happy thought to ornament the peroration of his great speech this afternoon with words once despised and rejected, now transfigured before the eyes of men—

those words, forever true that "a nation can not endure half slave, half free;" words the depth of whose meaning are not even yet comprehended either by the North or South. As I listened to my friend's eloquent periods it did my heart good to find that in the closing year of the century the Democratic party of America has at last caught up with the middle of it. [Prolonged laughter and applause.]

My friend complains because we have slavery and polygamy in the Philippine Islands. What opportunity have we ever had to get rid of them? Under your theory of the Constitution a polygamist in Mindano is entitled, before he can be disturbed, to an indictment by a grand jury, a trial by a jury of his peers, to be followed by an appeal to the higher courts, and a final recourse to the writ of habeas corpus. The only other way to stop it is to lynch him; and if I can get at the complaint which is made here it is that General Bates did not pursue that course. We have managed to take care of our polygamists in the United States with due process of law.

We have been even able to keep them out of Congress so far [laughter], against the votes of a good many good people. In fact, our polygamist, according to his own statement, went out of this House "walking on the clouds" which had been produced by a week's debate and "holding onto the pillars of the temple of liberty" which the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Missouri [Mr. DE ARMOND] had been good enough to erect for his accommodation, leaving those gentlemen still among us, hugging the Constitution of the United States to their bosoms. [Continued laughter and applause.]

And yet men stand here pretending that we have put a protectorate over polygamy and slavery. And we have the shade of the Emancipator summoned because an American officer, rather than precipitate bloodshed and war, has made a temporary arrangement for the peace of the Sulu Archipelago until some form of civil government can be established there.

And it is with a roaring deluge of nonsense like this that desperate political adventurers expect to feed the clamor by which they have set out to capture the Government of the United States.

My countrymen, in the midst of our high responsibilities, let us not allow the national resolution to falter for a moment. If the Republican party can not stand together we are surely overwhelmed. But the Republican party can stand together [applause on the Republican side]; and multitudes of other political views, seeing the burden which we bear, will not hesitate to leave their parties and come to the support of a broad national policy. Above all there is a wisdom in the affairs of men that is higher than any poor wisdom of ours.

The experience of the last two years has given the American people a national ideal from which it is not possible to fall away—an ideal shaped in the ministry of the Son of Man, in obedience to which every human life becomes a sacrament of help and mercy, and every true national life stands willing to pour itself out in the service of mankind.

The great nations of the world are the nations that bear the heavy burdens of the world—these are the great nations upon whose shoulders are laid the heavy responsibilities and the appointed duties of these passing centuries. Every man knows with what motive the American people broke the peace of the world, and the time is coming when every man shall know with what motive we have taken up these burdens which are not our own. I do not believe that the American Republic will be allowed to fail in the midst of its duties, honestly and manfully trying to perform them.

In the masterpiece of prose fiction you remember that on the day of Waterloo the Supreme Equity which is in the heavens enters a decree that in the nineteenth century there is no longer room for Napoleon the Great; that the time has come to make an end of his affairs. That is the gleam of a lofty imagination, but there is in the heart of the American people the steady light of a faith more sublime even than that, a faith in the greatness of our country, a faith in the future of humanity, a faith in the divine guidance which has watched over the national life from its infancy unto this hour.

It is not hard to see the dangers that beset us; it is not hard to point out the cares that are upon us; it is not hard to fill the future with the creations of doubt and uncertainty and fear; but none of these things can move us if in the midst of all dangers and all burdens and all doubts and fears we recognize the hand of God, stretched forth from the stars, touching the American Republic upon the shoulder and giving it a high commission to stand in the arena of the world's great affairs, living no longer to itself alone, but in willing submission to the divine appointment, ready at last to become the faithful servant even of the lowliest and most helpless of His children. [Applause.]

We have heard it said that the days of the Republic are numbered. Such a speech belongs to the blackness of the darkness of a past generation. The old Union army made it possible for us and our children to live in an atmosphere no longer overshadowed

by that awful dread. Whatever may be in store for us, whatever political party may rise or fall, this Government shall live to scatter the riches of human liberty to races yet uncivilized and to nations yet unborn. [Applause.]

I believe in the United States of America; I back the old Republic of our fathers against the world; nor since Abraham Lincoln fell in the midst of duties far more arduous than ours has there been upon the helm of our affairs a steadier, wiser, kindlier, braver hand than the hand of William McKinley, President of the United States. [Prolonged applause on the floor and in the galleries.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

CONTESTED-ELECTION CASE—ALDRICH VS. ROBBINS.

Mr. MANN. I ask unanimous consent for a reprint of the committee report and of the views of the minority in the contested-election case of Aldrich vs. Robbins.

The SPEAKER. The gentleman from Illinois asks unanimous consent for a reprint of the committee report and the views of the minority in the contested-election case of Aldrich vs. Robbins—

Mr. MANN. And that a correction be made in the minority report.

The SPEAKER. And also that a correction may be made in the views of the minority. Is there objection?

There was no objection.

WAR VESSELS ON THE GREAT LAKES.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In response to the resolution of the House of Representatives of January 15, 1900, requesting information in regard to the status of the agreement between the United States and Great Britain said to prohibit the building, arming, or maintaining more than a single war vessel on the Great Lakes and all data bearing upon the subject in the possession of the Department of State, I transmit herewith a report of the Secretary of State and accompanying papers, giving all the information existing in that Department in regard to the arrangement as to the naval force to be respectively maintained on the American lakes, concluded at Washington, April 28-29, 1817.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 27, 1900.

The message, with the accompanying documents, was ordered to be printed, and referred to the Committee on Foreign Affairs.

MARY A. RANDALL.

The SPEAKER laid before the House the following request from the Senate of the United States:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2368) granting a pension to Mary A. Randall.

The SPEAKER. Without objection, this request will be complied with.

There was no objection.

DIRECTORS FOR COLUMBIA HOSPITAL.

The SPEAKER announced the appointment of the following directors for the Columbia Hospital:

JOHN K. STEWART and L. F. LIVINGSTON.

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER announced the appointment of Mr. O'GRADY to act as Speaker pro tempore at the evening session.

And then (at 5 o'clock p. m.) the House, in pursuance of the order heretofore adopted, took a recess until 8 o'clock p. m.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. O'GRADY as Speaker pro tempore.

Mr. LONG. 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 the bill H. R. 8245.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

Mr. JETT. Mr. Chairman, I ask unanimous consent that all gentlemen who address the committee this evening be permitted to extend their remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all gentlemen who address the committee this evening be permitted to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TALBERT. Mr. Chairman, I feel very much like a judge did once in charging a jury after long arguments had been indulged in on both sides of the case. He said, "Gentlemen of the

jury, if you believe what the attorney for the defense has said, you will bring in a verdict for the defendant; or if you believe what the attorney for the plaintiff has said, you will bring in a verdict for the plaintiff; but if, like me, you do not believe what either of them have said, I do not know what the hell you will do." [Laughter.] Now, I do not pretend to cast any reflection upon gentlemen upon either side of this question, but it seems to me that all of them have told some very big fish stories, as the old ducky said when he joined the church and was being questioned by the parson.

However, Mr. Chairman, I shall vote against the bill under consideration. Were I not to do so, I believe I would be recreant to the duty I owe my constituency that I have the honor to represent on the floor of this House. I am absolutely opposed to the provisions of this bill. In the first place, in order to support a bill of this kind a man must make up his mind to go into camp outside of the Constitution of the United States; and I desire to say that, so far as I am concerned, in every position that I take here and in every vote that I cast I want to be clearly within the pale of the Constitution of this great nation of ours, because it is the great bulwark of American liberty. I have sat here day after day and listened attentively to the arguments pro and con.

Gentlemen on that side advocating the passage of the measure and gentlemen upon that side opposing the passage of the measure, and if there was nothing else to convince me of the viciousness of the tendency of this legislation, it is to be found in the changes that have come over the dreams of the gentlemen on that side of the House; they are awfully afraid of the measure themselves. In the first place, they began by framing a bill with absolute free trade. I do not know what caused them to change their mind, but they did change it, and then they came in with another bill, taxing the imports to and exports from the island of Puerto Rico, and then they changed again and proposed a half dozen propositions as amendments.

I must say that never before since I have been a member of this House have I seen such a complete rout as that given to the Republican party since the discussion of this bill commenced. They seem to have lost confidence in themselves, and are groping about in the dark. After coming in here with a bill they have withdrawn the provisions of that bill, as I have already said, and have come in with another kind of a bill, and have proposed amendments to that; and I dare say before the vote is taken to-morrow they will change again, so much that they will not know their own child; and it will be so hackneyed that they will be ashamed of it; and I believe they will turn their backs upon it and leave the law as it is, which, in my opinion, would be much better than any halfway measure.

I have always since I have had the honor to be a legislator adopted the rule that whenever legislation was doubtful I voted against it. I am not in favor of legislation unless I believe it is absolutely necessary. I do not see any necessity for the passage of a measure of this kind; and hence, it being a measure of doubtful propriety, I, as a Democrat, standing on the Constitution and Declaration of Independence and the Monroe doctrine, as I have been taught by the fathers, that we have heard so much about, desire here and now to enter my solemn protest against the passage of this measure, and shall record my vote and raise my voice against the passage of the bill. [Load applause.]

Whole hog or none shall be my motto. You can not make a man half or three-quarters citizen and let the other half just be dog, Indian, or nigger. He must either be a citizen or not a citizen.

In conclusion, Mr. Chairman, I shall vote against this measure because I am opposed to anything that smacks of imperialism, and I believe the passage of this measure will only be the entering wedge toward that policy. I shall vote against this measure because I believe the Republican party intends by just such process as this to further their scheme for expansion, to which I am absolutely opposed.

Aside from all of the constitutional questions which have been advanced against it, I am opposed to it upon general principles of right, equality, and justice, all of which are openly violated by its provisions. [Applause.]

Mr. BELLAMY. Mr. Chairman, the present bill providing a rate and system of taxation for Puerto Rico different from that imposed upon the people of the rest of the United States, presents a question so far-reaching in its consequences as to make this occasion a real crisis in our history; and upon a correct solution of the problem will depend whether we shall continue our Government upon the plan and scope designed by the fathers or whether we shall embark upon the colonial system—a new and untried experiment, totally in conflict with the spirit of our Constitution, and which may seriously imperil the safety of the Republic.

This Government can no more exist permanently half republic and half empire than it could exist half slave and half free. That the fathers sought to establish on this continent a government different from the monarchies of Europe is a trite but a true say-

ing, and the basis of the Constitution which they adopted and on which it rests are the fundamental principles of eternal justice, which were inherent in the hearts and minds of those sturdy settlers who had fled here to escape the oppressions and exactions of the governments of the Old World. Even though there were not a clause or word in the Constitution requiring uniformity in the levy of duties, to assess upon the inhabitants of one portion or one section of our American territory a tax different in amount and burden from that levied upon another is so discriminative and unfair and repugnant to natural justice that it conflicts with the fundamental principles of society and government, which of themselves prescribe a limit to legislative power.

That there are principles of right and justice underlying the Constitution and on which it stands that are higher than the Constitution itself, but in harmony with it, is well established. Justice Field in the Legal-Tender Cases uses the following forcible language in reference thereto:

For acts of flagrant injustice there is no authority in any legislative body, even though not restrained by any constitutional prohibition. For as there are unchangeable principles of right and morality, without which society would be impossible and men would be but wild beasts preying upon each other, so there are fundamental principles of eternal justice upon the existence of which all constitutional government is founded and without which government would be an intolerable and hateful tyranny.

And in *Fletcher vs. Peck* Chief Justice Marshall says that—

Justice is a fundamental principle of society and government.

Conceding, therefore, that the right to tax is the right to destroy, then, upon principle, if Congress can discriminate between different sections of the Republic, it can in the course of time impose the whole burden of the administration of the National Government on Puerto Rico and other similarly acquired territory, or, as for that, even upon the old Territories of the Union not yet States, and thereby incorporate into our system a new policy, which surely will involve us in ceaseless strife and rebellion, which must eventually end in the dissolution of the Republic.

We care not, therefore, in the discussion of the question of this discriminating tariff against the people of Puerto Rico, whether or not the Constitution, in giving the power to tax, in express terms prescribed that it should be uniform. We contend that uniformity is a principle of constitutional law, whether declared or not, which inheres in the power to tax.

So learned an authority as Judge Cooley tells us that—

Whatever may be the basis of taxation, the requirement that it shall be uniform is universal.

And that—

It is the very essence of taxation that it must be levied with equality and uniformity. (Cooley on Taxation, 607, 608, 615.)

In discussing the constitutional power of Congress to legislate in the manner proposed, it becomes necessary to consider from what source does Congress derive its power.

In the republican form of Government under which we live, Congress, the legislative body of the nation, as created by the Constitution, exists by virtue of it and derives all of its powers from that chart, and from a construction of whatever is reasonably necessary to carry into effect the powers granted. Unless Congress has the power conferred upon it by that instrument, we have no right whatever to legislate; but, fortunately for the American people, the fathers were endowed with great foresight and wisdom. They builded not for themselves alone, but for posterity, and constructed the organic law of this Union that by its terms it might adapt itself to changed conditions as they arose and to the growth of the great nation which they had formed.

It becomes our duty to ascertain, then, what powers are conferred on Congress to legislate on this subject. Congress shall have power "to dispose of and make all needful rules and regulations respecting the territory or other property of the United States."

Many of the advocates of this measure contend that Congress is confined in its power in this respect to such territories only as were owned by the Government at the time of the adoption of the Constitution, or such other territory as was then in contemplation. Others contend that the restrictions embodied in the Constitution limiting Congress to just and uniform legislation apply only to the thirteen original States composing the Union and such other Territories only as have been admitted as States.

Certainly these gentlemen have not imbibed the true spirit of the Constitution; they are not imbued with the American idea. The purpose of the founders was to found a constitutional nation strong enough at all times to provide for the common defense and general welfare. They had already acquired territory not embraced as States, and North Carolina and Georgia were even then about to cede to the Union other large territories, which they thereafter yielded. So they contemplated expansion of their domain from the outset, and their Constitution was written with that end in view; and if the Constitution is construed in the light of its history, inevitably you must conclude that its provisions extend to all Territories, whenever acquired, as well as to the States.

The Constitution in its preamble declares that—

We the people of the United States, in order to form a more perfect Union, establish Justice, * * * and secure the blessings of liberty, * * * do ordain and establish this Constitution for the United States of America.

It provides further in Article I, section 8, that—

All duties, imposts and excises shall be uniform throughout the United States.

Uniformity is but an element or constituent of justice. Construing this language of the Constitution, Chief Justice Marshall, the greatest of all the interpreters, who seems to have breathed the soul of that instrument, said in *Loughborough vs. Blake*, which has been so frequently quoted, that—

This grant is general without limitation as to place. It consequently extends to all places over which the Government extends. * * * 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 the question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories.

In the *Dred Scott* case, which has been so frequently affirmed, Judge Taney uses the following language:

The words "territory belonging to the United States" were not used in the Constitution to describe an abstraction, but to identify and apply to those actual subjects-matter then existing and belonging to the United States, and other similar subjects which might afterwards be acquired; and this being so, all the essential qualities and incidents attending such actual subjects are embraced within the words "territory belonging to the United States."

So also in the California case, *Cross vs. Harrison* (16 Howard, 164), when the Territory of California was acquired, and before Congress had acted, supplying the machinery for carrying the constitutional provisions into execution, the military governor imposed duties on foreign goods brought into California different from what they were before the cession, but the same tariff the Government of the United States imposed throughout its domains. The Supreme Court decided that immediately upon the cession of the Territory to the United States the Constitution and laws of the United States, so far as they could be enforced, extended to the territory ceded, and Justice Wayne held that—

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be in violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. * * * As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it is only necessary to say that if he did not do so it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

Judge Cooley, the very learned and ablest of the writers on constitutional law, in discussing this question, uses this language:

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 Mr. Black, in his work on constitutional law, uses the language that "subject to the limitation expressly or by implication imposed by the Constitution, Congress has full and complete authority over the Territory."

In the case of *Bank vs. County of Yankton* (101 U. S. Repts.) Chief Justice Chase, after announcing that Territories are but political subdivisions of the outlying dominion of the United States, in speaking of the organic law of the Territories, says:

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.

So also Justice Matthews, in *Murphy vs. Ramsey* (114 U. S., 15, 44), 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.

