

## Hawaiian Gazette.

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WALTER G. SMITH, EDITOR.  
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## HONOLULU STOCK EXCHANGE.

Honolulu, Jan. 24, 1901.

NAME OF STOCK.	Capital	Val	Bid	Ask
<b>MERCANTILE.</b>				
C. Brewer & Co.	1,000,000	100		
<b>SUGAR.</b>				
Ewa	5,000,000	20	27 1/2	27 3/4
Honouliuli	1,750,000	100		
Haw. Agric. Lumber Co.	1,000,000	100		
Haw. Com. & Sug. Co.	2,312,750	20	39 1/2	40 1/2
Hawaiian Sugar Co.	2,000,000	20	39 1/2	40 1/2
Honolulu	750,000	100		
Honouliuli	225,000	20	14 1/2	15
Kamalo	500,000	100		
Kahuku	500,000	20	24 1/2	25
Kamalo Sug. Co. Ltd.	225,000	20	14 1/2	15
Kihel Plan. Co. Ltd.	1,050,000	50	18 1/2	19
Paid up	1,500,000	50	18	18 1/2
Kipahulu	250,000	20	10 1/2	11
Koloa	300,000	100		
Kona Sugar Co.	500,000	100		
<b>MAUNALO A. S. Co., Ass.</b>				
Paid up	405,000	100		
Unpaid	100,000	100		
McBryde S. Co. Ltd.	852,500	20	8 1/2	9
Maunalo A. S. Co.	1,650,000	100	14 1/2	15
Nahiku Sugar Co. A.	200,000	20	10 1/2	11
Paid up	200,000	20	10 1/2	11
Oahu Sugar Co.	1,000,000	20	18 1/2	19
Onomou	1,000,000	20	17 1/2	18 1/2
Ookala	500,000	20	17 1/2	18 1/2
Ola Sugar Co. (A.)	2,500,000	20	14 1/2	15
Paid up	2,500,000	20	14 1/2	15
Olowalu	150,000	100		
Panahaunui Sug. Plan. Co.	5,000,000	50		
Pacific	2,000,000	100		
Pala	750,000	100	24	
Poepoeko	750,000	100	190	
Pioneer	2,000,000	100	125	135
Waialua Agr. Co.	4,500,000	100	122 1/2	124
Waianae	800,000	100		
Waialua	700,000	100		
Waianae	100,000	100		
Waialua	125,000	100		
<b>STEAMSHIP COS.</b>				
Wilder S. S. Co.	500,000	100	100	105
Inter-Island S. S. Co.	500,000	100		
<b>MISCELLANEOUS.</b>				
Hawaiian Electric Co.	250,000	100		
Hon. R. P. Tr. & L. Co.	250,000	100		
Hon. Steam Laundry	25,000	100		
Mutual Telephone Co.	139,000	10		
Makaha Co. Co. Pd up	40,000	100		
O. R. & L. Co.	2,000,000	100		
People's Ice & Ref. Co.	150,000	100		
<b>BONDS.</b>				
Haw. Govt. 5 per cent.		100		
Haw. Govt. 5 per cent.		90	95	
Haw. Govt. Postal Savings 4 1/2 per cent.				
Hilo R. R. Co. 4 per cent.		101		
Hon. S. T. & L. Co.		101		
Ewa Plantation 6 per cent.		101		
O. R. & L. Co.		101 1/2		
Oahu Plant. 6 p. c.		101		
Ola Plan. 6 p. c.		101		
<b>Session Sales—Morning Session—Five Ewa, \$27.25; 5 Ewa, \$27.37 1/2. Afternoon Session—Fifteen Hawaiian Sugar, \$40; 10 Ookala, \$17.25; 75 Ookala, \$17.37 1/2; 15 Ookala, \$17.50; 30 Ewa, \$27.50.</b>				
<b>Between Boards—Twenty Ewa, \$27.50; 125 Ewa, \$27.25; 25 Waialua, \$24.75.</b>				

## NOTICE TO CREDITORS.

THE UNDERSIGNED, HAVING been duly appointed executor of the will of Mrs. Anna Juliette Farley, late of Koloa, Kauai, deceased, hereby gives notice to all persons having claims against the estate of said Anna Juliette Farley to present the same to the undersigned within six months from the date of the publication of this notice, or they will be forever barred.

