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

It is considered necessary by many to refuse these people in the islands citizenship, and that they are not fit for it, why not content yourselves with saying the time has not come to give them self-government?

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

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

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

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

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

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

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

What I rise for particularly to point of is to answer the charge that has been made by the Senator that there is immediate relation to the question that is pending now before the Senate. We have been told by the Senator that the proposition of those who favor the character of legislation which we have pending here is iniquitous: that it is without precedent; that it is astounding; that it is not in any way necessary, and in violation of the Constitution, in contradiction of the Declaration of Independence, and in contravention of the Farewell Address of George Washington.

Now, Mr. President. all this declamation is illusory, that there is, in fact, nothing new under the sun. Neither the legislation proposed nor the criticisms of the Senator are new. Both are old, and very old at that. I hold in my hand McMaster's History of the People of the United States, and will read from page 24 of the third volume. At this place the author is giving the history of the legislation that was proposed and finally enacted creating a Territorial government for Louisiana. A bill was brought in and passed unanimously by the Senate of the state as the law of Orleans rights solemnly promised them by the treaty of purchase. It sets up a complete despotism. The people of the territory are to have no voice in the choice of their governor or council. They have nothing to say in the choice of the council. The Governor is to be appointed by the President, and the Governor and the council have nothing to say in the choice of the President. The President names the governor, and the governor, in the language of the bill, is to name the council. Is the Senate of the State to say a word as to the law? No, but for the purpose of debate, amendment, of correction. No; with the air of the law.

Here is the law. Will you take it or reject it? There is no chance given them to suggest amendments. They must approve or disapprove, and nothing else. If they reject the law, the Governor may, if he choose, proclaim, send them home, and as they are not paid, they can not get any pay. Where is the semblance of such a government in this country since the days of the colonial government? Was it not against such government as this that the colonies rebelled?

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

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

Enough as to that for the present. Now, one thing more. Instead of the authorities being to the effect claimed by the Senator, that the Constitution confers upon the United States power to do with respect to the Territories what it pleases; it is to prescribe all needful rules and regulations for territory belonging to the United States, but the territory belonging to the United States. The Constitution itself contemporaneously to the Territory that is comprised within the Union and territory which may be outside of the Union—which may be simply possessed by the United States. Thus the Constitution itself establishes, by its conferring power to the United States without being a part of the United States.

I have here also, to which I wish to call attention in this connection, a decision that I have not heard quoted in this debate, though doubtless it has been cited—the case of Snow v. The State of West Virginia is cited at page 317. Mr. Justice Bradley, speaking for the court, says:

The government of the Territories of the United States belongs primarily to Congress, and secondarily to such agencies as Congress may establish for that purpose. During the term of their possession as Territories they are mere dependencies of the United States. Their people do not constitute a sovereign power. All political authority exercised therein is derived from the powers reserved to Congress by the Constitution.

It is, indeed, the practice of the Government to invest these dependencies with a limited power of self-government, as soon as they have sufficient population and财力 to support them. It is exercised directly upon the organic act of Congress in each case, and is at all times subject to such alterations and modifications as Congress may see fit to adopt it. Mr. Justice Bradley characterizes these outside Territories as mere dependencies. He was speaking of Utah, New Mexico, Arizona, etc. If they are mere dependencies, much more are our recent acquisitions only dependencies.