And, as said by the court in this case:

In the exercise of the sovereign domain they (the people of the United States) are represented by the Government of the United States, to whom all the powers of 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.

From time to time this American doctrine of Territorial expansion has been affirmed, until it was thought by those versed in the law that it was "res adjudicata;" but from the earnest and able contentions of those supporting the bill this seems not to be regarded as true, and yet Justice Shiras, in the late case of *Morris vs. United States* (174 U. S., 237), said, referring to cession of territory:

Upon the acquisition of a territory by the United States, either by cession from one of the States or by a treaty with a 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. (152 U. S., 57.)

So, either independent of or under the Constitution, any tax that discriminates against any portion of the inhabitants of the American Republic in favor of any other portion is obnoxious to the spirit of fairness in the American character, unjust, tyrannical, and oppressive, and not uniform, and from its very nature inoperative in a republican government.

It is no answer to say that the bill provides that the income derived from the tax will be used in the improvement of the Territory and is to be held as a separate fund for that purpose. This provision in itself is likewise unconstitutional. It offends also against the principle of uniformity in the operation of tax laws. Would any man contend that Congress has the power to declare that all the import duties collected in New York shall be devoted to the administration of the national government in New York, or in California devoted to the administration of national affairs in California, and so on throughout the States and Territories of the Union? One of the powers inhibited to the Congress is that no preference shall be given by any regulation of commerce or revenue to the ports of one State over another.

To say that all the revenue collected at or in the ports of a State or Territory shall be used exclusively for the State or Territory wherein the ports are situated would be a violation of this provision. It would be a regulation of commerce and revenue both, which, if it works to the advantage of the Puerto Rican ports, would be a preference over the other ports of the United States, and if it worked to the disadvantage of the ports of Puerto Rico, it would be a preference to the other ports of the United States over the Puerto Rican ports. But in further consideration of the subject it becomes necessary to inquire what are the rights and privileges of the American citizen residing in the States and Territories other than Puerto Rico in reference to that Territory?

That Puerto Rico is a part of the territory of the United States is past the pale of discussion. It has already been annexed by treaty, and the treaty in no respect conflicts with the Constitution.

It is a part of our dominion. It is the property of the people of the United States. There is no war in existence there, and no opposition to the enforcement of the laws of this Government. There is absolute peace and submission to our Government, and Congress is now about to act and make all needful rules and regulations for their conduct.

What, then, are the privileges and immunities of an American citizen? They include whatever the Constitution expressly or impliedly confers.

The citizens of the United States residing on the American continent, who are admittedly entitled to the benefit and the protection of the Constitution, certainly possess the right to have unrestricted social and commercial intercourse with the inhabitants of the territory of Puerto Rico, unless it becomes necessary to enforce a strictly police regulation; have the right to carry their property there.

Is it competent for Congress to say that an American citizen can not visit the inhabitants of that territory or export his property to the island, when we live in a country of freedom, where liberty is law and tyranny and arbitrary power are hostile to the very genius and spirit of our people? To prevent the citizen from disposing of his property without undue restraint is the infringement of a natural right. Privileges and immunities of citizenship of the State include the enjoyment of life and liberty, with the right to acquire, possess, and dispose of property of every kind and to pursue and obtain happiness and safety; the right to pass freely into, through, and out of all the other States and Territories, or to reside in any other State for the purpose of trade, professional pursuits, or otherwise.

It was in recognition of this principle that the men who wrote the Constitution declared, in Article I, section 9, "that no tax or duty shall be laid on any article exported from any State." Its purpose was to permit and encourage the citizens to trade with any portion of the world, and that what they carried with them or sent out should be free from the shackles of duties.

Discussing the fundamental privileges and immunities belonging to citizens of the United States, Mr. Justice Miller, delivering the opinion of the court in the *Slaughterhouse Cases*, cited as the "leading case on the subject that of *Corfield vs. Coryall* (4 Wash. C. C., 371), and said:

"But lest it should be said that no such privileges and immunities are to be found if those we have been considering are excluded, we venture to suggest some which owe their existence to the Federal Government, its national character, its Constitution, or its laws. One of these is well described in the case of *Crandall vs. Nevada* (6 Wall., 36). It is said to be the right of the citizen of this great country, protected by implied guaranties of its Constitution, to come to the seat of government to assert any claim he may have upon that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its ports through which all operations of foreign commerce are conducted, to the subtreasuries, to the land offices, and courts of justice in the several States; and, quoting from Chief Justice Taney in another case, it is said 'that for all the great purposes for which the Federal Government was founded, we are one people, with one common country; we are all citizens of the United States.'"

And emphasizing this doctrine, Justice Bradley, in his dissenting opinion in these same cases, said:

But, even if the Constitution were silent, the fundamental privileges and immunities of citizens, as such, would be no less real and no less inviolable than they now are. It were not necessary to say in words that the citizens of the United States should have and exercise all the privileges of citizens; the privilege of buying, selling, and enjoying property; the privilege of engaging in any lawful employment for a livelihood; the privilege of resorting to the law for redress of injuries and the like. Their very citizenship conferred these privileges, if they did not possess them before. And these privileges they would enjoy whether they were citizens of any State or not.

Inhabitants of Federal Territories and new citizens, made such by annexation of territory or naturalization, though without any status as citizens of a State, could, nevertheless, as citizens of the United States, lay claim to every one of the privileges and immunities which have been enumerated; and among these none is more essential and fundamental than the right to follow such profession or employment as each may choose, subject only to uniform regulations equally applicable to all.

It may be said that this bill does not impose an export duty on the goods of the citizen because it is not paid at the port of exportation, but is collected at the port of destination. Does it make in principle any difference where the Government collects the duty, since it is collected in the domain of the Government? The tax laid is on the goods exported—that is, imported by Puerto Rico—from the other part of the United States. It is not on the person but on the goods, and in its very nature is in effect an export duty. It therefore plainly and expressly contravenes this section of the Constitution, and is inoperative and void.

But what are the rights and duties of the inhabitants of Puerto Rico in reference to the other States and Territories of the United States?

For over three hundred years that country had been a province of Spain, owing and rendering allegiance to that Government. The people owned their lands and other property, and paid their taxes to the Government of Spain. At the time of the cession they constituted nearly a million of people, and the population is over 300 inhabitants to the square mile. They are unlike the uncivilized Indians of our Territories, for they possess intelligence and acknowledged allegiance to the Government of Spain. In every respect, when ceded, they were citizens of Spain, and had equal representation in the Spanish Cortes with the other provinces of that kingdom, and their treatment by their mother country was even better than they now receive from us.

The treaty of cession simply transferred the allegiance of the people to the United States and substituted this nation in the place of Spain, and the sovereignty of the United States over them was proclaimed to the world by the President. At the time of the cession they were lightly taxed, and had in their treasury over a million and a half of dollars and owed not a dollar of public debt. They had their courts of justice for the protection of life and property and their civil rights, and the treaty of peace expressly stipulated for the maintenance of the integrity of their courts and their judicial proceedings by declaring that the judgments of their courts in civil "or criminal matters, with respect to which there is no recourse or right of review, shall be deemed final," and that pending civil and criminal suits may be prosecuted to conclusion.

The duties of these people now are to bear true allegiance to this Government, which they have willingly and cheerfully accepted as their Government; to assist in the support of the Government by paying their just quota of taxes; in time of war to furnish their quota of soldiers for the common defense. And their correlative right is inherent in them, as civilized human beings, to demand of the United States, their Government—a constitutional republic, unlike the monarchy of Spain, from which they were severed—that it shall extend to them the rights of inhabitants of a republic, such rights as inhere in that form of government from its very nature. They were taken into our Government not as chattels but as free men, and so long as the flag of the Union floats over them it is a pledge that the rights of free men guaranteed by the Constitution will be extended to them in all their vigor.

When the Constitution conferred on Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," it could only have meant to confer upon Congress the power to make such needful rules and regulations as are consistent with the limitations set upon their exercise by the Constitution and as are consistent with the spirit of the republican form of government which was created by it.

The conclusion of this discussion makes it certain that the Constitution in all its essential principles does extend, by the great weight of authority and by reason, *ex proprio vigore*, to every portion of the American territory. It is not self-executing, however, because the machinery for its operation and the enforcement of its provisions must be supplied by Congress; but every inhabitant of the same bearing allegiance thereto is entitled to the equal protection of its laws and the rights guaranteed by it.

Any other construction would make this Government an empire as absolute as Russia, yea, like the Government of England, whereas our forefathers sought by all the wit and ingenuity they

possessed, while preserving the rights they inherited from the Magna Charta, to establish a government republican in form and principle, in contrast with that of England and freed from those unjust, tyrannical, and oppressive features which they had been taught by experience to dread. We have the right to expand, but our policy of expansion is opposed to that of the English Government. We expand our territory and extend the benefit of our Constitution to all civilized inhabitants included within its bounds. England expands and subjugates and holds the inhabitants as her subjects governed by a satrapy.

Almost at the threshold of a new century, which is to mark the beginning of an epoch unprecedented in the spread of a civilization more splendid than the world has ever seen; when the uplifting of the human race occupies the mind and the heart of man more than ever before; when Christianity is spreading to the uttermost parts of the earth, and all nations are accepting the precepts of the lowly Nazarene, shall the foremost nation of this world, risen to its magnificent development by acknowledging the fatherhood of God and the brotherhood of man, now forget its nursery teachings, and seek to enslave and oppress a people who welcomed its flag and gladly accepted its dominion? I trust not. The condition of Ireland and its struggles, the fate of Poland and its unhappy situation to-day, appeal to the American patriot with persuasive force.

Beware! Beware of unjust treatment to a liberty-loving people! [Loud applause on the Democratic side.]

Mr. DENNY. Mr. Chairman, the decision of Congress on the bill now under consideration involves much to our whole country and its future policy as well as much to Puerto Rico, our new territory.

If this bill should become a law, we will thereby announce to the world that Congress has at last assumed the power to deal with territorial possessions as it may deem desirable, outside of and beyond all constitutional restrictions. Its enactment into law would be a declaration that Congress, created by and under the Constitution, may perform acts with respect to the American domain which are prohibited in the very organic law governing its own existence.

Can it be possible that this Congress will undertake to impose one rate of customs duty on one section and another rate on another section of our common country when section 8 of Article I reads thus?—

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.

Is this language to be distorted and misconstrued in order to assist a few tobacco manufacturers and beet-sugar producers in the United States to prosper at the expense of the now impoverished producers of these articles in Puerto Rico, who, having been stripped of their Spanish markets, are illegally barred from a free market in their own adopted country?

Is this legislation to be based on the bald assertion that it is not prohibited by the section of the Constitution which the friends of the bill now argue applies only to the States as such, and not to the Territories out of which the States have been or may hereafter be formed?

When this section 8 of Article I declared that Congress has power to provide for the common defense and general welfare of the United States, can this language be so tortured as to exclude the power to provide for the common defense and general welfare of the Territories and the District of Columbia which it has always done? It is in pursuance of this authority that the property and lives of our citizens have been protected by the United States in the Territories in all the past; and if the language used in this section 8 of the Constitution embraces the American Government as such and every inch of its possessions, then the additional provisions in the same section, that duties shall be uniform throughout the United States, clearly prohibit Congress from enacting discriminating laws for separate parts of our country.

I believe the Constitution is broad enough to extend, by its own force, its protecting power over our entire country and to every citizen in the States or Territories, and that its application to the government of our Territories is not and never was intended to be dependent upon acts of Congress declaring that it should do so. This proposed legislation in itself is an act assuming jurisdiction over this island.

I can not too strongly resist the attempt to pass this bill now under consideration. It is framed on the theory that the power of Congress to legislate for the territory is above, beyond, and outside the Constitution and that the Congress, if it so chooses, can hold territory and the population therein forever in a state of vassalage, so far as any constitutional limitations over its authority are concerned.

This novel doctrine, that the will of Congress is supreme and unlimited in the Territories, is repugnant to the whole history of our free institutions and the time-honored decisions of our courts.

It must be that every department of our Government is, in the exercise of the powers committed to them, subject to the organic law that created them, and which law, to be effective, must be supreme.

It is impossible for me to conceive that this legislative body could have received a grant of power under the Constitution to do that which the Constitution itself directed should not be done, or that the full force and protecting care of that great charter of our liberties should not apply with absolute equality to every section of our broad land and to every citizen within the limits of our domain.

In the conclusion to which the majority of the Ways and Means Committee have reached I do not concur, and I shall cast my vote against the bill for the reasons:

First. Because it is not within the Constitution to make an unequal tax on imports from or to Puerto Rico; and

Second. Even if it were constitutional to do so, it is unjust, inexpedient, and not the natural fruit of our high-sounding declarations of supreme interest in these distressed people, who have so cheerfully transferred their allegiance from a despotic government only to find themselves in the hands of another dictatorial power.

Now that we have acquired a title by conquest and purchase to this island, and have induced the people to believe that they will receive the benefits that may arise from American citizenship, shall we inaugurate the policy of estrangement by taxing them, when no such tax on our previously acquired territories was ever attempted? Shall we go further, and set up a paternal government and give these taxes to the President, to be distributed to those who are to build schoolhouses and teach these subjects the beautiful principles of government as enacted by this bill, which bill in substance says that so long as these Puerto Ricans reside in American territory they shall have no constitutional rights guaranteed to them, and may be taxed without representation at the unbridled will of Congress?

Our forefathers had less cause for complaint when they founded this just Government than these peaceful islanders would have under this bill now seriously pressed by the Republicans in this House. And this injustice is to be done, notwithstanding the President in his recent message to this Congress said that "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." He may have considered it a plain duty from a constitutional view as well as a benevolent act.

The passage of this bill would violate a fundamental principle of our Government—of equality in taxation. It is not a question of amount or of time during which its operation may be limited. It is a question of right and power under the Constitution.

This legislation proposes that all merchandise coming into the United States from Puerto Rico or going from the United States into Puerto Rico shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are now required by law to be levied, collected, and paid upon like articles of merchandise imported from foreign countries.

It must be conceded that, since the treaty with Spain and the payment of \$20,000,000 to Spain and the assumption of jurisdiction by the United States, Puerto Rico is not a foreign country, but is part of the territory of the United States, and therefore entitled to the rights and privileges attached to a Territory within the jurisdiction and protecting power of this Government.

Whatever action may be taken with respect to the Philippines hereafter, Puerto Rico is a territory contiguous, friendly, and a desirable acquisition. It has come to stay and will doubtless in time become an independent State in this Union, and ought to be treated as our Territories heretofore have been treated, and with the same freedom as to trade and commerce. It was never attempted to tax lumber or minerals, animals or furs, or other products brought from our own western Territories into the States, or goods sent from the States into our Territories, and no good reason exists now to establish so suddenly a different rule for Puerto Rico; and the claims of the advocates of this bill that it can be done in pursuance of a plenary power vested in Congress is not well founded in reason or authority.

The war which recently we waged in behalf of Cuba was not for conquest, but to enable the Cubans to establish for themselves a stable government, and the acquisition of Puerto Rico and other islands were some of the unexpected results incidental to the accomplishment of that purpose. Our flag proudly floats over the island of Puerto Rico. We have induced them to believe that they shall have the benefits of American citizenship and the enjoyment of our free institutions. We have cut off all their trade with Spain, and before we have established for them a stable government, which this Congress must provide and ought to provide at once, we are, at the very threshold of our efforts to deal with these people, actuated by selfish considerations, and we propose an unjust and unconstitutional tax to be saddled upon these trusting poor people, already impoverished by Spanish rule, war, and storms, and now to inflict a further burden by custom duties.

We thus say to them, You are our subjects and not fellow-citizens with equal rights. We say to them in this bill that Congress is not limited by the Constitution in dealing with them; we say to them that while we have not taxed our Territorial trade on our own continent, yet as you are not embraced in the prohibitions of the Constitution nor entitled to its protection as a Territory, we shall, in the exercise of our plenary power, without restraint, give you a 25 per cent dose of foreign tariff medicine, which the President may afterwards use in teaching you the intricate lessons of the Constitution and the pecuniary distinction we now make between the United States and its Territories, as taught in these modern times by the Republican party schoolmasters. No; your interest in these poor people is a sham. You have other and larger game in view.

I do not, in the brief space allotted to me, propose to cite the authorities which have been quoted in the discussion of this subject, but to me these authorities are conclusive, and prove that the intention of the framers of the Constitution (section 8 of Article I) in granting Congress power to provide for the common defense and general welfare of the United States clearly included the geographical and governmental boundaries of the whole country, States and Territories alike, which were to be governed; and when, in the same section, it declares that all duties should be uniform, it likewise embraced the same entire geographical extent of our country under the jurisdiction of the United States and the whole of our national domain.