WILLIAM O. SMITH, Executor.  
Honolulu, H. I., January 2, 1901.  
2512—Jan. 4, 11, 18, 25.

## To Suppress Soldiers.

An order has been received by the commanding officers of the transports conveying United States troops from Assistant Adjutant General Babcock, calling attention to the fact that many acts of trespass have been reported to the department regarding the actions of soldiers here en route for the Philippines. They also direct that steps be taken to prevent the committing of such outrages as the looting of gardens and disorderly and indecent conduct. The order also instructs that the patrols in the city of Honolulu be directed as to their duties towards the local authorities.

## ISLAND AFFAIRS AT WASHINGTON

### Land Sales Since Passage of Act Stand.

### THE STATUS OF CHINESE CITIZENS

### Noted Visitors May Come Here—Other Entry Ports—Experiment Station.

(Special Correspondence.)

WASHINGTON, Jan. 11.—In an opinion just rendered to the Secretary of the Interior, Assistant Attorney General Willis Van Devanter of the Interior Department upholds the land transactions of the Government of Hawaii since the date of the passage of the organic law. The opinion is absolute, setting forth the fact that the organic law gives the lands to the Territory as an endowment for the public and allows no loophole for the claims of the American Settlers' Association, otherwise known as the Olan Squatters' Association.

One of the first men to hear of the decision was Land Agent J. E. Brown, who returned to the city after a visit of several days to his friends in Massachusetts. The decision is a most welcome one to the agent of the territorial land department, as it is entirely sustaining his actions in the past and cuts all the ground from under the feet of the men who have been attacking the administration as un-American in its land policy.

The decision, or opinion, which will be a decision when it is approved and promulgated by the Secretary of the Interior, comes from a protest against the sale of lands made by the squatters. This followed sales of land in the district and was presented here to the Department of Justice. It was the reference of the protest to District Attorney Bald which caused the opinion from that official that there was no legal right in the sales and this caused the overlooking of the case by Mr. Van Devanter with the result of the upholding of the Government.

Mr. Brown will be in the city some time from present indications, for he will devote his time and attention to the putting right of the members who will have to do with the framing and passage of any bill for the future disposition of the lands of the Territory. There has been introduced by Senator Hansbrough of North Dakota a bill to extend the laws of the United States bearing upon public lands so as to include in their operation the Islands. The bill has progressed no further than mere introduction so far and there seems little chance that it will be advanced at this short session.

Mr. Brown will have interviews with Senator Hansbrough and will endeavor to set forth the facts in such manner as to insure enlightened action should any be taken at this time.

Mr. Brown met Land Commissioner Herman today and will have more talk with him and the result will be that the systems of division and lease will be better understood than ever before by the officials of the land department of this country. Mr. Brown and Delegate Wilcox have got together and will work in harmony on the matter, so that there will be no division of argument which may lead to distracting results.

### THE STATUS OF CHINESE CITIZENS

### The Radical Opinion Given Some Weeks Ago May Not Be the Law at All.

(Special Correspondence.)

WASHINGTON, Jan. 11.—Despite the fact that it has been announced that there will be no recognition of those Chinese who have been in the possession of citizenship for many years in Hawaii, and who are now in an anomalous state, the Treasury Department will take another thought before it makes up its mind finally. The decision of Assistant Solicitor of the Treasury Reeves was outlined by me last week. The opinion was never promulgated and its being made public at that time was due to peculiar circumstances. That it ever will be promulgated is much doubted.

When the Solicitor sent the statement of his views to the Secretary and the document found its way around to the Bureau of Immigration, where the officials are giving all their time to the consideration of the matter of Chinese affairs and laws, there was an immediate difference as to the course which should be followed. Discretion was and instead of being followed the Bureau asked the Attorney General of the United States for his opinion of the Solicitor's opinion. As the resignation of the Chinese under the provisions

of the internal revenue act must go on, there will be issued certificates to those Chinese who have been citizens unless the opinion of the chief law officer comes to hand soon enough to prevent their registration at all, but any action is not to be taken as prejudicing their standing in any subsequent action.

The virtual effect of the asking for an opinion from the office of the Attorney General is to bring out the strength of the law office, in that in the preparation of this opinion all the facts will be taken with the law and the resultant document could be used as the brief of the Government in court should there be brought any suit in the future. This will give the officials of the immigration bureau the final authority of the Government to proceed and it is the belief that the opinion will recognize the rights of those Chinese who were citizens under the monarchy, so that there will not be necessary any court action under the Solicitor's opinion or the registration order of the department. At least this last phase of the case removes the necessity for action on the part of the Chinese whom it is proposed to disfranchise until the Attorney General makes up his mind, and then there will be plenty of time for the contest.

