LODGE ON CANAL TREATY.

THE MASSACHUSETTS SENATOR URGES RATIFICATION WITHOUT AMENDMENT.

Washington, Dec. 10.—After the transaction of some unimportant routine business to-day the Senate went into executive session. A number of nominations to which there was no opposition were confirmed, and then Mr. Lodge called up the Hay-Pauncefote Treaty and made a brief statement regarding that convention. The Senate then adjourned in order to give the Democratic caucus committee an opportunity to hold a meeting.

Mr. Lodge contended that the new treaty does away with all the objectionable features of the treaty of the last Congress, and enumerated the particulars in which the revised agreement conforms to the action of the Senate in the last Congress when the old treaty was before it. He analyzed the new treaty from beginning to end, showing that in specific terms it abrogates the Clayton-Bulwer Treaty of 1850, which, he said, had stood constantly in the way of the construction of an isthmian canal. The abrogation of this treaty, he contended, was a most important achievement, and he did not believe that the United States should or would lose an opportunity to make secure that concession.

Senator Lodge also called attention to the omission in Paragraph 1 of Article III, of the words "In time of war as in time of peace." He said that in the old treaty the paragraph read: "The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations on terms of entire equality," etc. He urged that the omission of this phrase had the effect practically of leaving the United States to do with the canal in time of war according to its own good pleasure.

FREE TO FORTIFY A CANAL.

He also referred to the fact that Rule No. 7 in the treaty regulating the control of the Suez Canal, which had been embodied in the original Hay-Pauncefote Treaty, had been omitted in the revised draft. He quoted this rule, which provided that "no fortifications shall be erected commanding the canal, or the waters adjacent," etc. This, he said, was a material concession to the United States, and was quite sufficient to meet the objections made against that agreement, that the United States would have no power to protect its property. It practically left the United States free to fortify the canal in case it should be considered desirable to do so, and was in line with the omission of the restriction keeping the canal open in time of war. The fact that the invitation contained in the old treaty to various powers to give their adherence to the agreement had been eliminated from the new convention, he said, was another compliance with the action of the Senate on the original treaty.

These concessions, Mr. Lodge urged, were ample, and he contended that they were of such a nature as to render the new treaty acceptable to all American citizens who wanted to see a canal constructed. Practically, he said, Great Britain had agreed to turn the entire management of the canal over to the United States, not only in time of peace, but in time of war, and no one could doubt that in case of hostilities the United States would be at liberty to construe the omission of the clause in Rule No. 1 as having this effect.

Senator Culberson asked Mr. Lodge if it was not true that Article VIII of the Clayton-Bulwer Treaty, establishing the general principle of neutralization, is not retained in the new agreement, but Mr. Lodge replied that, while there was a declaration to the effect that the general principle of neutralization established by that article is still to be kept alive, the whole tenor of the new treaty was to neutralize and cancel the old agreement. He did not consider that the article would be of effect any longer.

It is understood that the treaty will be called up to-morrow.

THE ARRANGEMENT WITH NICARAGUA.

Washington, Dec. 10.—The arrangement entered into at Managua yesterday between United States Minister Merry and the Nicaraguan Minister of Foreign Affairs was in the nature of a protocol, and was not, strictly speaking, a treaty. It is in effect a definition in advance of the character of a treaty that Nicaragua is willing to enter into with the United States in the event that the Hay-Pauncefote treaty is ratified by the United States and Great Britain. There are supposed to be legal reasons why a treaty pure and simple could not be entered into between the United States and Nicaragua in advance of the consummation of the Hay-Pauncefote treaty. A similar arrangement has been or will be made with the government of Costa Rica to secure the necessary rights on that part of the San Juan River essential for canal purposes and possibly subject to Costa Rican sovereignty.

MORGAN NICARAGUA CANAL BILL.

Washington, Dec. 10.—Senator Morgan to-day introduced a bill providing for the construction of the Nicaragua Canal. The bill provides an appropriation of $180,000,000, of which $5,000,000 is made immediately available, and such amounts as are necessary are to be appropriated by Congress from time to time. The control of the canal and of the canal belt is vested in a board of eight citizens of the United States, in addition to the Secretary of War, who is to be president. The members of the board are to receive a salary of $8,000 a year each, and are to be chosen regardless of political affiliation. There is a provision authorizing the establishment of a regiment from the regular army on the canal belt to guard it properly, and courts also are authorized conformable to the powers granted by the governments of Nicaragua and Costa Rica. There also is a provision making three divisions of the canal during the construction, and there are to be a chief engineer and two assistants on each division, the chief to receive a salary of $6,000, and the assistants $3,000 each.