The decisions of our highest courts sustain this construction. Chief Justice Marshall, in *Loughborough vs. Blake* (5 Wheaton, 317), delivered the opinion of the court and 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 hereinafter 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 authority, from Mr. Justice Marshall, one of the greatest jurists of this nation, construing this section as to the boundary of the United States, in which a uniform rule must prevail, stands unchallenged as a just and long-recognized construction of this section. It has never been questioned or overruled by any subsequent decision. The States, when adopting the Constitution, had recently been colonies of Great Britain themselves, and they had objected to the imposition of taxation without representation. They formed the Constitution for the very purpose of guarding against this abuse of power by those in authority, or the assumption by any branch of the Government of unlimited powers. They established a union of States and made provision for an increase in the number out of the Territories.

It is not possible to conceive that our fathers, in providing for the protection of the people in the State, did not intend to give the same protection to the citizens living in the adjoining territory under its jurisdiction out of which the States had been and were to be created. It is not possible to believe that they meant to grant absolute power to Congress to do the very acts against which they complained to the mother country. It is not possible that they meant to clothe Congress with absolute power over the Territories which the English Government had exercised over them.

Surely the Constitution extends as well over Congress as over the President, not only within the States, but throughout the length and breadth of our whole country. If State laws inconsistent with its provisions may be declared unconstitutional, so may Congressional enactments in the Territory.

The spirit of our Government, its formation and practice, all point directly to the true interpretation that this section was not designed to receive a strained or forced construction in order to liberate Congress from the constitutional restraints thrown around every department of the Government in the interest of the rights and liberties of the people residing in the Territories or going into the Territories from the States. It was the people's rights against arbitrary power that were intended to be guarded and hedged with restraints, and that protection extended into every Territory as well as into every State.

We must not be dragged by any party requirements beyond the

protection of the Constitution by endeavoring to draw a fine distinction when there has never been a difference. The United States of North America was never intended to limit its benefits to the States and make no provision for the protection of its Territories against Congressional usurpation.

While, therefore, Congress does lawfully exercise rights and powers over the Territories not applicable to States, yet such powers must be exercised within the limitations of the grant. No act of Congress could deprive a citizen of the right of trial by jury or deprive a citizen of the constitutional guaranties of life, liberty, and property.

As to the relation of the Territories to the Federal Government, in the case of *Scott vs. Sandford* (19 Howard, 432), Chief Justice Taney said, in the opinion for the court:

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 citizens of the State and Federal Government. But no power is given to acquire a new territory to be held and governed permanently in that character.

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. * * *

We do not mean 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 new 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.

Justice McLean said:

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.

The true theory of our Government is securely founded on the principle that the Constitution is supreme, and while the Congress possesses full power, it must be exercised at all times under the limitations prescribed in that same instrument.

While Congress has power to make needful rules and regulations respecting Territorial government, there are limits to that power not to do certain other things.

In *National Bank vs. County of Yankton* (101 U. S.) 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.

If the contention were true that Congress has supreme power over the Territories outside of the Constitution, and that it does not *ex proprio vigore* reach the Territories until an act of Congress shall declare it to extend over the same, why not avoid the danger in this bill and extend the Constitution over this island by such legislation?

I submit, Mr. Chairman, that our laws must be made to operate evenly and uniformly over every citizen, whether in Puerto Rico or Pennsylvania, whether in Maine or Manila. [Applause.] Our Territories are but geographical divisions of the United States, and the laws made for their government by Congress or by themselves must be consistent with the Constitution. Unequal laws passed for sections of our country to the prejudice of other sections are not to be sanctioned. Whenever it is conceded that Congress may in the exercise of plenary power, unrestrained or prohibited by the Constitution, create and maintain paternal government and enact unequal laws in which the governed have no voice, then we will be found straying from the well-beaten paths of constitutional liberty into the wilderness of proximate or remote troubles.

If, in order to hold and govern distant territorial possessions, we are forced to violate the plain intent and spirit of the Constitution; if we are compelled to contrive new devices and theories to extenuate the exercise of powers beyond the Constitution, we had better loose our hold rather than make enactments discriminating or unequal.

If Arizona may bring its productions into the States, as part of the Union, without taxation, may not Puerto Rico bring her

sugar and tobacco on the same terms and have the same rights heretofore accorded to other territorial divisions?

In the history of our country it has never been claimed that Congress could tax the products of our Territories, or that it possessed power to impose one rate on one Territory and another rate on another Territory. Where could Congress derive authority to impose a stamp on deeds for lands to be recorded in one Territory at a given rate per \$1,000 of consideration and at another and different rate in another Territory, or pass revenue laws unequally operating in different Territories?

This section 8 is the only section that authorizes the Congress to lay and collect taxes, duties, imposts, and excises, to provide for the common defense and general welfare of the United States, and in this same section is the qualification, "but all duties shall be uniform throughout the United States."

These duties have heretofore been uniform throughout the States and Territories of the United States. Puerto Rico is now as much of the territory of the United States as Arizona or New Mexico or any of the Territories existing at the time of the adoption of the Constitution. No declaratory act that could be passed could change that relation. We hold Puerto Rico under an organic law that never forged a chain to rob them of equality, and it is as much the territory of the United States as Oklahoma is to-day. If this is true, Congress can not impose on Puerto Rico any duties from which Oklahoma would be exempt.

Let the history of our country be passed in review from the time the colonies embarked in their effort to establish a government for themselves, for the people of the United States, in which they reserved to the people and the States all the powers not delegated to the General Government, and it must be apparent, both from the language used and the construction given to the same by the courts, as to the true meaning of that language. The people never vested and never intended to vest in Congress a power to rob our Territories of equal protection or to legislate outside of the restraints in the Constitution.

They knew that legislative bodies, perhaps more than the executive and judicial departments, needed restraint when they adopted it, and carefully inserted the now contested prohibitions. They were careful to see that the Constitution provided two Houses—a Senate and House of Representatives. Then the President was clothed with power to approve or disapprove, and then the courts had power to declare such laws unconstitutional that happened to pass these successive stages successfully.

While Congress can legislate for the Territories, it must be legislation in conformity with, in pursuance of, and within the limits of the Constitution. The claim that the friends of this bill make, that Congress can do as they please and legislate for the Territories or any one of them without restraint, even to the extent of withholding the rights guaranteed to every citizen, as if the Territories were not within the United States, is a serious usurpation of power.

In Article II, section 1, the Constitution says:

The executive power shall be vested in a President of the United States of America.

When the President is required to sign all bills passed by the Congress before they become laws, applicable to States or Territories, why was he not designated "President of the United States of North America and of the Territories," if the power in this clause were not given over the Territories? Would anyone be daring enough to say that he is not President of the whole country, States and Territories alike, and has always exercised that power under the name of "President of the United States of North America?"

If the words "United States" in this section do not include the entire country, States and Territories alike, then he is President of the States only.

Let this question receive our best consideration. Acts involving the interpretation of our written Constitution, on the decision of which grave interests of our country's perpetual life and our free institutions may depend, demand consideration from a patriotic standpoint. Party policy or partisanship should not prevail.

The people will not suffer, ultimately, our institutions of free Government to perish, even though their agent, the Congress, fail to measure up to the standard of patriotic devotion to that sacred instrument. It is not a question of our good intentions; it is not a question of our paternal interest. I will presume, for the purpose of this argument, that we mean to exercise no oppression over this island; but it is a larger question, involving legal authority, to so legislate, and if this legislation conflicts fairly with the provisions of the organic law, made by the people and for the people, and under which we have expanded and may expand in a legitimate way, then let us recede from the effort made to pass this bill.

Rather than do violence to that charter of our liberties, that has been tested by time, in the government of our States and Territories, I would prefer to have no territory beyond the sea. Whatever expansion takes place, whatever policy is pursued, it

must be an expansion and a policy within the spirit of the Constitution and no other kind.

Believing as I do that this bill ought not to pass, because it is repugnant to the Constitution and involves the exercise of powers prohibited by the Constitution, yet there are other reasons why this bill should not become a law, and some of those reasons are as follows:

It is unjust to the Puerto Ricans and injurious to ourselves and an expression of bad faith on our part. The owners and occupants of this little island are now our friends, and if they are to be governed without standing armies we must apply to them the rule of equality and make rules and regulations applicable alike to them as to other American territory. They will soon know, if this bill becomes law, that they are the only Territory of the United States from which customs duties would be demanded. They will know that Hawaii and every other Territory is treated differently, and they could and would fairly charge this nation with contributing to their present distress and poverty in place of assisting in relieving their embarrassment.

We have cared for our great Northwestern Territories until they had the requisite qualifications for statehood, without discriminating burdens. Why inaugurate a new and foreign policy with these people, who have peacefully welcomed the American Army and who have given evidence of their allegiance? They were promised the blessings of our free Government. Puerto Rico is now American territory, and it has a right, when its population and condition justify it, to be admitted into the Union on an equal footing with other States, and all our legislation as to this island should have reference to that object. [Applause.]

The Secretary of War in his report says:

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.

What good reason is assigned by the majority of the committee for changing the original bill from its former recommendations of free trade and now recommending the imposition of customs duties, when the President has said it was our plain duty to abolish all customs tariffs and give to Puerto Rican products free access to our markets? The President, in his recent message to this Congress, further said that Puerto Rico—

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 open to her products.

What reason exists for this change of policy toward these people, whose products have been swept away by unusual storms and who have, by change of allegiance, lost the markets of Spain for their sugar and tobacco? The following extract from the report of the majority of the committee partly explains the reasons why this tariff bill, as a substitute for the bill removing customs duties, is urged.

The clause in the majority report of the Ways and Means Committee reads thus:

The representative of the beet-sugar industry who appeared before your committee stated that the admission of sugar free of duty from Puerto Rico, even should the product be doubled, would work no injury to the beet-sugar interests. His fears were that this original bill might be regarded as a precedent for free sugar from the Philippine Islands and eventually from Cuba. It is a sufficient answer to this that the substitute report establishes no precedent. On the contrary, we expressly assert by this substitute the right to discriminate between Puerto Rico or the Philippine Islands and the United States.

It is alleged in this report of the majority of the committee that Congress is free to impose taxes at their own will—one rate on Puerto Rico, another on Oklahoma, another in New Mexico—and its provisions respecting uniformity do not apply to our new possessions. If this be true, then the protected interests of monopolies and trusts may demand in their greed that excessive taxes be laid, amounting to exclusion from our home markets and the termination to that extent of their civil rights. Congress could then establish different rules of naturalization and establish a despotic government, or make for them a government as cruel as that from which we have just liberated them.

Our duty requires us to deal justly and in the best faith with Puerto Rico, regardless of this effort to establish a precedent for future use when we come to deal with the Philippines. Puerto Rico can not be presumed to assent to such legislation that infringes the principle of equity. Our time-honored declaration, that all just government is founded on the consent of the governed, would, to them, be a snare and delusion. Let the people amend the Constitution if they desire Congress to govern foreign territory by the fluctuating will of this body, but let not Congress assume to appropriate powers not specifically granted or neces-

sarily implied in that instrument for any purposes, laudable or otherwise.

While I hope never to see the representatives of Asiatic peoples in the Congress, or their millions of subjects allowed to compete with American labor, yet we must meet the questions as they arise under constitutional powers conferred and deal with them in accordance with and subject to and not outside of the limits prescribed in the Constitution under which alone we derive the power to deal with any territory at all.

We went as far as we were justified in going when we said to Europe that America was for Americans; but if we are now to govern the islands bordering on America or on Asia by force as a colony, subject to such unequal taxation as we deem desirable, and govern them as subjects purchased from their former masters, what further rights have we to command that European monarchies shall not found imperialistic governments on American soil?

If the Constitution secures to every man under the flag the rights of freemen—the right to travel and live in any part of our common country, wherever our flag floats as the emblem of freedom and liberty—where is the power granted to restrain that right if we claim them as American territory and subject to our laws? May constitutional liberty be maintained in this entire nation, including every Territory embraced within its extended borders, in full force and vigor forever. [Loud applause.]

Mr. BURKE of Texas. Mr. Chairman, I realize the fact that nothing new can be said in further discussing this bill—its legal and moral phase has been presented from every conceivable standpoint—and yet I can not permit this discussion to close without giving expression to my views respecting this extraordinary measure. I use the word extraordinary advisedly, Mr. Chairman, for never before in the history of this Government has such a proposition been submitted to the American Congress. [Applause.]

Under the treaty of peace between our Government and the Kingdom of Spain, signed at Paris in December, 1898, the island of Puerto Rico was ceded to the United States by the Crown of Spain. This island had been a Spanish possession for more than 200 years; its people had groaned under the yoke of Spanish oppression and exaction; they had seen their substance and hard earnings squandered and dissipated in an effort to uphold and sustain the venality of an effete monarchy. Realizing their helpless condition, no doubt the blood coursed through their veins with increased rapidity when they heard that war had been declared between the United States, the mighty young giant of North America, and Spain, for in this declaration they could see, possibly through the fortunes or misfortunes of that war, that the yoke of the Spanish oppressor might be lightened, possibly removed forever.

Who can tell; who can know, Mr. Chairman, the heart feelings of the people of this island when it was known that our victorious Army had landed on their soil? They knew that Spanish authority was gone, perhaps forever, and with one acclaim and with practical unanimity they hailed and greeted our troops as their deliverers. From the humble cottage by the roadside to the pretentious dwellings in the towns and cities our soldiers were received with unstinted enthusiasm. The island fell like a ripe apple into our lap, and its people no doubt thought that the day of their deliverance from unjust taxation and official exactions had come. The general in command of the United States Army, who then commanded in Puerto Rico, General Miles, issued the following proclamation to the people of that island:

HEADQUARTERS OF THE ARMY,
Ponce, Puerto Rico, July 28, 1898.

To the inhabitants of Puerto Rico:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the island of Puerto Rico.

They come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours and to destroy or capture all who are in armed resistance. They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence the first effect of this occupation will be the immediate release from your former political relations and, it is hoped, a cheerful acceptance of the government of the United States. The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation.

We have not come to make war upon the people of a country that for centuries have been oppressed, but, on the contrary, to bring you protection, not only to yourselves, but to your property, to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government. It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major-General, Commanding United States Army.

This, Mr. Chairman, was the situation in July, 1898. As before said, with the ratification of the treaty of peace signed at Paris this island became a part of the territory of the United States, and as such, under the Constitution, is entitled to the same treatment

that is accorded to any other Territory. It does seem that when a people voluntarily become "one of us," so to speak, and when the treaty-making power of this Government declares, as in the case of Puerto Rico, that such country belongs to the United States, its status should be easily fixed and determined. Puerto Rico is as much a part of this country to-day as is Alaska or Hawaii. Who can doubt it?

Mr. Chairman, when we met last December the President, in his annual message, declared that it was our plain duty to give the Puerto Ricans a free market for their products in this country. He further said this 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, says:

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.

All seemed to think that this declaration of the President was right, and a bill on these lines was presented by the chairman of the Ways and Means Committee; but, Mr. Chairman, that was done before the sugar and tobacco trusts had time to act. They now have acted, and what do we find? This bill drawn in conformity with the views the President then expressed is side-tracked, and the one now under discussion is substituted, which proposes to levy an export duty of 25 per cent on certain commodities going from this country to Puerto Rico, to be collected there, and 25 per cent as import duty on certain commodities coming into this country from Puerto Rico, to be collected here, and the principal commodities from Puerto Rico on which it is proposed to levy this duty are sugar and tobacco.

Yes, sir; to carry out the wishes, if not demands, of the sugar and tobacco trusts, the Republican majority in this House propose to collect a duty on commodities coming into this country from one of our own Territories, and the Committee on Ways and Means seek to justify their course under the peculiar and specious reasoning that the term "United States," as used in the Constitution with reference to the collection of impost duties, means the States alone and does not include Territories.

Mr. Chairman, it has been amusing, if not instructive, during this debate, to hear gentlemen favoring this bill give abstruse definitions of the words "import" and "export." Any schoolboy, it occurs to me, should know that goods are "exported" when they are carried out of this country to a foreign country, and are "imported" when they are brought into this country from a foreign country. This bill uses the words "import" and "export." I would like to have gentlemen who favor this bill tell me what foreign country we export goods to or import goods from when we are trading with Puerto Rico, one of our own Territories.