### HAWAII'S CHANCE FOR A HEARING

### Notable Statesmen May Be Induced To Visit the Islands in May.

(Special Correspondence.)

WASHINGTON, D. C., Jan. 11.—The proposed trip of the President, members of his Cabinet, and the members of the Ohio delegation to the Pacific Coast during the spring, will offer an opportunity for the exploitation of the Western country which has never been afforded by any previous excursion of the kind. The occasion of the visit will be the launching of the battleship Ohio, which is to be shipped into the water May 18th at San Francisco. There will be such an excess of hospitality during the course of the trip of the President that it will make the occasion one which will be long remembered.

There will be in the party which will accompany the President several members of the Cabinet, and of the Ohio delegation, as well, who are very anxious to visit the Hawaiian Islands. One of these is Secretary of Agriculture Wilson, who wanted to make the trip last year. He has assured Delegate Wilcox that it will be his aim to make the trip during this summer if he can arrange the time. Such a visit will be of great advantage to the Islands in that it will make the development of the agricultural features of the Islands certain, as the plans of the department contemplate the thorough exploitation of the possibilities.

### SENATOR BALDWIN IN WASHINGTON

### Left There for Honolulu on January 12 by Way of New Orleans.

(Special Correspondence.)

WASHINGTON, D. C., Jan. 11.—Senator H. P. Baldwin, who, with his wife and sister-in-law, the latter an invalid who is in the States for surgical aid, have been staying in Baltimore for some time, arrived in the city yesterday and spent the day and today as well with Attorney Haywood. He will leave for his Island home tomorrow, traveling by way of New Orleans. Mr. Baldwin and Mr. Haywood were in close consultation on various matters—so close, in fact, that neither would give up time to talk with the Advertiser's correspondent about the status of affairs, as affecting the Islands, at this time. Mr. Haywood refused to talk about his work, as he feared he might not have time even to make up his mail for this steamer, while Senator Baldwin was being informed as to the exact conditions.

### PORTO RICO TARIFF CASE INTERESTS

### Decision Affects Imports to Hawaii During Annexation Period.

(Special Correspondence.)

WASHINGTON, D. C., Jan. 11.—The arguments now being submitted in the Porto Rican tariff cases in the Supreme Court of the United States are being carefully followed by Attorney G. D. Gear, as the decision of this matter will have deep significance in the case of the Arms which paid high rates of duty on goods from this country brought in

to the Islands between the passage of the annexation resolution and the application of the tariff duties by the passage of the Organic Act. The principal speakers so far have been the Solicitor General, Richards, and the Attorney General, Griggs, in favor of the constitutionality of the tariff act, and former Secretary of the Treasury John G. Carlisle, in opposition to it.

Attorney General Griggs made one of the strongest speeches recently heard in the court. The Attorney General is one of the most forceful speakers at the bar and was at his best when the Justices were questioning him as to his stand that the Congress had absolute power, to make such laws to govern Territories as it sees fit, and that the use of the term "throughout the United States" in the Constitution refers to the States and not to the Territories. There seemed to be sympathy of the bench with the bar in the whole argument of the Attorney General and despite the able presentation of the counsel for the contestants, the opinion seems to be that there can be only one result of the hearing, the upholding of the law as it stands.

Mr. Gear does not look at it this way, however, for he is of opinion that there may be two sides and that the result will be favorable to the importers, which will give ground for revenue in the cases of the merchants of Hawaii.

### BILL FOR OTHER PORTS OF ENTRY

### Haywood Introduces It at Instance of Hawaiian Planters Association.

(Special Correspondence.)

WASHINGTON, Jan. 11.—A bill drawn by Attorney Haywood, representing the Hawaiian Planters' Association, has been introduced in the Senate by Senator Ely and in the House by Congressman Knox, which makes a departure in the matter of sub-ports of entry. According to the terms of the measure the naming of various sub-ports as they may be needed will be in the hands of the Secretary of the Treasury, who may designate or discontinue them whenever he will. This will make possible any changes without reference to the Congress in whom now lies the sole power to change such regulations as exist.