APPOINTMENTS BY THE PRESIDENT.

CHARLES H. DARLING NOMINATED FOR ASSISTANT SECRETARY OF THE NAVY.

Washington, Dec. 10.—The President sent the following nominations to the Senate to-day:

CHARLES H. DARLING, of Vermont, to be Assistant Secretary of the Navy, vice Frank W. Hackett, resigned.

GEORGE MOULTON, jr., Collector of Customs for the District of Bath, Me.

ARMY.

Cavalry—Lieutenant Colonel WILLIAM C. FORBUSH to be colonel, Major M. B. HUGHES to be lieutenant colonel, and Captain GEORGE H. G. GALE to be major.

Artillery—Captain JOHN P. WISSER to be major.

Engineer Corps—Lieutenant Colonel HENRY M. ADAMS to be a member of the Mississippi River Commission, First Lieutenant ROBERT P. JOHNSTON to be a member of the California Debris Commission, and Lieutenant Colonel DAVID P. HEAP to be a member of the California Debris Commission.

The President also sent to the Senate the recess appointments of Colonel Henry M. Robert to be chief of engineers (since retired), Colonel John W. Barlow to be chief of engineers (since retired), and Colonel George L. Gillespie to be chief of engineers.

The President has accepted the resignation of Frank W. Hackett as Assistant Secretary of the Navy, to take effect next Monday. His successor, Charles H. Darling, who is expected here in a day or two, will relieve him of his official duties on that day. In the correspondence that took place between Secretary Long and Mr. Hackett, the latter explained that he was compelled to give up his office and return to his law practice, and Secretary Long expressed regret that this was necessary.

It was announced in The Tribune several weeks ago that Charles H. Darling had been selected to succeed Frank W. Hackett as Assistant Secretary of the Navy. Judge Darling was born in Woodstock, Vt., forty-two years ago, and is now a resident of Bennington. He is one of the best known lawyers of Vermont.

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An Ideal Holiday Gift
THE "SOHMER" HEADS THE LIST OF THE HIGHEST GRADE PIANOS.
SOHMER PIANOS
Sohmer Building, 5th Ave., cor. 22d St. Only Salesroom in Greater New York.

FOR PROTECTION OF PRESIDENTS.

Washington, Dec. 10.—Mr. Gallinger introduced in the Senate to-day a bill to protect the President, Vice-President, persons in the line of succession to the Presidency and ambassadors and foreign ministers. Before presenting it he explained that the bill was prepared by Edgar Aldrich, United States District Judge of New-Hampshire. The bill provides for the punishment by death of any person who shall intentionally kill or who with intent to kill shall assault the President of the United States, the Vice-President, persons in succession to the Presidency, ambassadors and ministers of foreign countries resident in the United States. The same penalties are prescribed for persons who shall incite others to any of the foregoing deeds. For threatening to kill the President or any person in line of succession, or any ambassador or minister of any foreign country resident in the United States, a sentence of thirty years is provided, and upon conviction of any person who shall expressly, openly or deliberately approve of the intentional, violent or unlawful killing of any of the persons named, the term of imprisonment is fixed at twenty years. The death penalty is fixed for any person or persons associating themselves together or assembling within any State or Territory for the purpose of discussing and considering means for killing any person charged with the duty of executing the Federal laws or any chief or head of a foreign State or country, or any ambassador or minister accredited to the United States. The bill further provides that persons who shall openly or deliberately advocate the violent overthrow of any and all law to the prejudice of good order and the well being of civilization, upon conviction shall be imprisoned for a period of ten years, or less, as justice in the particular case may require.

HOUSE COMMITTEES NAMED.

FEW IMPORTANT CHANGES FROM LAST SESSION'S LIST.