I have no desire, sir, to consume the time of the House—even had I the time—in discussing the decisions of our Supreme Court bearing on the issue presented by this bill. These have been read and discussed so thoroughly by other gentlemen that a further reference to them at this time seems unnecessary. I will, however, Mr. Chairman, refer to one of these decisions which covers this case absolutely, and shows conclusively that this bill directly contravenes that constitutional provision which declares that—

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.

Loughborough vs. Blake (3 Wheaton, 317), the case to which I refer, announces the law governing the principle which underlies this bill. In that case the authority of the United States to impose a direct tax on the people of the District of Columbia was challenged, and Chief Justice Marshall, speaking for the court in that case, 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 thereafter mentioned. This grant extends to all places over which the Government extends. If this 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 and Pennsylvania, and it is not less necessary, on the principles of the Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in one than in the other. Since, then, the power to lay and collect taxes, which in-

cludes 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.

Gentlemen may consult the decisions of the Supreme Court since that time and they will be unable to find any opinion calling in question the doctrine therein asserted, but, to the contrary, whenever referred to in subsequent decisions of the court, it is approved and confirmed. To-day goods of every character are carried from the States to Alaska and Hawaii and brought from these places to the States duty free. Why? Because, while they are territories, they are a part of the domain of the United States.

Suppose, Mr. Chairman, a hostile army should invade Puerto Rico. Would not such invasion be as much an act of war against the Government of the United States as it would be if it occurred in Alaska or the Hawaiian Islands? If this be true, then I would like to have gentlemen draw the line and show the House and the country the real difference between Puerto Rico and any other outlying territory of the United States. This island is either ours or it is not. If ours, the provisions of our Constitution and decisions of our Supreme Court should protect and control it, and it should be accorded the same treatment that is given to other Territories. If not ours, then we can enact no legislation affecting it, for I believe it has been correctly said:

If the legislation now proposed for Puerto Rico should be applied for twenty-five years to the richest State in the American Union, its wealth will have departed and its inhabitants will have become paupers.

Mr. Chairman, we find ourselves to-day in a peculiar position—the entire Democratic membership of this House adopting and indorsing the recommendation of a Republican President on the issue of giving free trade to Puerto Rico, while the Republican majority, with a few exceptions, is trying to defeat this recommendation. If the President was right last December when he sent in his message, he is right now, for conditions have not changed in Puerto Rico, except for the worse.

The Republican majority, believing he was right then, actually prepared and introduced a bill to meet the President's views, and their complete change of front only gives additional proof and emphasis to the charge that the Republican party is under the complete dominion and control of the corporations and trusts of this country, for no man can doubt for a moment but that the bill now under discussion was framed to meet the demands of the sugar and tobacco trusts. It matters not to these trusts what the condition of the people of Puerto Rico may be. They care nothing for the Constitution or decisions of the Supreme Court. They ignore what the President, Secretary of War, or General Miles may have said. They see their supposed opportunity and demand their pound of protection flesh. Be it said with shame that the Republican majority in Congress have gracefully yielded to their insolent demands.

Mr. Chairman, gentlemen suggest that the policy sought to be established by this bill is to be adopted and hereafter pursued in our dealings with the people of the Philippine Islands. In other words, it is to be a precedent for the future. The situation, surroundings, and conditions of Puerto Rico are almost totally dissimilar to those of the Philippines. Puerto Rico is a part of the Western Hemisphere and lies practically at our door. The people of that island welcomed our Army with joyous greetings, and are to-day observing and obeying the laws of the land in a way that will not suffer by comparison with the people of many of the States of this Union. Its acquisition did not clash or conflict in the least with that cherished American idea known as the "Monroe doctrine," but is in reality an assertion and just recognition of that doctrine.

Not so with the Philippines; they are a part of the Eastern Hemisphere, are more than 7,000 miles from our nearest shore, inhabited by a race of people entirely dissimilar to ours, and who have been resisting, not welcoming, our authority, as the Puerto Ricans did. I believe the permanent acquisition of these islands will call in question and challenge the true application of the Monroe doctrine among the nations of Europe, for we can not consistently oppose the acquisition of territory by the monarchical governments of Europe on the Western Hemisphere while we seek to acquire territory and establish a government on the Eastern Hemisphere, and that, too, against the protest and armed resistance of the people of the territory sought to be acquired. Such a course will do more to cast reproach on that American idea than anything that has occurred since it was first promulgated, eighty years ago.

It seems, Mr. Chairman, that discussion on no subject can be had in this House without some expression is given to the Philippine question. All admit it to be a vexed question. In almost every speech delivered on this bill the policy now being pursued in the Philippine Islands has either been defended or assailed. On February 27, 1899, twelve days after hostilities began between our troops and the Filipinos, I delivered a speech in this House on this subject, and I have seen no cause since to change the views I then expressed respecting our duty to those people.

I then declared that under the terms of the treaty of Paris our

duty was first to restore peace and quiet in those islands, and having done this then extend and give to these people an opportunity to organize and establish a government of their own—exactly as the Cubans are doing—and while so engaged let the world know that they shall not be disturbed. When such a government is established, let it pay back to this country the \$20,000,000 paid to Spain, then withdraw our forces from these islands and leave them the possessors of their own government, while we should retain at Manila and Manila Bay ample territory for a great commercial city and naval station—a rallying point for our expanding commerce in that part of the world.

Mr. Chairman, since 1803 expansion of territory has been a cherished policy of the Democratic party. Under this policy Democratic administrations have added about one-half to the present area of the United States; but these additions have all come from the Western Hemisphere, and I have always opposed the policy of annexing permanently to this country the Philippine Archipelago. In fact, the Democratic party of my State has expressly declared in favor of retaining Puerto Rico (and that declaration was made before the Treaty of Paris was signed), but at the same time it declared its opposition to the annexation of the Philippine Islands.

If we are to judge the future, Mr. Chairman, by the past, the retention of these islands means a large standing army, and all Democrats oppose this. Already the Secretary of the Treasury places his estimate of the cost of our Army for the next fiscal year at the enormous sum of \$128,170,583.64 and the Navy at \$58,425,334.83, aggregating the vast sum of \$186,595,918.37 for these two expenditures. If this archipelago is retained by this country, while, of course, the expenses for the Army and Navy will not be so great after quiet is restored, yet I believe they will be heavy enough to show that the colonial policy now about to be adopted by this Government for the first time in the far east will prove an expensive luxury to the taxpayers of this country.

Mr. Chairman, with Puerto Rico ours, as it is; with a government friendly to us soon to be established on the island of Cuba; under the peculiar friendly conditions existing between this country and that island, may we not indulge the hope that the cherished dream of Thomas Jefferson may be realized in the future, when Cuba, by the voice and wish of her people expressed at the ballot box, shall declare her willingness to become an integral part of this great Republic? The Constitution is broad enough to cover and protect these two islands, as it covered and protected my own State—Texas—over fifty years, and to guarantee to their citizens, as it did to us, the full enjoyment of life, liberty, and pursuit of happiness. [Loud applause.]

[Mr. QUARLES addressed the committee. See Appendix.]

Mr. DOUGHERTY. Mr. Chairman, if this bill passes, it will be the first legislation by Congress in relation to the newly acquired insular possessions which came to us in consequence of the late Spanish war, and it will be the first legislative step in the nation's march toward imperialism.

In the discussion of this measure remarks have been incidentally dropped by the leaders of the majority indicating the future policy of the Administration toward the Philippines, from which we are given to understand that motives other than those that are laid down in the immortal Declaration of Independence will control its actions. No longer the humane and democratic principle "that all governments derive their just powers from the consent of the governed" is considered in our dealing with other peoples. Crazed with the lust of conquest, driven by remorseless greed for gain and power, the greatest Republic the world has ever seen, the beacon light of liberty for the whole world, is about to enter upon a policy of imperialism and militarism that "will give us no rest, as the slavery question gave us no rest, until finally settled aright. And take heed! The longer the right settlement is delayed the greater will be its cost." But I shall not at this time anticipate the Administration's Philippine policy. "Sufficient unto the day is the evil thereof."

The purpose of the pending bill is to impose a tariff upon the goods imported into this country from Puerto Rico and sent from this country to Puerto Rico.

I will not weary you with copious extracts from court decisions nor lengthy quotations from deceased statesmen, but will endeavor to briefly centralize my thoughts on a few of the fundamental principles that I think underlie this question.

The island of Puerto Rico has been acquired by and has become as much a part of the territory of the United States as Oklahoma, Arizona, New Mexico, and Alaska, and all the cunning of astute lawyers, with their garbled citations and false logic, can not alter the fact. From the time of the acquisition of Puerto Rico, and pending the organization and establishment of a civil government there, the island has been governed by military power.

The proposition that Congress can go to this island leaving the Constitution behind and govern the people as it sees fit is a most dangerous and unwarranted doctrine.

It may not be a matter of surprise to some of us that the first action taken or proposed by the majority here is an effort to levy

and exact taxes. Much taxation is the habit of that party and is always essential to support the policy of imperialism, and the disposition of that party is to tax without regard to that constitutional provision which says that—

All duties, imposts and excises shall be uniform throughout the United States.

Since Puerto Rico is territory of the United States, and the Constitution requires that taxation by Congress must operate uniformly throughout the United States, the question then becomes pertinent, Are the Territories a part of the United States? If so, it seems to me, from the plain meaning of the words used, that the injunction requiring uniformity of taxation must apply to the Territories equally with the States. This precise question was determined by the Supreme Court of the United States in the case of Loughborough against Blake (5 Wheaton), in which the court, through Chief Justice Marshall, says:

The eighth section of the first article gives to Congress the power to "lay and collect taxes, duties, imposts and excises," for the purposes thereafter 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.

And yet it has been contended by the gentlemen on the other side of this Chamber that outside of the domain of the forty-five sovereign States, and within the territorial limits and jurisdiction of the United States, the Congress has plenary, unlimited, and unrestrained power, absolutely unhampered by the Constitution which created it and from which all its powers are derived. In other words, anything that Congress does in the way of legislation for the Territories, outside of the States, is constitutional, just as any act passed by the Parliament of Great Britain is constitutional.

This view of our Congress may be quite English, you know, which in some quarters is considered a great recommendation; but, Mr. Chairman, I wish to register my objection to it.

One distinguished gentleman took occasion to inveigh against paper constitutions. Ours is a paper Constitution, and I think it the most glorious instrument of its kind on earth, and it is all the better that it is recorded on paper. I do not like constitutions that are not written. I prefer a constitution that is in black and white, and even then it is too often held to be uncertain and obscure in its terms.

In the Farewell Address of George Washington, which the Senate of the United States patriotically had read in its Chamber on the anniversary of his birth, occurs the following wise statement:

Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretenses.

The levying of a tariff tax on the imports from a territorial part of the United States, even its advocates must admit, will be an innovation on the practice under that Constitution. Again, the Father of his Country says, in the same paragraph:

One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown.

The levying of this tax will be a step toward imperialism, and the enthronement of imperialism will see the complete overthrow of the Republic, and, consequently, the Constitution which set up a Republic and not an empire. Again, he says:

In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion.

Surely no one will deny that time and habit have fixed the character of this Government as opposed to the levying of the proposed tariff, and the "standard of experience" has proven that habit wise, prudent, and just.

I do not believe that the makers of the Constitution intended to or did confer on the Congress the power to become greater within certain places of the domain of the United States than the Constitution itself, thus making the creature greater than the creator, but that they intended that the great, fundamental principles of that instrument should obtain and be in force wherever the starry emblem of its might and power should designate its dominion.

It is but a little more than eighteen months past since the Puerto Ricans welcomed our representatives to their island homes and hailed them as deliverers from the Spanish yoke of tyranny and oppression, literally strewing flowers in the pathway of our conquering soldiery. And it was then that the commander of our Army said to them:

We have come to bestow upon you the blessings and immunity of our Government.

Subsequently the President of the United States, the Secretary of War, and the Governor-General of the island were agreed, and expressed the opinion that all customs dues between the island and this country should be abolished. These expressions received and were entitled to great weight, because of the fact that they were in a position to know and realize what was just and right as between the people of the island and our Government, and that policy was in consonance with the policy of good faith and justice, which we should use in dealing with all peoples. In harmony with these opinions, as well as in keeping with our bounden duty under the Constitution, the Ways and Means Committee reported to Congress a bill providing for free trade with Puerto Rico.

In view of these facts, I ask why was the first bill withdrawn and this unrighteous, un-American, and unconstitutional measure substituted?

The effect of this bill would be to put the Puerto Ricans in the attitude of aliens to this Republic. It proposes to put upon Puerto Rican rice, coffee, sugar, and tobacco a tax that is not only unconstitutional and unjust but which is a burden upon those people greater than they can bear. A tax which is not uniform with the taxes in other parts of the United States.

Upon the acquisition of Puerto Rico we closed all other markets against them, and now this bill would shut the doors of the markets of the United States in the very face of that unfortunate people and doom them to ultimate commercial ruin. Sir, the same treatment applied to any one of the great States of this Union would work the same disaster.

Is our plighted faith to be violated in utter disregard of the plainest dictates of fair dealing?

Is this the elevating, civilizing, and Christianizing influence that is to follow the flag? Is this relief from Spanish tyranny and oppression the "Immunity of our liberal institutions?"

The carrying into effect the provisions of the pending bill would not only be an act of violence to certain cherished principles of free government, which are guaranteed by our Constitution, but it would also be a crime against justice and humanity. The strange and extraordinary doctrine advanced during the debates by the advocates of this measure that Congress has powers of absolute dominion, which are confessedly outside of the Constitution, to govern our newly acquired insular possessions with their 15,000,000 inhabitants and deal with them as aliens and vassals, deprived of political and commercial freedom, is indeed a monstrous doctrine, involving at once the honor and integrity of the whole people of our common country. Let us not forget that it was questions of this kind that led to our own revolution against Great Britain.

The gentlemen who advocate the passage of this measure lose no opportunity to exploit the glorious achievements of our brave and conquering men-at-arms on land and sea, and then proceed to appropriate all the honor and glory of their achievements to the Republican party. Wrapping themselves in the folds of the flag to hide their foul designs, they prate of patriotism even while they brush aside the Constitution to further legislate in the interest of trusts—trusts which are the chief source of the supply of Republican campaign funds and the most potent power behind the throne which dominates its councils and shapes its policies.

Among the chief products of the island of Puerto Rico, and the mainstay of its inhabitants, are sugar and tobacco. Conspicuous among the unsatiable trusts in this land to-day stand the sugar and tobacco trusts. In payment for services rendered and to be rendered by the trusts the Republican party must protect them against free trade with Puerto Rico. Hence this tariff bill. And, sir, it is an open secret that this bill is but the initial step in a matured plan to make of all our insular possessions sources of profit to favored capitalists and "feeders" of trusts.

I enjoy in no mean degree a sort of satisfaction in being able to register my vote against the pending bill.

Before this nation is committed too far by the gentlemen across the aisle to imperialism, it may be well to consider the sentiment so well expressed in the following lines:

THE REPUBLIC.

[Mene, Mene, Tekel, Upharsin.]

I.

Years upon years we have labored, lustily, lovingly, long;
Our arms were girt, and our thighs were girt, and our arms and thighs were strong.

We builded a beautiful Tower high o'er the world's dreadful plain;
Its base was as deep as the roots of our faith, and those were as deep as the main.

But whether the Tower be Babel made red by the set of our sun,
By fire from Hell, or light from Heaven—what word, O Washington!

II.

We shall knock at thy tomb in the darkness; a thunder of tongues shall call Thee forth to answer, or to ask—even thou who art first in all.
The earthquakes lie curled under foot and the red clouds in vengeance see Marshaled above us and over the bell whose tongue spake "Liberty!"—
Nothing but "Liberty, Liberty!"—ere sold into Mammon's hands
To groan the knell of Freedom to peoples of alien lands.

III.

Lost in a labyrinth madness—in a wilderness lost in vain,
Our sons, led wrong by lies of the Priests of Mammon, seek light again.
And is our land great by its mileage, or great by the hearts of its sons?
And is our land strong by its people's voice, or only by voice of its guns?
Well we know when pale Freedom lies bleeding and bound to an isle in the West;
Well we know when an Eagle sweeps out of the West upon her heart to feast.

IV.

Years upon years have we labored, lustily, lovingly, long;
But Ruin and Chaos our work must eclipse when Right is eclipsed by Wrong.
Where is the prophecy cried by the seer?—where is the patriot's prayer?—
The iron-firm hand to stay the stones?—the voice through the night: "Beware!"
Nothing is written, nothing is wrought, to warn of, to ward off the fall,
Save the hand of the Father held forth from the tomb—and those terrible words on the wall!