The organic act names the ports which are to be used and without the passage of some such act as this one there will be no opportunity to afford new advantages to the commerce of the country without some specific acts. Delegate Wilcox will not fight the measure, though he may name a port on the Island of Kauai which he deems most worthy of being made the port of entry.

### AN EXPERIMENT STATION HERE

### Appropriation of \$15,000 May Be Made by Congress This Session.

(Special Correspondence.)

WASHINGTON, D. C., Jan. 11.—There will be a hearing tomorrow morning before the sub-committee of the House Committee on Agriculture on the recommendation of the Secretary of Agriculture that an appropriation of \$15,000 be made for the establishment of an experiment station in the Islands.

The intention of the Secretary is in the event of the passage of this appropriation, to have a thorough agricultural placed in charge of the station, which will devote much of its attention to the testing of the various kinds of small fruits and grains and grasses with reference to the introduction of diversified industries into the group. Secretary Wilson is anxious to make the trip to the Islands, and it may come to pass that he will be able to do so during this year.

### To Amend Hawaiian Act.

WASHINGTON, Jan. 12.—Senator Warren of Wyoming today introduced a bill amending the act establishing a government for Hawaii by providing for a District Court in Hawaii, the District Judge, the District Attorney and the Marshal to be appointed by the President and to hold office for six years. In addition to the ordinary jurisdiction of a District Court the amendment provides that it shall have jurisdiction in all cases cognizable in a Circuit Court of the United States.

### Moslem Tribes Revolt.

PARIS, Jan. 16.—According to advices from Dahomey, the Moslem tribes are openly preparing for rebellion. They refuse to recognize the sovereignty of King Toffa and the Governor has been obliged to suspend his tour of the north country. He has asked for the recall of the functionary alleged to be responsible for the situation.

### To Load for San Francisco.

NEW YORK, Jan. 12.—The new steamer Hawaiian, which is one of a fleet of seven large cargo steamers of the Hawaiian Steamship Company, arrived today from Philadelphia to load for San Francisco and Honolulu, the ports on the route of the new line.

### Sugar at a Loss.

NEW YORK, Jan. 16.—A dispatch to the Herald from Buenos Ayres says: In view of the excessive sugar stock the sugar manufacturers have resolved to export 50,000 bags of sugar at a loss.

### Latest Sugar Prices.

NEW YORK, Jan. 15.—Sugar—Raw, steady; refined, steady.

## INSULAR CASES RELATE TO HAWAII

### Did Constitution Follow the Flag?

### STRONG ARGUMENTS FOR AND AGAINST

### Solicitor General Richards Says the United States Could Part With These Islands.

WASHINGTON, Jan. 14.—When the hearing had been completed in the other cases involving the connection of the United States with the insular possessions the case of George W. Crossman et al., appellants, vs. the United States was called. This case is one covering the entry of goods from Hawaii, consisting of whisky, brandy and jam, at the custom house at New York, April 25, 1900, and is the only Hawaiian case in the list. Duty was assessed under the provisions of the Dingley law.

The importers protested against collection of duty on the ground that the Hawaiian Islands were a part of the United States; that the provision of the annexation resolution which continued the customs laws of the Republic of Hawaii in force until Congress should legislate was unconstitutional. Appeal was taken to the Board of General Appraisers, to the United States Circuit Court and to the Supreme Court. W. Wickham Smith presented the case for the appellants. He laid down the following propositions upon which he said his clients rely:

First—At the time of the importation of these goods the Hawaiian Islands having been, by the action of Congress, approved by the President, annexed as part of the United States, were not a foreign country within any sense of that term and certainly not within the sense of that term as used in the enacting clause of the Dingley tariff act.

Second—The action of Congress in providing in the joint resolution of annexation that the customs relations of the Hawaiian Islands with the United States, and with other countries, should remain unchanged until Congress should further legislate on the subject was a violation of the provision of the Constitution "that all duties, imposts and excises shall be uniform throughout the United States."

Third—As such joint resolution provided for the collection at the ports of the Hawaiian Islands of the duties upon articles sent thither from other parts of the United States, this was, in effect, a violation of the provision of section 2 of the Constitution that no tax or duty shall be laid on articles exported from any state.

Counsel argued that this case was not like others before the court recently for the reason that there was no question involved as to the force or effect of a treaty, the Government of the Republic of Hawaii having ceded its sovereignty to the United States, which cession the Congress ratified. There is no question of a military government. The language of the annexation act provides that the Islands were annexed "as part of the territory of the United States."