Washington, Dec. 10.—Speaker Henderson, at the session of the House to-day, announced the appointment of the committees. Usually the committees are not appointed until after the holiday recess, but Mr. Henderson had the situation well in hand when Congress met, and having completed the list, he announced them to-day. The early appointment of the committees should facilitate legislation considerably. There are few important changes in chairmen or membership, the most notable being the appointment of Mr. Fowler, of New-Jersey, as chairman of Banking and Currency, and Mr. Olmsted, of Pennsylvania, chairman of Elections No. 2. Mr. Hepburn, of Iowa, remains at the head of Interstate and Foreign Commerce; Mr. Cooper, of Wisconsin, Insular Affairs; Mr. Ray, of New-York, Judiciary; Mr. Grosvenor, of Ohio, Merchant Marine and Fisheries; Mr. Burton, of Ohio, Rivers and Harbors; Mr. Hull, of Iowa, Military Affairs; Mr. Foss, of Illinois, Naval Affairs; Mr. Hitt, of Illinois, Foreign Affairs; Mr. Loud, of California, Postoffices and Post Roads; Mr. Wadsworth, of New-York, Agriculture; Mr. Sherman, of New-York, Indian Affairs; Mr. Tongue, of Oregon, Irrigation of Arid Lands; Mr. Grow, of Pennsylvania, Education, and Mr. Gardner, of New-Jersey, Labor.

Mr. Burke, of South Dakota, formally announced the death of Senator Kyle, and as a mark of respect the House immediately adjourned until Friday.

HOPE TO ADJOURN BY JUNE 1.

Washington, Dec. 10.—The House committee on appropriations held its first session to-day, and Chairman Cannon announced the membership of the sub-committees which will prepare the big supply bills.

These sub-committees will begin work at once. Chairman Cannon said, however, that as the holiday recess would begin on December 19, it was not likely that any appropriation bills would be passed before then. Mr. Cannon also said that it was the view of the committee that all the work on appropriations could be disposed of so that Congress could adjourn by June 1.

WOULD HELP SHIPBUILDING HERE

MANAGER OF THE WARD LINE COMMENTS ON THE SUGGESTION FOR CARRYING GOODS TO CUBA.

The dispatch from Washington printed in yesterday's Tribune, suggesting that Congress has an opportunity in establishing reciprocity with Cuba to increase the merchant marine, was read with deep interest by Alfred G. Smith, manager of the New-York and Cuba Mail Steamship Company. Mr. Smith says that in the last four or five years, while the exports to European ports have been rapidly increasing, those to Cuba have been decreasing to an alarming degree. The New-York and Cuba Mail Steamship Company has twenty-five ships, fourteen of which ply between the United States and Cuba. In the last four years these ships have steamed to Cuba empty, coming back about half filled. Mr. Smith continued:

Nobody realizes how badly off Cuba is from a commercial point of view. They are selling sugar to-day in Cuba for less than it costs them to produce it. They are holding on grimly, hoping for a turn for the better. The point is, how long can they keep it up?

I doubt if the plan to confine the carrying trade to American ships will meet universal approval. Large quantities of freight are carried in Norwegian and other ships, and these would be debarred. It would undoubtedly help our shipbuilding industry, for many American ships would have to be built to take the place of the foreign boats which are now chartered for the Cuban trade.

Anything that will have a tendency to increase our business with Cuba will be mutually beneficial. Something will have to be done for Cuba's salvation. Our imports from Cuba are not what they ought to be. But it is for Cuba to act, and not the United States. We can afford to sit down and wait, since Cuba depends almost entirely on the United States for her prosperity.

Mr. Smith says that the Munson Line, whose ships ply between New-York and Cuba, uses chartered ships, mostly Norwegian, and would suffer from any arrangement whereby the carrying of freight would be confined to American ships.

NEW BANKING AND CURRENCY SCHEME.

MR. TOMPKINS'S BILL WOULD ALLOW STATE BANKS TO ISSUE NOTES.

[BY TELEGRAPH TO THE TRIBUNE.]

