concerned; and the merchant marine of the United States under these navigation laws, a relic of barbarism, has run down from 70 per cent carried in American ships in 1857 to less than 11 per cent to-day; and, as an argument and I take to this Senate by a large majority—leaving the navigation laws, the result of this bargain with the slave trade in 1879, unrence. We are about to give $180,000,000 in subsidies to slaveholders in order to do away with the disastrous effects of the navigation laws. In my capacity, Mr. President, in vain the appeal is now made to wiping out those laws, narrow and bigoted and disastrous to our people; and they are kept upon the statute book as if they were some sacred institution, never to be attacked. We are to resort now to the unconstitutional project of subsidies to do away with their pernicious effects.

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

Mr. President, I had the temerity in the last Congress to quote from the Dred Scott decision, the effect that this Government has no right to hold any people as subjects, and that no territory can be acquired under the Constitution as it now exists except with the ultimate purpose of being admitted as a State within the discretion of Congress. I offered a resolution to that effect, which I was not permitted to make a law, and it was argued that I was an unrepentant rebel, a traitor to the country, and that my motives were of the most sinister and malignant character.

I said at the time when I quoted from the Dred Scott decision that I am not making a case, and I will not repeat the quotation nor place it in the record, because I had no opinion was set at bay beyond redemption by the result of the civil war; but I asserted then, and I assert now, that the portion of it which related to the power of the United States to hold colonies had been acquiesced in by the entire court, not only the seven Democrats, but the four Chief Justices. I have not a word against the right of the United States to treat with foreign nations for the peace and security of the Republic, or to be held as colonies, that the United States simply held it as a temporary trust for the future.

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

Mr. President, I have here copies of a case from Judge Cooley's case law on Constitutional Limitations, another distinguished Republican. I will not inflict all these upon the Senate, but I will print in my remarks what is commonly acceptable, if not critical.

Mr. Cooley draws a second distinction on page 37:

The second is that above given, that the people of the American Territories are guaranteed all the benefits of the Constitution and the Federal Government, while the people of the Territory, while it continues, are sure of the right to create and set up a government of their own. The people in the territories would be the people who would contain the adequate territory for the governmental system, and the local conditions suitable; while the territorial establishment contains no provision or assurance of any kind to a dependent government independent.

Mr. Cooley writes of our Territorial and the British colonial system:

There is also a difference in respect to taxation which, though not so strikingly presented, is not less important. The Territories levy their own taxes for all purposes, and they are never taxed separately for national purposes, but only as parts of the States which they are annexed to. The colonies of the United States are not levied on the National Treasury beyond what is expended by the United States in their own separate taxation.