Mr. Smith then argued that in the five places where the words "United States" were used in the Constitution, with one exception, the term includes the states and the territories as well. The exception is that clause providing for the election of presidential electors. After considering the application of the naturalization and bankruptcy laws in the territories and states alike, counsel said:

"It would be a strange view of language to hold that the words 'throughout the United States' in article I, section 8, were narrower or more limited in their scope than the words 'in the United States' in the fourteenth amendment. There is no principle of grammar, logic, law or common sense, in which the words 'throughout the United States' in the uniformity clause with regard to taxation can be restricted to the states, excluding the territories.

"A long line of decisions by this court that certain fundamental limitations upon the power of Congress contained in the Constitution are in force in various territories of the United States, are those disposed of by those on the other side of this controversy by the statement that the Constitution operates in these territories because Congress has seen fit to extend it to them by its own act. In other words they advance the doctrine that the Constitution has no force or operation in any territory until Congress puts it there, and, of course, this logically implies that it only extends there to the extent to which Congress puts it there, and can remain there only as long as Congress chooses to permit. In other words those who hold that Congress puts the Constitution into the territories cannot escape from saying that Congress has power at any time to take the Constitution out of the territories. If the Constitution operates today in Arizona, New Mexico and Oklahoma only because Congress has chosen to extend it to those territories, it must be within the power of Congress tomorrow to enact

that the Constitution shall no longer be operative in any of its parts in those territories. Indeed, it is a question whether Congress would need even to go through that form. A special subsequent statute repugnant to a prior general statute obviously repeals the latter (the Cherokee tobacco case, 11 Wall, 616), and, therefore, according to those who are opposed to us in this case, Congress must have a right to-morrow to create an order of nobility to Oklahoma or to pass a bill of attainder in Arizona.

Counsel then said that cases had been cited wherein it was held that countries captured in war or ceded by treaty could be held as foreign until Congress had legislated to define their status. This, he said, would not help the Government in the case, as the islands were not conquered or annexed by treaty, but by legislative act. He said further, "upon what authority can they be held after Congress has, by joint resolution, annexed them as a part of the territory of the United States, to be a country foreign to the United States? It is true Congress had not so fully and completely legislated with reference to the Islands as it might and did do thereafter, but it has certainly legislated enough to make them cease to be foreign. It has prohibited annexed them as a part of the territory of the United States, but it had provided that the revenue from or proceeds of the public lands thereof might be used for the civil, military or naval purposes of the United States; it had prohibited the President to vest the civil and judicial powers in such persons to be exercised in such manner as he might direct, and had, in effect, repealed so much of the municipal legislation of said islands as was contrary to the Constitution of the United States. It had prohibited Chinese from coming from the islands to the United States and it had appropriated out of the treasury of the United States a hundred thousand dollars to carry out the provisions of the joint resolution. Is it to be said for one minute that all these things were done with a view to a foreign country? Let those who maintain the other side of this controversy point out a single instance in the history of the United States, either before the Hawaiian annexation or since, in which Congress has annexed a territory as a part of the territory of the United States and yet treated it as a foreign country."

Mr. Smith then cited a treasury decision of April 17, 1900, holding that Porto Rico was not a foreign country within the meaning of the drawback clause of the Dingley law, and asked why the Islands should have been considered a foreign country at that time.

Counsel followed with arguments tending to show that the uniformity clause of the Constitution with reference to indirect taxes is one of the fundamental limitations upon the powers of Congress and that in consequence the provision of the annexation act which continued in force the customs regulations of the Republic was a clear violation of the uniformity clause. From this he went on to argue that in case the argument considered foreign, any tax collected there upon goods coming from this country would be in effect an export tax, as there would be no difference whether a tax on goods going from a State to the Islands were taxed at the point of shipment or at the destination, as the goods would be from the time the goods were shipped. The decision of the Supreme Court of Hawaii to the effect that the constitution of the United States had been in force in the Islands since August 13, 1898, was cited, and the argument closed.

"May Congress in legislating for territory which it has annexed as a part of the territory of the United States disregard the fundamental limitations upon its power written in the Organic Law to which Congress owes its existence? If it may, the judgment having ceded its sovereignty to the United States, which cession the Congress ratified. There is no question of a military government. The language of the annexation act provides that the Islands were annexed "as part of the territory of the United States."

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