Washington, Dec. 10.—Representative Tompkins, of the Orange-Rockland district of New-York, has introduced a bill in the House "to provide a uniform, secure and elastic bank note currency." The bill provides, in brief, for the issuance of bank notes by State banks, under supervision of the Controller of the Currency. The elasticity of the note is provided for by Sections 5 and 10. Section 5 requires the banks to redeem their notes in coin on presentation, either over the counter or through the Clearing House. Section 10 establishes a clearing house at Washington and at the capital of each State, with numerous sub-clearing houses, through which the notes return to the bank of issue as soon as they are deposited in any bank. Sections 16 and 17 require the president of a bank to deposit with the government of his State securities to the amount of 110 per cent of the amount of such notes issued to his bank by the national government. Such securities are to consist of the bonds of the United States, State, county, municipal, or bonds of business corporations. But no such bonds shall be received for more than their face value, nor shall any be accepted which have not sold at par for at least three consecutive years immediately prior to their acceptance and on which the interest has not been duly paid.

CAPE NOME PASSENGERS SUFFER AT SEA.

WATER GIVES OUT AND GOLD HUNTERS CATCH RAINDROPS.

Port Townsend, Wash., Dec. 10.—The schooner Ralph J. Long, Captain M. F. Greene, forty-seven days from Cape Nome, with ninety passengers and fifteen stowaways, has arrived here, and, according to the passengers, she had a most eventful passage. Sailing from Nome on October 23 with provisions enough to last to Dutch Harbor under favorable circumstances, before reaching that port the water supply gave out, and for two days the passengers were without water. From the time of sailing from Dutch Harbor the Long experienced continual gales of unusual severity, the most severe being on November 11, when seas swept the vessel from stem to stern, carrying away a portion of the water supply and one lifeboat. Mate Hanson was washed away by an immense sea and drowned. The last two weeks of the voyage the passengers had to depend on what rain they could catch for a water supply.

MRS. BONINE'S TRIAL NEARLY ENDED.

Washington, Dec. 10.—Three medical experts gave testimony to-day at the trial of Mrs. Lola Ida Bonine, charged with killing James S. Ayres, jr., all going to show the alleged close range at which the fatal shots were fired. The defence announced its side closed. The closing argument on both sides will be submitted to-morrow, and the case will probably go to the jury Thursday evening or Friday morning.

TARIFF FOR PHILIPPINES.

BILL TO CONTINUE EXISTING DUTIES DRAWN UP.

ALL COLLECTIONS TO BE TURNED INTO THE PHILIPPINE TREASURY—NO CONCESSIONS MADE.

[BY TELEGRAPH TO THE TRIBUNE.]

Washington, Dec. 10.—The Republican members of the Ways and Means Committee agreed to-day on a Philippine tariff bill, which the full committee will ask the House to consider in a few days. The main purpose of the new measure apparently is to restore the status upset by last week's decision of the Supreme Court in the Philippine case. It accordingly restores the Dingley rates hitherto imposed on all articles coming from the Philippines into the United States, and re-enacts the scheme of duties levied since September 17 last by order of the Philippine Commission on products entering Philippine ports. The new bill also borrows a hint from the Porto Rican legislation of 1900, and directs the proceeds of all duties collected on Philippine products entering the United States to be held as a special fund and covered into the Philippine treasury. Until January 1, 1905, moreover, foreign vessels are to be allowed to engage in commerce between the United States and the Philippines, and all vessels transporting passengers and merchandise from the Philippines to the United States are to pay the same tonnage dues as are laid on vessels coming into United States ports from foreign countries.

The effort made by Mr. Russell, of Connecticut, and some other members of the committee to introduce some preferential features into the new tariff was defeated on the ground that it would conflict with this country's repeatedly asserted policy of an "open door" to commerce in the East. The inference has been drawn in some quarters that the committee's refusal to grant concessions on Philippine products will make it difficult to grant concessions to Cuban sugar and tobacco. But to-day's action was plainly based on grounds which will not enter into the consideration of this country's future trade relations with any of the West Indian islands. In view of the fact that the bill grants the beet sugar interests all they demand, none of the numerous representatives of that industry who have assembled at Washington at this time, ostensibly for an "annual conference," appeared before the committee to-day. However, as the beet sugar magnates will be here several days, it is supposed that they will use their usual means to make their influence felt before they disperse.

THE TEXT OF THE BILL.

The text of the bill is as follows:

An act temporarily to provide revenue for the Philippine Islands, and for other purposes.

Be it enacted, etc., That the provisions of an act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago enacted by the United States Philippine Commission on September 17, 1901, shall be and remain in full force and effect.