Mr. RIXEY. Mr. Chairman, it may be conceded that the people of this country have, in a large measure, become reconciled to the acquisition of Puerto Rico and the Hawaiian Islands. In each case the traditional policy of the Republic to avoid foreign complications is not violated, as the islands all lie in the Western Hemisphere, which we have always claimed within the sphere of our special influence. If we could disassociate the incorporation of these islands as a part of our territory from the permanent acquisition, ownership, and incorporation of the Philippine Islands, there would, I think, be little serious protest.

But the country will be surprised to learn that while Puerto Rico is a part of the territory of the United States, it is not entitled to any of the safeguards of the Constitution, and that there is no constitutional guaranty for the lives, liberty, and property of the 1,000,000 inhabitants of that island, or any of the other Territories; and that the same do not come within the designation "The United States." This position is boldly taken by the advocates of the pending bill as the only escape from the positive provision of the Constitution found in section 8, Article I, 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.

Congress, however, is itself the creature of the Constitution, being provided for in the first section of the first article of that instrument. Puerto Rico was acquired as a result of the constitutional power of Congress to declare war, and now, if retained, it can only be governed by the creature, Congress, in accordance with the mandate of its creator, the Constitution.

Congress can have no power or authority not conferred by the Constitution which brought it into being and gave it vitality. Legislation beyond this is usurpation.

If it is contended that the Constitution is not broad enough, the remedy is to amend it, not violate it.

In the bill under consideration, section 3 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.

There is no objection to this provision, as in this respect it deals with the island as a part of the United States.

Section 3, however, imposes a tariff 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.

Remembering that the Constitution, while providing that the Congress "shall have power to make all needful rules and regulations respecting the territory and other property of the United States," with equal emphasis provides that Congress shall only have power to levy "duties, imposts, and excises which shall be uniform throughout the United States," it is clearly seen that this provision is based upon the anomalous idea that while Puerto Rico has been regularly annexed and is a part of the territory of the United States, neither Puerto Rico nor the Territories of New Mexico nor Arizona are protected by the provisions of the Constitution guaranteeing uniform taxation "throughout the United States;" that the Constitution does not apply to any portion of our territory not included in the several States, and that we have a right not only to have and hold territory as colonies, but that they are not entitled to any of the guaranties or safeguards of the Constitution. If we have that right, then we have the right not only to tax them without the hope of ever having representation, but to hold them as subjugated colonies, and to place upon them burdens as great as those imposed upon the Israelites of old in their Egyptian bondage.

If this principle is sound, it means that we can govern territory as the Romans governed their colonies, by taxation without representation, and by the imposition of burdens which made serfs of the people and kept them in subjection by the iron hand of military rule.

I utterly abhor any such construction of the Constitution, for I glory in the greatness of our Republic and in its sufficiency to meet the ends and aims of what should be the greatest among the great powers of the world. It has the power to acquire territory as the result of conquest in war regularly declared by Congress and by treaty, but when acquired it becomes ipso facto a part of the United States, to be governed by Congress under and not outside of the constitutional limitations. If the contention of the majority of the committee is right, then there is no limitation except the will of Congress. If a constitutional limitation is right as to a part of our people and a part of our territory, why should it be denied as to any other portion?

It is not denied that territory annexed by conquest can be permitted to remain for a limited time under military rule, of which the President is the Commander in Chief, as was the case with the territory acquired in the Mexican war; but so soon as Congress takes possession and undertakes to legislate, military rule becomes subordinated to civil authority, to be exercised in pursuance of and subject to the limitations of the Constitution. [Applause on Democratic side.]

A constitutional government is the only free government. By denying that the Constitution covers Puerto Rico, the assertion is put forth that we can deal with its people as subjects without any rights that the Government is bound to respect. Daniel Webster, in his great speech in the Senate on the 23d of March, 1848, on the "objects of the Mexican war," said:

Mr. President, for a good many years I have struggled to oppose everything that I thought tended to strengthen the arm of executive power. I think it is growing more and more formidable every day. And I think that in yielding to it in this, as in other instances, will give it strength which it may be hereafter very difficult to resist. I think that it is nothing else than fear of executive power that commits us to the support of this war for the acquisition of territory—fear—fear—and nothing else.

In the little 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 Ukraine and the provinces of 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.

I think I see that in progress which will disfigure and deform the Constitution. While these Territories remain Territories they will be a trouble and an annoyance; they will draw after them vast expenses; they will probably require as many troops as we have maintained during the last twenty years to defend them against the Indian tribes. We must maintain an army at that immense distance. When they shall become States they will be still more likely to give us trouble.

I think I see a course adopted which is likely to turn the Constitution of the land into a deformed monster, into a curse rather than a blessing; in fact, a frame of an unequal government, not founded on popular representation, not founded on equality, but on the grossest inequality; and I think that this process will go on, or that there is danger that it will go on, until this Union shall fall to pieces. I resist it to-day and always. Whoever falters or whoever flies, I continue the contest!

I know, sir, that all the portents are discouraging. Would to God I could auspicate good influences! Would to God that those who think with me, and myself, could hope for stronger support! Would that we could stand where we desire to stand! I see the signs are sinister. But with few, or alone, my position is fixed. If there were time I would gladly awaken the country. I believe the country might be awakened, although it may be too late. For myself, supported or unsupported, by the blessings of God I shall do my duty. I see well enough all the adverse indications. But I am sustained by a deep and conscientious sense of duty; and while supported by that feeling, and while such great interests are at stake, I defy auguries and ask no omen but my country's cause!

Is there not ground now to reecho the fear then expressed? When once we cut loose from the Constitution we will drift upon the breakers as fast as the tide of empire, driven on by greed and lust for power, can carry us. The Constitution should be preserved inviolate, and no country should be annexed or incorporated as a part of our territory unless we are willing that our Constitution should go with our dominion. We want no subjects, no colonies, on any other terms.

The doctrine contended for here, that Congress is not restricted by the Constitution in regard to the territory not States, would clothe Congress and the President with as great autocratic power as that possessed by the Czar of Russia or was ever possessed by the emperors of old. In the Dred Scott case (19 Howard, 432), speaking in this part of the opinion for all of the justices of the court, the Chief Justice said:

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.

In *Loughborough vs. Blake* (5 Wheaton, 317) Chief Justice Marshall 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 therein 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 extent of the grant being ascertained, how far is it abridged by any part of the Constitution? The twentieth section of the first article declares that representation and direct taxes shall be apportioned among the several States which may be included within the Union according to their respective numbers. The object of this regulation is, we think, to furnish a standard by which taxes are to be apportioned, not to exempt from their operation any part of the country.

Again, page 321, same case, he says:

That the general grant to lay and collect taxes is made in terms which comprehend the District and Territories, as well as the States, is, we think, incontrovertible. The subsequent clauses are intended to regulate the exercise of this power, not to withdraw it from any part of the community.

This is the commonly accepted view of nine-tenths of the people of this country. Now, they will be surprised at this new dogma unfolded to justify the legislation proposed.

If the Supreme Court of the United States should uphold the legislation proposed in this bill, we may well seriously doubt the permanency of our institutions, because without restraints this Government will go the way of all the nations of antiquity and of all mortality.

The constitutional question involved in this bill is more serious to my mind than the acquisition of any particular piece of territory. As long as we acquire territory under the Constitution to be held and governed under it I do not despair, for if we find a country undesirable for permanent annexation, as I believe the Philippine Islands are, we can dispose of them; but when once we cast aside the guaranties of the Constitution, with the sanction of the Supreme Court, I fear that the rent can never be repaired nor the chasm bridged, but the natural forces of destruction will absolutely relegate the venerated Constitution to that oblivion which knows no awakening, except at the instance of a brave people struggling for liberty as were our forefathers.

But the Republican party seeks to justify its advocacy of this measure because it says uniform duties for Puerto Rico would be "in violation of the policy of protection." I answer, No more so than the free trade guaranteed by the Constitution between the States; but if it did, had you not better violate your "policy of protection" (sometimes denominated legalized robbery) than to violate the Constitution?

Are we so base and contemptible as to be persuaded to violate the Constitution because to obey it would not be in accord with the Republican policy of protection? [Applause on the Democratic side.]

Such argument indicates that you hold your "policy of protection" more sacred than the Constitution, and that you exalt expediency above principle.

The second reason given is that it would be "inimical to the interests of the United States with which Puerto Rican products would come in competition."

Is this a justification for a violation of the Constitution? Are the people to understand that the highest code of morals recognized by Congress is expediency and party success?

The fact that Puerto Rican products might do injury to those of this country might be a good reason against the retention of such territory, but none for a violation of the Constitution.

If such is the case, we should part with such territory. In any aspect, expediency should not be sufficient ground to annul the safeguards of the Constitution.

Is the reason assigned, that Puerto Rican products would injuriously affect American agriculture, the true one? Who believes it? It can be but a pretext. The little island of itself could not injuriously affect agriculture in the States. Is it not rather the Philippine problem, which looms up with its dark and forbidding aspect, and is likely to prove too great a burden for the Republican elephant?

The distinguished gentleman from Pennsylvania [Mr. DALZELL], in his able argument in favor of the bill on the first day of this debate, sought to stop the rout which had seized upon his party and to rally his colleagues by declaring that unless we could govern the islands outside of the Constitution, we had better be without them; that we could not, in his opinion, govern them so as to promote our welfare and theirs at the same time.

Why not take Democratic advice? Dispose of the Philippine Islands by giving them their freedom upon terms just to them and to ourselves?

But the Republican party has an alternative. Let it propose an amendment to the Constitution, authorizing Congress to hold all territory as subjugated colonies, entitled to none of the restrictions, limitations, or guaranties of the Constitution as to taxation or the lives, liberty, or property of the inhabitants. This is the manly way to meet the issue. It is an issue which the Democratic party would welcome.

Apart from the constitutional question, which is the most serious one involved, let us briefly consider whether the proposition to tax the Puerto Ricans 25 per cent on their exports to this country and 25 per cent on our imports to that country is fair and just treatment. The ports of Spain and Cuba, with which she had been accustomed to deal, have by tariff legislation been practically closed against her since her annexation to this country. Is it not our duty, therefore, to deal with that island in a liberal spirit? President McKinley thought so, and in his message to Congress used these words:

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.

He further said this 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, says:

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.

But these considerations are also to give place to the time-serving policy of interest. Neither the Constitution nor the "highest considerations of justice and good faith" stand in the way of people whose self-interest is their God. They would wreck the Republic for the "almighty dollar." This provision is also objectionable because of the precedent it sets in taxing our people upon the products received from Puerto Rico, and directing that the revenue so derived shall not be covered into the general fund of the Treasury, but held to be expended for the benefit of Puerto Rico and for the improvement of that island.

This principle is contrary to the spirit of the Constitution and is, I believe, without precedent in the history of legislation by Congress. It is the assertion of the principle that Congress can tax one portion of our country for the benefit of another portion; that we can levy a tax upon the people of the States for the civilization and refinement of the people of the Philippine Islands or any other half-savage or semibarbarous people whom we may annex and to whom we may desire to extend our sweet-sounding policy of "benevolent assimilation."

The last provision of this bill is also objectionable because of the unrestricted power it confers upon the Executive. The fourth section 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.

This provides that the customs duties collected in Puerto Rico and collected in the United States on articles of merchandise coming from Puerto Rico shall be at the disposal of the President, to be used for the government and the benefit of Puerto Rico. Unlimited discretion is here granted. The Committee on Ways and Means of the House estimate the annual revenue at \$2,302,549.11, while the Senate Committee on Pacific Islands and Puerto Rico estimate the revenue thus to be placed at the unlimited disposal of the Executive at \$3,000,000. A vast sum, indeed, and a great responsibility!

This action, however, follows as the natural result of the third section of the bill. First, the Constitution is to be so construed that Puerto Rico is to be governed or controlled as a "Crown" dependency; then \$3,000,000 to be collected annually from its people and placed at the disposal of the President for the following generally expressed purposes:

For the expenses of the insular government, including the salaries of all officials, the expenses of maintaining the courts, jails, almshouses, etc., about \$1,000,000.

For schoolhouses and educational purposes, \$1,000,000.

For the construction of roads, building bridges, etc., and other necessary public improvements, \$1,000,000.

What an opportunity to reward the shouters of expansion and imperialism!

This bill emphasizes one distinct difference between simple expansion and imperialism. Expansion is the addition of territory to be governed and controlled, subject to the limitations and safe-

guards provided in the Constitution. Whether we should expand or not is largely one of interest. Imperialism is the addition of territory to be governed and controlled as colonies, outside of the Constitution, and limited only by the will of the governing power.

This bill is particularly dangerous as an entering wedge to pave the way for imperialism, because it is sugar coated with appeals to the greed of the American people. If we can abrogate the Constitution as to Puerto Rico, what will be our limits as to the Philippine Islands, and what will be the confines of our colonial system or empire? Who is so credulous as to believe that we will stop with the Philippine Islands? Once govern outside of the Constitution, and history will repeat itself.

Of republican Athens the historian says:

In her, as in other republics of old and of modern times, the same energy that had inspired the most heroic efforts in defense of the national independence soon learned to employ itself in daring and unscrupulous schemes of self-aggrandizement at the expense of neighboring nations.

And again he says:

All republics that acquire supremacy over other nations rule them selfishly and oppressively. There is no exception to this in either ancient or modern times. Carthage, Rome, Venice, Genoa, Florence, Pisa, Holland, and republican France all tyrannized over every province and subject state where they gained authority.

Again, of Athens, he says:

While her great statesman Pericles lived, his commanding genius kept his countrymen under control and forbade them to risk the fortunes of Athens in distant enterprises while they had unsubdued and powerful enemies at their own doors. He taught Athens this maxim, but he also taught her to know and to use her own strength, and when Pericles had departed the bold spirit which he had fostered overleaped the salutary lines which he had prescribed.

Athens, with hardly a rival in her day, is, like Rome, merely a spot on the world's surface. Like Rome, the historian attributes the downfall of Athens because she, too, failed to observe the limits which nature seemed to have set for her boundaries.

Notwithstanding the passage of this bill, there is a hope still left—the appeal to the people, whose verdict I will await in the confident hope of a triumphant vindication of constitutional government. [Loud applause on the Democratic side.]

Mr. STOKES. Mr. Chairman, this bill is both vicious and unnecessary. The only provision in it that is not vicious is unnecessary. In so far as it seeks to apply to Puerto Rico the tariff laws of the United States it is a natural but an unnecessary thing. That follows as a corollary of the treaty of cession by which the island was acquired. In my view the moment the treaty with Spain was ratified the entire body of laws of the United States, so far as applicable, became operative in that island. This view has been promulgated time and again by the highest court of the realm.

This precise point, however, was passed upon in the case of California, in a case arising immediately after its acquisition, as one of the incidents of the war with Mexico. Here is what the court said:

But after the ratification of the treaty California became a part of the United States, or a ceded, conquered territory.

By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress has passed to raise revenue from duties on imports and tonnage.

The sixty-third section, also, of that act, directing when tonnage duties were to be paid, became as operative in California after its cession to the United States as it was in any collection district.

Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last became a part of the consumption of the country, as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kind of goods, thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.

These last words are directly in point.

The opinion proceeds:

We will here briefly note those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument—that there was neither treaty nor law permitting the collection of duties—has been answered, it having been shown 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.

ITS VICIOUS PHASE.

But the bill does not stop at attempting the unnecessary. It goes further, and proposes a new principle of taxation, a principle hitherto unknown in our economy—a principle against which our fathers fought through seven long weary years, and against which they hedged the Constitution in the most positive and unmistakable terms. It proposes to lay a tax upon certain commodities going into Puerto Rico from the United States and upon the same commodities coming into the United States from Puerto Rico.

STRANGE AS WELL AS VICIOUS.

This is a new and strange doctrine, Mr. Chairman, that jars painfully upon the ears of those whose memory of our past is not blurred by avarice and covetous greed.

For the first time in the history of Congress it is considering a proposition to tax domestic commerce, to tax commodities coming into some ports of the United States from other ports of the United States. Not only so, it is at the same time considering a proposition to tax commodities exported from certain States and destined for certain ports of the United States, a sort of double-barreled novelty gun which seems to be loaded at both ends.

CONSTITUTION FORBIDS.

Of course, Mr. Chairman, in both these respects this bill is in the very teeth of the Constitution. Hear what it says. Section 8 of the first article of the Constitution is 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.

And, again, in section 9, as if framed to meet the precise proposition, we find the following:

No tax or duty shall be laid on articles exported from any State.

Of course, it will be understood that the power to tax, the greatest of all the grants to Congress under the Constitution, is derived from Article I, section 8, as above; and in section 9 of the same article are grouped the restrictions and limitations of that power; the metes and bounds of that grant are there distinctly marked out.

ASSURANCE MADE DOUBLY SURE.

Yet, as if to make assurance doubly sure, the limitation of uniformity is added, in immediate juxtaposition to the grant itself, in the following unmistakable language:

But all duties, imposts, and excises shall be uniform throughout the United States.

It is impossible to conceive of a more direct prohibition of what is proposed in this bill. Is it strange that the dominant party should pause?

HAVE THEIR EARS TO THE GROUND.

Not that they fear or venerate the Constitution itself. When ever has the spirit of greed, once aroused in the human bosom and inflamed by imperial dreams and purposes, hesitated through reverence of moral or constitutional restraints?

No, it was the mutterings of the masses, voiced through an intelligent press, indicating that the spirit of constitutional liberty is not dead in the breasts of the common people that made them pause.

EXPANSION BY CONTRACTION.

And so, foiled in their purpose of imperial expansion by the terms of the Constitution, they now seek to contract the meaning of the term "United States," so as to limit its application, as used in the Constitution, to the 45 organized States that compose the Union. They have invented a new theory that the Constitution does not apply to the Territories; that Congress has plenary—that is to say, absolute—power over the Territories. They hold that in legislating or governing the Territories Congress is not restrained by any of the constitutional limitations. Let us see about this. If it were true, as held by the Ways and Means Committee, that the term "United States," as used in the Constitution, does not include the Territories—that the term applies only to the States—there would then be some color of ground for holding that the constitutional objection is not well taken on this point.

THE CLASS IN DEFINITIONS.

But what are the facts? What authority shall be deemed competent to decide upon the proper definition and limitation of the term United States? Undoubtedly there is an authority whose special jurisdiction of the subject is undisputed and whose dictum is final upon all points of controversy relative to the Constitution.

THE COURT'S TURN.

And what does the Supreme Court of the United States say? Has it ever spoken upon this precise question? Undoubtedly it has, frequently and unequivocally. In an unbroken line of decisions, covering a century of our history, that court has held the opposite view to that contended for by the Ways and Means Committee.

What, then, does the term "United States" include? Does it include the Territories? In other words, does the Constitution of the United States extend to the Territories? In at least one decision of the Supreme Court this precise question is asked and answered in the most explicit terms, and it is answered to the confusion of the proponents of this measure. There are many in which the same view is held by implication.

In the leading case, *Loughborough vs. Blake*, Chief Justice John Marshall, one of the beacon lights of the bench for all future juris-

prudence, rendered the decision of the court, and here is what he said:

The eighth section of the first article gives Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereafter 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 the 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.

Could language be more explicit or the issue more directly in point? Note the answer to the direct question here involved:

Does the term designate the whole or any particular portion of the American empire?

Now note the answer:

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 case of *Cross, etc., vs. Harrison* (16 Howard, 164) is decisive in determining that in our new possessions the imposts, duties, and excises collected there must be uniform with those in the States and bases it upon the constitutional requirement of uniformity. The facts in that case are as follows: The treaty of peace was made between the United States and Mexico on the 3d of February, 1848. By that treaty California was ceded to the United States. As soon as this was done the Government authorities at Washington directed their subordinates in California to at once collect the customs duties there on goods from foreign countries, as provided by the laws of the United States.

Congress did not pass the act extending the customs laws of the United States to California and designating therein a port of entry until the 3d of March, 1849. Between the 3d of February, 1848, and the 3d of March, 1849, Cross brought to the port at San Francisco goods upon which Harrison, the Government subordinate, demanded payment of duties under the laws of the United States. Cross paid under protest and afterwards brought suit to recover the amount paid. His contention was that the customs laws of the United States did not extend to California until the act of Congress extending them was passed; hence the amount was illegally collected, having been paid before the act was passed.

The courts held that the custom laws extended to California as soon as it was ceded, and therefore the amount was properly collected.

In delivering the opinion in this case Justice Wayne 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 right 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.

In the *Dred Scott* case, which has been so frequently affirmed, Judge Taney uses the following language:

The words "territory belonging to the United States" were not used in the Constitution to describe an abstraction, but to identify and apply to those actual subjects-matter then existing and belonging to the United States, and other similar subjects which might afterwards be acquired; and this being so, all the essential qualities and incidents attending such actual subjects are embraced within the words "territory belonging to the United States."

If other decisions upon collateral issues be desired, the reports teem with them. I submit only a few, going to the point that the Constitution does operate in the Territories.

In *Reynolds vs. United States* (98 U. S., 162) 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.

In *Springfield vs. Thomas* (166 U. S., 707), a case from the Territory of Utah, the 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. 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 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.

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 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.

If there were further doubt that the Constitution of the United States extends to all territory subject to the authority of the United States, it would be removed by the case of *Callan vs. Wilson*. (127 U. S., 550.) Congress had passed an act permitting justices in the District of Columbia to inflict punishment in certain cases without providing for jury trial, as guaranteed in the Federal Constitution. It was insisted by Callan that the act was void, being repugnant to the Federal Constitution. It was insisted by the Attorney-General that Congress had unlimited power over the District, and that the provisions of the Federal Constitution could not restrain it, since section 8, Article I, of the Constitution, in enumerating the powers of Congress provided—

To exercise exclusive legislation over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

Yet the court held that Congress did not have power to legislate for the District, unrestrained by the Federal Constitution, but that the Constitution extended over the District, and that the act of Congress in permitting the infliction of punishment without jury trial was contrary to the sixth amendment, hence void.

In another decision directly in point is found, in *Shively vs. Bowlby* (152 U. S., 1), the following:

The Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects.

STATESMEN TAKE A TURN.

If we enter, Mr. Chairman, upon the broader but no less respectable field of political dicta upon this precise point, the weight of opinion is equally conclusive. I quote only two. The words of Calhoun, half a century ago, are as pertinent to the present situation as they were to the one in hand when uttered. Here is what he said:

That it would be contrary to the genius and character of our Government and subversive of our free popular institutions to hold Mexico as a subject province is a proposition too clear for argument before a body so enlightened as the Senate. You know the American Constitution too well—you have looked into history, and are too well acquainted with the fatal effects which large provincial possessions have ever had on the institutions of free states—to need any proof to satisfy you how hostile it would be to the institutions of this country to hold Mexico as a subject province. There is not an example on record of any free state holding a province of the same extent and population without disastrous consequences. The nations conquered and held as a province have, in time, retaliated by destroying the liberty of their conquerors through the corrupting effect of extended patronage and irresponsible power. Such certainly would be our case. The conquest of Mexico would add so vastly to the patronage of this Government that it would absorb the whole powers of the State; the Union would become an imperial power, and the States reduced to mere subordinate corporations. But the evil would not end there; the process would go on, and the power transferred from the States to the Union would be transferred from the legislative department to the Executive. All the immense patronage which holding it as a province would create—the maintenance of a large army to hold it in subjection and the appointment of a multitude of civil officers necessary to govern it—would be vested in him. The great influence which it would give the President would be the means of controlling the legislative department and subjecting it to his dictation, especially when combined with the principle of proscription, which has now become the established practice of the Government. The struggle to obtain the Presidential chair would become proportionably great—so great as to destroy the freedom of elections. The end would be anarchy or despotism, as certain as I am now addressing the Senate.

Equally clear and in point are the words of Webster in the period of his ripest statesmanship:

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 Ukraine 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.

ALL THE SAME WAY.

And so, Mr. Chairman, through an unbroken line of decisions and opinions by individuals and combinations of individuals who have been generally supposed to be entitled to have opinions and entitled to decide things, and whose decisions and opinions, when rendered, have hitherto been supposed to be entitled to respect—all these the Republican party, enticed and dazzled by the glittering visions of empire which Satan has showed them, on the one hand, and on the other driven by the powerful allies of past political battles, the trusts, is facing to-day in this bill.

THE MEANING OF IT.

According to the new dogma, the Constitution does not extend to the Territories, and hence Congress may legislate or exercise authority over the Territories unrestricted by any of the limitations of the Constitution.

It seems incredible that such a contention should be seriously made by gentlemen in this presence. What does this mean? It says in effect that the Congress, which is the creature of the Constitution, extends where the Constitution itself has no jurisdiction. Applied to this particular bill it means that Congress can tax the

people of our Territories without regard to the specific limitation placed on that power.

POWER AND LIMITATION COEXTENSIVE.

Where does Congress get the power to tax? From the Constitution, undoubtedly. When it lays a tax on Puerto Rico, it does so in the exercise of the power granted it by the Constitution. No one will deny this; and yet, according to the contention of the majority, the positive grant contained in the Constitution to lay taxes goes to the Territories, but the limitations upon that power contained in the same article and section do not go. Can a more irrational proposition be conceived.

HAVE NO RIGHTS.

According to the contention of the proponents of this measure, the people of the Territories have no rights that Congress need respect. The Bill of Rights does not extend to them, and Congress can govern without a single restraint or limitation. Was ever a more absolute despotism conceived by the brain of man?

LUMINOUS HISTORY.

The fathers left absolutely no doubt as to what their purposes and intentions were on this point. But if they had, the history of the time preceding and leading up to the war of independence is luminous. If the framers of the bill under consideration had searched the musty records of the Parliament and cabinet of George III for forms of legislation and for arguments to sustain it, they could scarcely have tracked more closely the measures and methods of that despotic monarch in his dealings with our ancestors.

"BOSTON TEA PARTY."

It was the very essence and marrow of that struggle that England imposed an import duty upon her colonial dependencies. That is the very essence and marrow of the grievances that aroused the undying hatred of unhappy Ireland. Shall we enter upon a policy that our Government was framed to be a perpetual protest against? Shall we enter upon the policy of constructing in our hemisphere, upon our very shores, another Ireland, to be a plague spot in our history, to rend us with perpetual protest and hatred and bitterness? I can not believe, Mr. Chairman, that the calm judgment of the American people will ratify such purpose and such plan, even if enacted into law by the Republican party under whip and spur of the sugar and tobacco trusts.

ANOTHER BARRIER.

But there is another clause of the Constitution, Mr. Chairman, which this bill contravenes. Even if the other obstacles could be disposed of, there would still be serious trouble growing out of section 9 of the same article of the Constitution. The clause to which I refer reads:

No tax or duty shall be laid on articles exported from any State.

How will you get goods from the United States into Puerto Rico without exporting them from a State? There are no distinctively United States ports. So that all goods going to Puerto Rico from any port of the United States must perforce go from some State, and this bill provides for a tax upon goods so going into Puerto Rico; and hence the collection of a tax upon goods so going would be in violation of the plain inhibition of the Constitution, and the court would be bound to so hold in the first case brought to its attention.

PER CENTS VS. PRINCIPLE.

Mr. Chairman, I have not thought it worth while to argue the amount of the tax or the duration of its imposition in the presence of the overshadowing question of principle. It seems to me elementary that if such tax as that proposed contravenes the Constitution, a reduction of the per cent imposed, or of the time through which it is to operate, can not in anywise alter the situation so far as the principle is concerned. What have per cents and periods of time to do with the principle involved? It is perfectly clear that if Congress can impose a tax upon domestic commerce under our Constitution for two years it can impose that tax for all time.

If Congress can, in the face of constitutional inhibition, impose a tax of 25 per cent or 15 per cent upon domestic commerce, it can impose any per cent. If either or both of these things can be done as between Puerto Rico and the United States for the benefit of the sugar and the tobacco trusts, it can be done at the behests of other trusts against your State and mine.

A SUBTERFUGE.

But it is offered as a salve to the consciences of those who have opposed the principle of the measure that the tax will be paid by the tobacco and the sugar trusts. This, too, is disingenuous to the last degree, and does not go to the point.

But taking it as true—if it be true—then why deal so tenderly with these trusts? Why give them the benefit of 75 per cent or 85 per cent of the duty paid upon the same goods coming from other points? If it be true that this duty will be paid by the trusts and if the need of Puerto Rico be so great, why not collect

the full rates of the Dingley bill? Why this tender consideration of these enemies of the people?

OUR DUTY.

Mr. Chairman, I deeply sympathize with Puerto Rico. Her fate is, indeed, a hard one, and I would be glad to extend the helping hand to her prostrate interests. It is the duty of this Government to do so, but it should be done in an orderly way, in a lawful way.

NOT THE ONLY WAY.

We are not shut in to this way of extending the help so sorely needed. There are other ways of giving relief—ways that have been pointed out, ways that the inhabitants themselves have suggested. Why, then, does the Republican party insist upon this method of relief in the very teeth of the Constitution, when other lawful constitutional methods of relief are available? The answer is plain.

THE REAL QUESTION.

It is because this question has a broader significance than its relation to Puerto Rico. Puerto Rico and its trade is a mere incident, a trivial incident, by comparison. The real motive lies further back in the ulterior purposes of that party with reference to Cuba and the Philippines. This is the preliminary step to the exploitation of those unfortunate islands, while keeping on terms of friendship and mutual helpfulness with its progeny of trusts at home.

But it is not my purpose here to discuss this measure in its remote bearings upon the Philippine problem. More than a year ago I gave my views on that question. Much of what I then said in the nature of a forecast has been written as part of the history of our country, and written to our shame.

In concluding, I desire to print some documents that reflect light on some phases of the question that I have not discussed in detail.

I append hereto a statement from the commissioners sent to this city by the people of Puerto Rico to present their needs to Congress, together with a statement from the Merchants' Association of New York, bearing upon the commercial conditions of the island. [Loud applause.]

APPENDIX.

The members of the several delegations from Puerto Rico, sent here to explain to the members of Congress the conditions existing in their island and to ask for it the establishment at once of free commercial relations with the United States, to the end that the people of Puerto Rico may be relieved from the bankruptcy which stares them in the face and the fearful contemplation of thousands of deaths among their poor by reason of the starvation which is following the stagnation in business, worse than ever before in the history of the island, and due chiefly to the contraction of business which has followed the control of the island by the United States, and having read the compromise measure adopted at the conference of the Republican members of Congress held last night, desire to make the following statement to Congress and the public:

One of the reasons given by the Republican leaders in Congress, who stand behind the tariff measure, is that they see no other way in which money can be raised for the support of the island except by direct taxation, which they allege the people of Puerto Rico would not agree to, or by special appropriation by Congress. Let us say on this point that the island of Puerto Rico raised an annual budget of \$4,400,000. Of this amount the following sums, in round numbers, were, for the army, \$1,200,000; for the minister of colonies, \$400,000; for pensions, \$300,000; for the clergy, \$400,000; for the navy, \$400,000; making a total of \$2,700,000. Thus there were raised for these purposes annually an amount larger than the total amount now required for the expenses of the island, as estimated by Governor-General Davis, and larger by far than will be raised by the proposed tariff. We refer with pride and call the attention of the people of the United States to the fact that we freed our own slaves, paying therefor, in principal and interest, about \$12,000,000, without asking aid from Spain or elsewhere. We repudiate the idea that we can not raise the amount necessary to carry on the affairs of the island.

The idea and theory of a tariff is repugnant to us. Our people, since the American occupancy, have been led to believe by Americans themselves, by the utterances of such eminent officers as General Miles, General Henry, and General Davis, by the Secretary of War in his annual report, by the honored President of the United States in his annual message to Congress, by the terms of the bill originally introduced in the House of Representatives by the chairman of the Committee on Ways and Means, and by the almost universal expression of opinion in the public press, that they were entitled to and would receive, without any material delay, absolutely free commercial relations with this country, to which they now must look, but instead of which a tariff unnecessary for revenue is offered.

The United States Government, through the State Department, has recently negotiated a treaty with the island of Trinidad, in the West Indies, which is a British province and a direct competitor of Puerto Rico, by the terms of which treaty Trinidad is to receive from the United States, free of duty, all articles of machinery and implements and articles of husbandry and nearly all food supplies, the free list for Trinidad in this treaty being larger by far than the list of articles now admitted free in Puerto Rico by Executive order, every one of which it is proposed to tax under the tariff bill now pending in Congress. Is this fair? We think not.