Sec. 2. That on and after the passage of this act there shall be levied, collected and paid upon all articles imported into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected and paid upon like articles imported from foreign countries.

Sec. 3. That on and after the passage of this act the same tonnage taxes shall be levied, collected and paid upon all vessels coming into the United States from the Philippine Archipelago which are required by law to be collected and paid upon vessels coming into the United States from foreign countries until the first day of January, 1905; Provided, however, that the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States.

Sec. 4. That the duties and taxes collected in the Philippine Archipelago in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles imported from the Philippine Archipelago and upon vessels coming therefrom, shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund, and paid into the Treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands.

Sec. 5. That when duties prescribed by this act are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Sec. 6. That all articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials subject to internal revenue tax, and intended for exportation from the United States to the Philippine Islands shall, when so exported, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal revenue tax, and shall not be charged with duty except the duty levied under this act upon imports into the Philippine Islands.

The Democratic members were called in and the committee was formally organized, the former clerks and employes being re-elected and the sub-committees announced.

Copies of the Philippine bill were furnished to the Democratic members and they were advised that it will be taken up at a meeting of the committee to-morrow, reported to the House on Friday, and considered in the House next Tuesday. The debate in the House will be brief, probably not exceeding a day, with a special rule providing for bringing the question to a final vote probably Tuesday evening.

Chairman Payne said that the Cuban commissioners had asked for a hearing, and he suggested a hearing next Monday. Mr. Russell then made a motion, which prevailed, directing the chairmen to advise the Cuban commissioners that it would not be convenient for the committee to hear them before the holidays, and that after the holidays the committee would consider the question. The significance of this resolution, it was explained after the meeting, was to postpone the question of Cuban reciprocity until action had been matured on the Philippines.

MR. SAGE'S FARM SOLD FOR TAXES.

WOULD NOT PAY STATE CHARGES—HIS AGENT BIDS IT IN.

Nyack, N. Y., Dec. 10 (Special).—Russell Sage neglected to pay his State, county and school taxes on a farm which he owns at Sickletown, Rockland County, and to-day Treasurer Randolph offered the farm for sale at public auction, with 250 other pieces of property in different parts of the county, for non-payment of taxes. An agent for Mr. Sage was present and bought in the property for the amount of taxes due and unpaid. Mr. Sage's farm consists of nearly one hundred acres, a house and barn. The place is occupied and operated by E. C. M. Rand.

TRIES TO MURDER WHOLE FAMILY.

Calumet, Mich., Dec. 10.—While in a fit of despondency over his inability to find work and provide for his family, John Kinonen, of Copper Falls, cut his wife's throat, the throat of a son sixteen years old, slashed a younger son less seriously and then committed suicide by cutting his own throat. The injured persons are not fatally wounded. The younger boy, with blood streaming from his gashed throat, ran to a neighbor's and summoned physicians.

PHILADELPHIA LAWYER A SUICIDE.

Philadelphia, Dec. 10.—Alonzo P. Douglas, a lawyer, was found dead in his office to-day with a self-inflicted bullet wound in his head. He was sixty years old. A note was on Douglas's desk, addressed to the elevator boy of the building, asking that his body be sent to an undertaking establishment and not to his home.

TO ASK TWO MILLIONS FOR ST. LOUIS FAIR

St. Louis, Dec. 10.—Two million dollars is the sum President Francis and Treasurer Thompson intend to recommend for a government exhibit at the exposition while they are in Washington. They will also urge that the present appropriation of $500,000 for the government building is not commensurate with the scope of the exposition, and will suggest that $500,000 of the proposed increase be diverted toward the exhibit of the insular possessions of the United States.

RULING NEW POSSESSIONS.

MR. GROW SHOWS HOW THE CONSTITUTION CONFERS FULL POWER ON CONGRESS—DUTY OF THE NATION.

Washington, Dec. 10.—In the House to-day Mr. Grow, of Pennsylvania, delivered a speech lasting nearly an hour on prospective legislation for the Philippine Islands. He contended that the constitution contained two grants of power under which Congress could govern the Philippines according to its discretion. Mr. Grow spoke in part as follows:

The President, in his Message to Congress, says: "The time has come when there should be additional legislation for the Philippines. . . . We hope to do for them what has never before been done for any people of the tropics—to make them fit for self-government after the fashion of the really free nations."