The time for a vote on this bill is rapidly approaching, and we therefore do not intend to make any elaborate argument, being content to stand before our people at home and the people of the United States on the general broad proposition that the island is entitled to receive absolutely free commercial relations at once, and that with them it can be easily made not only self-supporting, but will speedily become an exceedingly valuable possession of the United States, with a population loyal to the flag.

Every Puerto Rican and every American who knows the situation of the island believes that the mere announcement of the grant of free commercial

relations, as a matter of justice, and therefore irrevocable, will bring instant relief and permanent prosperity to the industries of our island.

Respectfully submitted.

GEORGE I. FINLAY,
MANUEL FERNANDEZ JUNCOS,
JOHN D. N. LUCE,
J. JULIO HENNA,
ARTURO BRAVO,
J. E. LATIMER,
L. SANCHEZ MORALES,
LUCAS AMADEO,
AZEL AMES,
T. LARRINAGA,
R. VALDES,

Commissioners of Puerto Rico.

WASHINGTON, D. C., February 27, 1900.

The Merchants' Association of New York, a commercial body in that city, composed of 1,400 firms and corporations, having no interest in Puerto Rico but the general one of expanding trade and commerce, has investigated thoroughly the commercial conditions in that island through its accredited representative, Mr. William R. Corwine, and the officers of that association believe fully that the speedy establishment of free commercial relations is absolutely necessary to place the island in a proper position.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By WM. R. CORWINE.

Mr. STEPHENS of Texas. Mr. Chairman, I feel that I would be derelict in my duty to my country and to my constituents if I should fail to denounce and vote against the pending bill. I oppose it because it violates the plain letter of the Constitution in two important particulars—first, Article I, section 9, paragraph 5, says:

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.

This bill also directly violates section 8, Article I, of the Constitution, which is 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 only answer the advocates of this bill have to make to avoid these clauses of the Constitution is the puerile statement that Puerto Rico is not a part of the United States; hence the Constitution does not apply to that island. I ask them why we are legislating for this island if it is no part of the United States. Can Congress legislate for territory outside of the United States? If Puerto Rico does not belong to the United States, then to whom does it belong? If it belongs to our Government and Congress has a right to legislate for it, then we obtain that right by virtue of our written Constitution, and we are bound by it, and we can no more pass an unconstitutional act affecting Puerto Rico than we can one affecting Oklahoma. The Revised Statutes of the United States, Title XXIV, section 1977, makes imports from our new islands, including Puerto Rico, free of duty. That statute reads as follows:

All persons within the jurisdiction (civil) 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.

This, then, appears to me to be the legal and constitutional status of those islands and people thereof the moment they become "Territories of the United States."

The large number of Supreme Court decisions relative to Florida, New Mexico, Texas, California, and in fact every inch of territory annexed to the original thirteen States have established precedents in constitutional law that can not be ignored or overcome; and in proof that I have some reasonable foundation for the opinion I beg to call your attention to a very few of the many citations of Supreme Court decisions and legal opinions given in support thereof.

In *Thompson vs. Utah* (170 U. S., 348) the Supreme Court held that—

The sovereign power of the United States over Territories is subject to such restrictions as are imposed and expressed in the Constitution or are necessarily implied by its terms.

So also in the California case, *Cross vs. Harrison* (16 Howard, 164), when the Territory of California was acquired, and before Congress had acted, supplying the machinery for carrying the constitutional provisions into execution, the military governor imposed duties on foreign goods brought into California different from what they were before the cession, but the same tariff the Government of the United States imposed throughout its domains. The Supreme Court decided that immediately upon the cession of the territory to the United States the Constitution and laws of the United States, so far as they could be enforced, extended to the territory ceded, and Justice Wayne held that—

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be in violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. * * * As to the denial of the authority of the President to prevent the landing of foreign goods in the

United States out of a collection district, it is only necessary to say that if he did not do so it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

But it seems that the Constitution, the statutory laws, and the decisions of our Supreme Court are incapable of preventing the Republican party from legislating in favor of the tobacco, rum, and sugar trusts. The majority report on this bill, made wholly by the Republican members of the committee, was submitted by Chairman PAYNE. It says the 25 per cent duty is necessary to prevent United States manufacturers of spirits and cigars from being at a disadvantage.

The report declares that the revenue laws to be applied to Puerto Rico are absolutely within the power of Congress to determine.

After reviewing former additions of territory and citing many cases in support of its contention, the report concludes:

First. That upon reason and authority the term "United States," as used in the Constitution, has reference only to the States that constitute the Federal Union and does not include Territories.

Second. That the power of Congress with respect to legislation for the Territories is plenary.

Third. That under that power Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the United States.

Mr. Chairman, if it is true that Congress can pass a law taxing Puerto Rico more than other parts of the United States regardless of the Constitution, then it follows that it also has the power to pass ex post facto laws, bills of attainder, and to do all other acts prohibited by the Constitution, and the people of Puerto Rico are merely subjects without legal rights, and can only enjoy their lives and property by the will of Congress.

The gentleman from Ohio [Mr. GROSVENOR], speaking on this bill last Thursday in this House, said:

We have Puerto Rico and the Philippines on our hands, and we are going to make all the money out of the transaction we can.

Therefore he advocates this bill so as to rob the poor, helpless Puerto Ricans for the benefit of three of his beloved trusts—the sugar, the rum, and the tobacco trusts. These trusts will repay the Republican party by furnishing them part of their spoils to corrupt voters and carry the elections this fall.

The Democratic party carried our boundary line from the Mississippi to the Pacific Ocean, but it did not violate the Constitution by passing laws to loot the people of the added territory for the profit of rich spoilsmen.

The minority report on this bill is signed by all the Democratic members of the Ways and Means Committee and Representative NEWLANDS, the Silver member of that committee. It says in part:

The undersigned members of the committee are unable to agree with the conclusions of the committee in respect to the bill reported to regulate the trade of Puerto Rico, and for other purposes. The bill is framed upon the idea and the assumption that Congress enters upon the government of Puerto Rico unrestrained by the provisions of the Constitution.

Our Union is one of States with a common interest and a common destiny. The blessings of free government rest alike upon all of our people, whether in the thirteen original States or in the youngest member of the Union or in the newest acquired territory.

This is the true doctrine. Puerto Rico was acquired by us from Spain less than two years ago. Spain permitted her to have 12 representatives and 4 senators in the Spanish Cortes. Those members had the right to speak and vote. We do not allow the Delegates from Oklahoma, New Mexico, or Arizona to vote in Congress. Puerto Rico elected an insular legislature of her own. She only paid a 10 per cent duty on trade with Spain, and this was to have been abolished over one year ago.

What is the present condition of these Puerto Ricans, who hailed us as their friends and deliverers during the late Spanish war? I will let President McKinley answer my question. He said in his message to this Congress that—

It must be borne in mind that since the session Puerto Rico has been denied the principal markets she has 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.

The Secretary of War, in his recent report to Congress, said:

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.

The chairman of the Ways and Means Committee introduced a bill a few weeks ago to carry out the policy of free trade with Puerto Rico recommended by the President and Secretary of War. But the power behind the throne—the trusts—has spoken, and the wise and just words of the President have been disregarded if not recalled by him. The free-trade bill has been strangled in the committee room and this miserable abortion has been brought before this House by its wet nurses, the leaders of the Republican party. I will let Mr. BROMWELL, a Republican who addressed this House a few days ago on this subject, state why the President, the Secretary of War, and the chairman of the Committee on Ways and Means have so recently changed their minds. He says:

The only conclusion that I can reach is the opposition that has been made by certain interests in this country, who fear that the freedom of trade will injure the prices of the productions in which they are interested by bringing competition from the island.

These certain interests can be none other than the sugar, rum, and tobacco trusts. Here we have proof positive that the trusts own and control the Republican party. The great question plainly now before us is this: Shall we have a piratical trust-ridden empire, or restore the constitutional republic of our fathers? Will we cling to our Republic or found an empire?

I earnestly hope that this bill will open the eyes of the American people to the fact that the Republicans are imperialists. Already I hear the mutterings of the coming storm of public execration that will, I hope, sweep this imperialistic party from power this fall. I will read a letter just received by me from Carpenters and Joiners' Union No. 526, of Galveston, Tex., also the newspaper clipping referred to, as follows:

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS
OF AMERICA, LOCAL UNION No. 526,
Galveston, Tex., February 21, 1900.

DEAR SIR: Inclosed find clipping demanding justice taken from a New York paper. Local Union 526, Carpenters and Joiners of America, thinks same should have a thorough investigation.

Fraternally, yours,

W. P. MITCHELL,
Recording Secretary.

Mr. J. H. STEPHENS, M. C.

DEMANDING JUSTICE—THE PITIFUL APPEAL OF PUERTO RICAN LABORERS.

Two Puerto Rican labor leaders, who arrived here from the island a few days ago, have issued an appeal to this Government on behalf of the workmen of Puerto Rico.

The two delegates, who have established headquarters in this city, declare that the working class of the island have been reduced by reason of the war, the hurricane, and the action of this Government since the storm to a condition of extreme destitution.

They declare that unless action is taken soon riots will occur throughout the island, as the poor are desperate from their sufferings.

To get justice, say these delegates, is almost impossible for the poor, and the laws practically result in the disfranchisement of the laborers. Of the 1,000,000 inhabitants, 60,000 are absolutely paupers, through no fault of their own.

The workmen demand a radical change in the government of the island. They ask that the following ordinances of Governor-General Davis be annulled:

1. That laborers on the public works shall get no more than 25 cents per day for eight hours' work.
2. That only property owners and taxpayers shall vote, and those who can read and write.
3. That the payment of \$1 shall be made before a vote is cast.

The workmen also ask that the ordinance forbidding appeals from the decisions of tribunals be abrogated. They also want a general market for imports and better schools.

The Republican party brought on the civil war and conquered the South to free the negroes belonging to their Southern brethren. This same party now ignores the Constitution, the Bill of Rights, and even the Ten Commandments, in order to enslave yellow, brown, and black men in the newly acquired islands. In the language of the gentleman from Ohio [Mr. GROSVENOR], we have the islands on our hands and we are going to make all the money out of them we can. Greed is the inspiring object and the purpose of this bill and of all this vicious, new, dangerous, un-American, and imperialistic Republican legislation.

The Republicans have always pretended to be the friends of the negroes of the South; but it has only been so for the purpose of controlling their votes. If they are so friendly to negroes in the States, why do they treat them as outlaws and as unworthy of citizenship in the islands? If they are the friends of the negro race, why do they not appoint negro postmasters in the Northern States as well as in the Southern States? Why do they not quarter negro troops in the North as well as in the South? There is a negro regiment stationed along the Rio Grande River in my State, and the conduct of these negro soldiers has been so outrageous that the county and State authorities have requested the War Department to remove them from the State and to replace them by white troops.

This has been refused and the threat made by this Republican Administration that if they removed the negro troops they would abandon the forts along that border and leave it unprotected. One of the causes of the American Revolution was that King George quartered his troops among the people over their protest.

Yet this Republican Administration keeps a negro regiment in my State over the protest of its executive and civil officers.

A few days ago two negro soldiers, stationed at Fort Bliss, near El Paso, came into that town, got drunk and disorderly, and were arrested by the city police and put in the jail. The next morning about daylight a squad of their comrades attacked the jail and killed one of the guards. I will read an account of the murder from a Republican paper published in El Paso. It is as follows:

EL PASO, February 17, 1900.

The dawn of day was ushered in this morning with a most shocking tragedy. A brave and fearless officer, a popular young man, and a gallant soldier of the Rough Riders, lies dead amid the mourning of his bereaved parents, his comrades, and many friends.

A negro soldier is dead, shot by Officer Dick Blacker, who amid a storm of bullets stood the ruffians at bay and defeated their attempt to storm the jail, though his comrade lay weltering in his blood.

DOING THE TOWN.

Last night a party of negro soldiers were in town visiting the resorts of the tenderloin, and one, a corporal named Dyson, was arrested at the corner of Second and Utah streets by Officers Christley and Scott for creating a disturbance.

He was very drunk and abusive, and declared he would run the entire police force out of town.

During the day yesterday Officer Winkler had arrested Thomas Gatewood, another soldier, for a similar offense, and he was fined \$30 by Recorder Patterson and was serving out his fine.

About 5 o'clock this morning a band of about twelve or fourteen negro soldiers entered town from the direction of Fort Bliss. They went straight to the police station.

At the station the night force was still on duty. Officer Newton Stewart was in the anteroom, while Dick Blacker was sleeping on an iron bed in the part partitioned off. Just how it all happened probably will never be known, because the truth can not be expected from the murderers, and poor Stewart, the only other man who knew, is dead.

When seen by a Herald reporter Mayor Magoffin said: "No, I have not called a special meeting and have no intention of doing so. There is no need for anything of that kind. The thing to do is to keep cool, find out the guilty parties and punish them. This can only be done by the officers. Captain Laughborough has promised to render the chief every assistance in his power; and he will, too. He is a West Pointer and a strict disciplinarian, and will not let any guilty man escape if he can help it."

The county attorney, Mr. Edwards, said:

"I have been opposed to the policy of being lenient with soldiers who get into trouble in town. Many of them have been arrested here and turned over to their captain whenever he asked for them out there. That gives them the idea that the civil authorities have no power over them. I gave orders some time ago to the constables to hold for trial every soldier arrested. If he can get clear, all right; if not, he must take the consequences. I remember when the Texas Volunteers were here one of them made his boast to me that we could not do anything to them in town. I told him just try it and see if we could."

CITY ATTORNEY'S VIEWS.

City Attorney Kemp said:

"The primary cause of all this trouble is the inherent meanness of the negro. He is not fit to be a soldier, and should never be allowed to have a gun in his hands."

FEDERAL OFFICIAL'S OPINION.

Hon. Moses Dillon, collector of customs, said:

"We must get those negroes out of here. They are simply breeders of trouble. The negro is the same wherever you find him. Put him into a uniform and he thinks he can run things to suit himself."

Mr. Chairman, Mr. Moses Dillon is a Republican and one of President McKinley's appointees, and he speaks the truth about negro soldiers. They have committed many outrages in Texas as well as in many other Southern States.

The same paper I have quoted, speaking of this El Paso trouble, prints the following statement:

To a Herald reporter this morning Mayor Magoffin said: "I have wired Congressman STEPHENS that I think it will be for the best interests of the service to have these soldiers removed. I am convinced that it should be done. There is undoubtedly a great deal of feeling against these negroes and the first time one of them makes a little break a killing may follow, and we certainly don't want any of that."

Captain Laughborough this afternoon said that he had nothing new to disclose. The officials who went to the fort yesterday said that they only went there to confer as to the best method of catching the guilty parties.

In my judgment, the time has come when the Representatives in this House from the districts where these outrages have been committed should vigorously object to the use of negro soldiers in the South, and I here and now enter my most earnest protest against this outrage on the rights of the people of my district, and demand that these negro soldiers be sent elsewhere and white troops be sent to Fort Bliss.

The Republican party has become the mouthpiece and the servant of plutocracy. The Republicanism of Lincoln is as far from the Republicanism of Marcus Hanna McKinley as Lazarus was from Dives when he looked out over the impassable gulf. The devil did not hold Dives with any firmer grasp than Marcus and the trusts now have on McKinley. Two months ago he said in his message to Congress that our plain duty was to give Puerto Rico free trade. Plutocracy said nay, and its tool, McKinley, joins in the chorus and threatens his party associates who still have a spark of manhood in their breasts with political destruction unless they obey the dictates of his masters, the trusts.

The Republican party, at the frightful cost of a million of human lives, the destruction of a billion dollars' worth of property, and the creation of a debt of more than \$2,000,000,000, freed 4,000,000 negro slaves. To-day it is criminally pouring out the blood and treasure of this nation to make vassals of the Filipinos. Under Lincoln it abolished slavery. Under Marcus Hanna Mc-

Kinley it recognizes slavery in a solemn treaty with the Sultan of Sulu, by permitting him to keep his slaves in slavery. The Republican party have in every possible manner aided in the destruction of polygamy in Utah; yet this same party, through its President, recognizes polygamy in the Sulu Islands, and permits His Majesty the Sultan to retain his 300 wives, and, besides, we pay him a princely salary to maintain his harem.

We are told by the Republicans that this treaty is only temporary. It is not so stated in the treaty, and the treaty recognizes both slavery and polygamy. I charge that the Republican party is also guilty of hypocrisy in claiming to be the enemy of trusts.

The gentleman from Ohio [Mr. GROSVENOR] made this claim a few days ago on this floor, and said that the Republican party passed the Sherman anti-trust law in 1890, but he forgot to tell you that the present Republican Attorney-General will not even try to execute that law, but has stated that the United States Government could not control trusts, and that State laws only could accomplish that result.

Mr. GROSVENOR forgot to tell you that, when the Democrats in the Fifty-fifth Congress tried to put all articles on the free list that formed the basis of a trust, he and his party associates voted down this Democratic anti-trust proposition. He forgot to tell you that he and his party in the Fifty-fifth and also in this Congress have prevented the passage of an income-tax law by which we could tax these gigantic trusts. He forgot to tell you that he and his party look to the trusts this fall for their election funds, and they will not look in vain. Even the ass knows where to find his master's crib.

Why does the Republican party give Hawaii free trade and by this bill levy a tax against Puerto Rico? I will answer, it is because Claus Spreckels, a Republican California sugar king, owns the sugar farms and controls the production of sugar in Hawaii, and by giving him free sugar he makes millions of dollars, out of which he pays a large Republican campaign fund.

The Puerto Rican sugar farms belong to a multitude of small native farmers, the very class of people whom the Republicans rob, both at home and abroad.

Mr. Chairman, this Republic, in the language of Lincoln, can not exist half free and half slave, half republic and half empire. The Republican party should be driven from power. Puerto Rico and Hawaii should be allowed to govern themselves just as Arizona and other Territories do. Their citizens should have all the rights guaranteed to American citizens under our Constitution. Cuba should be turned over to the Cubans, and the Philippines allowed to construct their own government and rule themselves in the same way that Congress has already bound itself to permit Cuba to do. We can thus, and thus only, maintain our constitutional form of government and avoid the shipwreck of our Republic on the dangerous reefs of imperialism.

Mr. JETT. Mr. Chairman, that is all who are to address the committee to-night.

Mr. LONG. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. O'GRADY having resumed the chair as Speaker pro tempore, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had come to no resolution thereon.

Mr. LONG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 58 minutes p. m.) the House adjourned until 11 o'clock a. m. tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the Industrial Commission, transmitting the report of the secretary on the work of the commission to January 1, 1900—to the Committee on Labor, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate of appropriation for a light-house tender—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the Government Hospital for the Insane—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy

submitting an estimate of appropriation for yards and docks—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint submitting an estimate of appropriation for the mint at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

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. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5499) to promote the efficiency of the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 466); 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 House (H. R. 6251) authorizing construction of bridge, reported the same with amendment, accompanied by a report (No. 467); 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, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1592) granting a pension to Jane E. Augur, reported the same without amendment, accompanied by a report (No. 437); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 625) granting a pension to Wesley Reed, reported the same with amendment, accompanied by a report (No. 438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5169) granting an increase of pension to Charles Weed, reported the same with amendment, accompanied by a report (No. 439); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4805) for the relief of Isaac Price, reported the same with amendment, accompanied by a report (No. 440); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 741) increasing the pension of Zedock C. Andrews, reported the same with amendment, accompanied by a report (No. 441); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5970) for the relief of Phebe S. Riley, reported the same with amendment, accompanied by a report (No. 442); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3962) granting an increase of pension to Alanson C. Eberhart, of York, York County, Nebr., reported the same with amendment, accompanied by a report (No. 443); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7599) granting an increase of pension to John F. Crawford, reported the same with amendment, accompanied by a report (No. 444); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2723) to pension Thomas T. Garrison, reported the same with amendment, accompanied by a report (No. 445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6784) granting a pension to Henry H. Neff, of Winchester, Randolph County, Ind., reported the same with amendment, accompanied by a report (No. 446); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3758) for back pay and increase of pension for Joshua Ricketts, reported the same with amendment, accompanied by a report (No. 447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6372) granting a pension to Abbie Webster, reported the same with amendment, accompanied by a report (No. 448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5134) granting an increase of pension to J. F. Allison, reported the same with amendment, accompanied by a report (No. 449); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7177) granting a pension to John N. Breed, reported the same with amendment, accompanied by a report (No. 450); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 89) granting an increase of pension to Caroline V. English, reported the same without amendment, accompanied by a report (No. 451); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2999) granting an increase of pension to George M. Brown, reported the same with amendment, accompanied by a report (No. 452); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6785) to increase the pension of Maria Egan, widow of Michael Egan, late captain Company G, Eighty-eighth New York Volunteers, reported the same with amendment, accompanied by a report (No. 453); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8605) granting a pension to Joseph Champlin Stone, reported the same without amendment, accompanied by a report (No. 454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2346) granting an increase of pension to Alfred Bigelow, reported the same without amendment, accompanied by a report (No. 455); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4696) granting an increase of pension to Ruthven W. Houghton, reported the same with amendment, accompanied by a report (No. 456); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4247) granting a pension to Francis S. Wolfe, reported the same with amendment, accompanied by a report (No. 457); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3312) for the relief of Ellen V. Myer, widow of George V. Myer, late of Company K, Fifteenth Pennsylvania Volunteers, reported the same with amendment, accompanied by a report (No. 458); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3307) for the relief of Matilda Hennessy, reported the same with amendment, accompanied by a report (No. 459); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 657) granting a pension to Francis A. Kitchen, late surgeon, United States Army, reported the same with amendment, accompanied by a report (No. 460); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6995) to pension Catharine Harris, reported the same with amendment, accompanied by a report (No. 461); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8599) granting a pension to Ellen J. Williams, reported the same with amendment, accompanied by a report (No. 462); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7596) granting an increase of pension to Mrs. Eliza Wight, reported the same with amendment, accompanied by a report (No. 463); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6624) granting an increase of pension to John C. Bradley, reported the same with amendment, accompanied by a report (No. 464); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 1409) for the relief of Robert

A. Ragan, reported the same without amendment, accompanied by a report (No. 465); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the resolution of the legislature of Massachusetts relative to a system of docks at Boston; and the same was referred to the Committee on Rivers and Harbors.

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. CLAYTON of New York: A bill (H. R. 8957) to provide for increasing the military establishment of the United States in time of war; to provide for the organization, the equipment, and service of the National Guard, and for other purposes—to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 8958) for the relief of certain United States volunteer soldiers in the war with Spain—to the Committee on War Claims.

By Mr. RIXEY (by request): A bill (H. R. 8959) to authorize the more rapid drainage of the flood plane of the Mississippi River and its tributaries into the Gulf of Mexico, upon the plan of "No cure, no pay"—to the Committee on Rivers and Harbors.

By Mr. SHELDEN: A bill (H. R. 8960) authorizing the construction and operation of a water-power canal at Sault Ste. Marie, Mich.—to the Committee on Rivers and Harbors.

By Mr. BURKE of Texas: A bill (H. R. 8961) making appropriations for the improvement of the Trinity River, in the State of Texas, from its mouth to the city of Dallas, in said State—to the Committee on Rivers and Harbors.

By Mr. RANSELL: A bill (H. R. 8962) to authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew, in the State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. BREAZEALE: A bill (H. R. 8963) to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana—to the Committee on the Judiciary.

By Mr. BELLAMY: A bill (H. R. 8964) to reduce the rate of postage on first-class mail matter to 1 cent for each half ounce or fraction thereof—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: A bill (H. R. 8965) granting American registry to the vessel known as the *Amur* and to be known as *Colonel Lewis*—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of Idaho: A bill (H. R. 8966) for the relief of the certain Indians in the Indian Territory who desire to sell their lands and improvements and emigrate elsewhere—to the Committee on Indian Affairs.

By Mr. WACHTER: A joint resolution (H. J. Res. 189) appropriating unexpended balance of appropriation for additional land for custom-house at Baltimore, Md., for immediate use—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A joint resolution and memorial of the general assembly of the State of Maryland to the Congress of the United States, for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick—to the Committee on War Claims.

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. ACHESON: A bill (H. R. 8967) granting an increase of pension to Samuel Hindman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8968) to correct the military record of Adam Spiker—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 8969) to remove the charge of desertion from the military record of John Kaeb—to the Committee on Military Affairs.

By Mr. BROUSSARD: A bill (H. R. 8970) for the relief of the successions of Appoline Fournier, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

By Mr. BROSIUS: A bill (H. R. 8971) to remove the charge of desertion against Jacob Snyder and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CUSACK: A bill (H. R. 8972) to increase the pension of Henry H. Lewis—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 8973) granting an increase of pension to David I. Coon—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 8974) to authorize the President to appoint and retire Richard Henry Savage, with the rank and grade of major—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 8975) for the relief of C. C. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8976) for the relief of Peter Clark—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: A bill (H. R. 8977) granting an increase of pension to Isabella Whitson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8978) granting a pension to Robert T. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8979) granting an increase of pension to John W. Brown—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 8980) to remove the charge of desertion against the military record of Jacob Ley—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana (by request): A bill (H. R. 8981) for the relief of the estates of Celina M. Wright and Charles G. Wright, deceased, late of New Orleans, La.—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 8982) to increase the pension of Robert O. Bingham, late a private in Company H, First Regiment Potomac Home Brigade, Maryland Infantry—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 8983) for the relief of John H. Crump, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 8984) to remove the charge of desertion against Miles Shea—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 8985) granting an increase of pension to Ross W. Titus—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: A bill (H. R. 8986) for the relief of Frank G. Mix—to the Committee on War Claims.

Also, a bill (H. R. 8987) granting a pension to Clarinda O. Windsor—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8988) authorizing the Dewey Hotel Company to construct and maintain an electric conduit on Stanton alley—to the Committee on the District of Columbia.

By Mr. GAYLE: A bill (H. R. 8989) granting a pension to Henry S. Berthards, of Bourbon County, Ky.—to the Committee on Pensions.

Also, a bill (H. R. 8990) to carry out the findings of the Court of Claims in the case of James H. Dennis—to the Committee on Claims.

Also, a bill (H. R. 8991) granting a pension to George W. Holman—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 8992) to place on the pension roll the name of Margaret J. Kibble—to the Committee on Invalid Pensions.

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. BARNEY: Petition of Francis Cartwright and other post-office employees of Milwaukee, Wis., favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Federated Trades Council of Milwaukee, Wis., relating to special qualifications that should be required of men engaged as seamen and firemen on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERSOCK: Petition of Anderson County, Kans., stock raisers, for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petition of the Union Labor League of Pittsburg, Pa., for the passage of House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

Also, petition of W. Merts and 11 citizens of Eudora, Kans., against the sale of colored oleomargarine—to the Committee on Agriculture.

Also, resolution of the common council of Kansas City, Kans., favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, protest of Washington Post, Grand Army of the Republic, of Lawrence, Kans., against the codification of pension laws, the semiannual examination of pensioners, and the present interpretation of the pension laws—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Resolutions of Fulton Grange, Lancaster County, Pa., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. BROUSSARD: Paper to accompany House bill for the relief of the heirs of Appoline Fournier, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

By Mr. BULL: Papers to accompany House bill No. 8594, granting a pension to Mrs. Matilda Rapp—to the Committee on Invalid Pensions.

By Mr. BUTLER (by request): Resolutions of Darby Borough Presbyterian Church, Colwyn, Pa., asking for the extension to our new possessions of all acts of Congress now in force in our Territories, and adding thereto better laws relating to the sale of liquor, Sunday observance, etc.—to the Committee on Insular Affairs.

By Mr. CONNELL: Petitions of E. G. Biesecker, R. A. Bird, and others, of Moscow; N. Goodrich, A. W. Kenyon, Orin Denny, William Fisher, J. G. Weldy, W. M. Burdick, and others, of Carbondale and Jubilee, Pa., to amend the oleomargarine law—to the Committee on Agriculture.

By Mr. DALZELL: Papers to accompany House bill granting increase of pension to David I. Coon—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Petition of J. H. Zanke and 70 other citizens of Algona, Iowa, in relation to the free distribution of black-leg vaccine by the Department of Agriculture—to the Committee on Agriculture.

Also, petitions of Dr. M. Fitzgerald and 7 citizens of Boone; J. B. H. Funstra, M. D., and Mohr & Maher, of Arcadia; Schroeder Bros. and 10 citizens of Manning, and C. H. Beam, of Rolfe, State of Iowa, relating to the stamp act on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Minnesota National Park and Forest Reserve Association, 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.

By Mr. GAMBLE: Resolutions of the Cigar Makers' Union, No. 153, of Sioux Falls, S. Dak., protesting against the admission into the United States free of duty the products of the Philippine Islands and Puerto Rico—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Selim Newell and 2 other employees of the St. Johnsbury (Vt.) post-office, favoring the passage of House bill No. 4357, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: Petition of Adjutant Noon Post, Grand Army of the Republic, of Coalport, Pa., in favor of a per diem pension law—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Resolutions of the Spokane Chamber of Commerce, favoring the division of the State of Washington into eastern and western judicial districts—to the Committee on the Judiciary.

Also, resolutions of the Alaska Miners' Association, relating to mining claims, military reservations, judicial districts, and the government of Alaska—to the Committee on the Public Lands.

By Mr. LENTZ: Petition of Charles A. Aaron and others, of Columbus, Ohio, and Andrew H. Clark and others, of Lancaster, Ohio, post-office clerks, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Papers to accompany House bill to remove the charge of desertion against Jacob Ley—to the Committee on Military Affairs.

By Mr. MANN: Resolution of Local Union No. 141, of Chicago (Ill.) Brotherhood of Carpenters and Joiners, with reference to arid and public lands—to the Committee on the Public Lands.

Also, petitions of E. G. Colburn and O. U. Sisson, druggists of Chicago, Ill., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, paper to accompany House bill granting a pension to Lucy D. Young, of Chicago, Ill.—to the Committee on Pensions.

By Mr. MIERS of Indiana: Paper to accompany bill granting a pension to Robert T. Davis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Isabella Whitson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of John W. Burton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting increase of pension to John W. Browne—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petition of W. L. Terhune, of Boston, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Petition of Robert O. Bingham, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. POLK: Petition of Mrs. S. J. Masteller and other citizens of Columbia County, Pa., regarding the government of the Hawaiian Islands—to the Committee on the Territories.

Also, petition of the Northeastern Pennsylvania Press Association, regarding the removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. RAY of New York: Petitions of E. M. Griggs, F. W. Craine, and other citizens of Guilford and Brookfield, N. Y., favoring the bill relating to dairy products—to the Committee on Agriculture.

Also, petition of Otis S. Beach and other retail druggists of Tioga County, N. Y., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. SPRAGUE: Papers to accompany House bill No. 2373, for the relief of Horace P. Williams—to the Committee on War Claims.

Also, papers to accompany House bill No. 5465, to amend an act to provide for the establishment of a retired list of the enlisted men of the United States Army, approved February 14, 1885—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petitions of Woman's Park Club and Cosmopolitan Club, of Merriam Park, Mrs. D. B. Lewis, and citizens of St. Paul, Minn., in favor of the national park for northern Minnesota—to the Committee on the Public Lands.

Also, petition of H. P. Hanson, secretary of the Cambridge Creamery Company, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, protest of Cigar Makers' Union No. 98, of St. Paul, Minn., against the passage of bill admitting products of Puerto Rico free of duty—to the Committee on Ways and Means.

Also, petition of the Minnesota Academy of Medicine, against the passage of the anti-vivisection bill—to the Committee on the District of Columbia.

Also, petition of E. E. Hughson, president of the St. Paul Underwriters' Association, in favor of the bill to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Governor Frank W. Rollins and 30 other citizens of New Hampshire, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. SULZER: Remonstrance of the New York Retail Grocers' Union, against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Scandinavian Democratic Club of Brooklyn, N. Y., expressing sympathy with the Boers—to the Committee on Foreign Affairs.

By Mr. WILSON of New York: Resolutions of the municipal assembly of the city of New York, for the construction of gunboats and cruisers in the several navy-yards of the Government—to the Committee on Naval Affairs.

By Mr. WRIGHT: Resolutions of Cigar Makers' Union No. 355, protesting against the reduction of present duties on Puerto Rican products—to the Committee on Insular Affairs.

By Mr. YOUNG of Pennsylvania: Petition of the United National Association of Post-Office Clerks, Branch No. 33, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, February 28, 1900.

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

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 2368) granting a pension to May A. Randall.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Hawaii, and also to prohibit gambling therein; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of sundry citizens of Port Huron, Mich., praying for the enactment of legislation to limit absolute divorce in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a resolution adopted at a meeting of the Ohio County Farmers' Institute, held at Elm Grove, W. Va., favoring the enactment of legislation to control the sale and manufacture of oleomargarine and other imitation dairy products; which was referred to the Committee on Agriculture and Forestry.