This declaration of the President represents the universal sentiment of the American people. Whatever power destroys organized government over a people is morally bound in the forum of nations to see to it that a government equally if not more efficient for the protection of life and property is established to take the place of the government overthrown.

In the fortunes of war the United States of America destroyed the government of Spain over the group of islands in the Pacific Ocean, bordering on the Chinese Sea, known as the Philippine Archipelago, containing an area of about 120,000 square miles, with 8,000,000 or 9,000,000 of inhabitants of all degrees of civilization. In the Treaty of Peace concluded between Spain and the United States it was stipulated that "the civil rights and political status of the native inhabitants of these islands should be determined by the Congress of the United States." Until the armed insurrection in these islands against the sovereignty of the United States was suppressed there was nothing Congress could do except to protect and maintain that sovereignty by military power. That having been accomplished, the question now presented for the action of Congress is what ought to be done. To determine that, the first thing to settle is what can be done. What legislative power has Congress over the Territories, and what is the duty of the republic to liberty and humanity?

In our complex system of government there are three distinct kinds—the national, the State and the Territorial—each absolute and supreme within its prescribed powers. The jurisdiction of Congress, representing the legislative powers of the government, consisting of a majority of each house of Congress, with the approval of the President, or of two-thirds of each house without such approval, extends over all three of these forms of government. Within the limits of the States this jurisdiction is restricted and controlled by the specific grants of power enumerated in the constitution. Outside the limits of the States, over territory belonging to the United States, the unrestricted grant of power to Congress in the constitution to make all needful rules and regulations respecting such territory is restrained only by the specific prohibitions in the constitution; and, in the language of the Supreme Court of the United States, "by the fundamental principles of civil and religious liberty, which restrains all the agencies of government, State and national." There is no department of the government that can rightfully sit in judgment upon the wisdom of the exercise by Congress of this discretion in legislating for the Territories, any more than it can sit in judgment upon the wisdom of a declaration of war by Congress and the measures necessary to be adopted to bring it to a speedy and successful close.

POWER GRANTED TO CONGRESS.

A specific, clearly defined grant of power to Congress in the constitution carries with it the exercise of all legislative powers necessary to make the power specifically granted efficient. Congress alone determines what is necessary in such cases. Any attempt by a court to do it would be judicial legislation, which is strictly forbidden in the constitution.

Article I, Section 1, of the constitution declares that "All legislative powers herein granted shall be vested in a Congress of the United States." Article I, Section 8: "The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." Article IV, Section 3: The Congress shall have power "to make all needful rules and regulations" respecting the territory belonging to the United States. "New States may be admitted by the Congress into this Union."

Here are two specific, clearly defined grants of power to Congress. One to make all needful rules and regulations respecting the territory belonging to the United States, the other to admit new States. Each of these grants of power carries with it the power to make all laws necessary for carrying these grants into full and complete execution. Under these two unrestricted grants of power, how can there possibly be anything respecting the government of the inhabitants of territory belonging to the United States over which Congress, in its sound discretion, has not full, unrestricted discretionary power of legislation? And there is no tribunal that can rightfully pass upon the wisdom of the exercise by Congress of this discretion.

Territory acquired either by conquest or by purchase, or both, ceases to be foreign territory and becomes territory belonging to the United States on the ratification of a treaty of peace, or of the treaty for its purchase. But it cannot judicially become a part of the United States without legislation by Congress. Territory belonging to the United States cannot at the same time be a part of the United States. That is a judicial impossibility. Like the axiom in natural philosophy, two bodies cannot at the same time occupy the same space. No territory or part of any territory belonging to the United States can become a State, or a part of a State, without an act of Congress.

For more than a hundred years Congress has been forming territorial governments for the inhabitants of territory belonging to the United States, with Governors and judges of the courts appointed by the President and removable at his will. Call them what you please, territories, colonies, possessions or dependencies makes no difference. Names are not things. An American government over the inhabitants of territory belonging to the United States is the same in its influence everywhere, no matter by what name it may be called.

CONSTITUTION ONLY FOR STATES.

Our present constitution was made by States for States, and for States only. By its own terms it provided that when ratified by nine of the original thirteen States it should be established as the constitution of the United States of America. It was extended over the other four only by the ratification as provided in the act of submission for each State. The constitution thus ratified has never extended beyond the original thirteen States except by act of Congress in admitting new States. None of the inhabitants outside the limits of the original thirteen States had anything to do in the formation or ratification of the constitution. By any theory of free elective government, how can a constitution of government extend over a community of people who never had anything whatever to do in its formation or its ratification? The constitution of the United States is neither self-executing nor self-expanding.

In our triple form of government it is not necessary for any purpose whatever that the constitution should extend beyond the limits of the States. On all questions outside of the limits of the States, over territory belonging to the United States, and in the intercourse of this nation with all other nations, the legislative department of the government of the Union was created by the people to execute their will.

The flag, not the constitution, represents the sovereignty of the nation. The legislative power of Congress, clothed with the treaty making and war powers of the government—powers not necessarily derived from the constitution, for they are inherent in every sovereign nation—follows the flag wherever it floats, at home or abroad, on land or sea, for its protection, and for the protection of every human being owing it allegiance. Our flag is in Cuba, but the constitution is not there. Our flag floated over the embattled walls of the Chinese Empire, and the legislative power of Congress, not the constitution, was behind it. That power follows the flag everywhere. The constitution, without legislation by Congress, follows nothing outside the limits of the States for which it was made and the States admitted into the Union by act of Congress.

LEFT TO DISCRETION OF CONGRESS.

Under the general power to acquire territory and the specific power to make all needful rules and regulations respecting it, Congress, if there are no treaty conditions, can in its own sound discretion establish one form of government for one Territory and a different one for other Territories, adapting each to the climatic conditions and the habits of life of the inhabitants of the respective Territory in the same way as different States adapt their legislation to climatic or other conditions of the people in the geographic surroundings. It has been decided by the Supreme Court of the United States that Congress holds the same relation to the inhabitants of territory belonging to the United States as a State legislature holds to the people of the respective State. This discretion of Congress begins on the line that separates the States from territory belonging to the States.

The dangers to liberty from the exercise of this discretion by Congress can be no greater in the future than they have been in the past. But whatever the fancied danger may be, the constitution confers this discretionary power upon Congress, and no tribunal can rightly sit in judgment upon the wisdom of its exercise save that of the people of the United States at the ballot box.

Congress, therefore, has the constitutional power to establish such territorial government for the Philippine Islands as in its wisdom may be thought best adapted for promoting the general welfare of their inhabitants until the time shall come for Congress to determine what form of independent government would be best adapted to their then existing condition. For I take it for granted that the American people would never consent to the admission of the inhabitants of the Philippine Islands into this Union to become part of its governing power. While under the government of the United States they would be under a free government, with their personal and civil rights secured to them, the same as they are secured to the inhabitants of any other Territory belonging to the United States.

All people everywhere are entitled by natural right to free elective government. There never has been a government where the consent of all the governed was required or was necessary for just administration. Ignorance, stupidity and criminality are not the sources of political wisdom or of wise statesmanship. Governments derive their just powers from the consent of the governed was a declaration in opposition to the dogma of the divine right of kingly rule. Practically it has never been applied to all the inhabitants of any government, and it never will be until the millennium dawn. In the practical administration of just and successful government, its powers are derived from the consent of the governed if the governed are fitted for self-government. This is the idea that controls in fixing the suffrage in all free elective governments, and always will be.

With the close of the Spanish-American War one volume in the world's history was closed and a new one opened. On the hemisphere bequeathed by Columbus and Queen Isabella to civilized man the last throne has crumbled, and the last sceptre is forever broken. In the course of events the responsibility has fallen upon the Congress of the United States for the government of 8,000,000 or 10,000,000 people, former subjects of a cruel despotism, from which in the fortunes of war they were relieved by this nation.

RESPONSIBILITY NOT TO BE SHIRKED.

This responsibility, unsought, unexpected and undesired, has been cast upon the American people in the providence of that overruling Power which controls in the affairs of men and in the destiny of nations. An attempt to shirk this responsibility to liberty and humanity thus cast upon the American people would ill become American character or American institutions. Nations like individuals owe something to liberty and to the rights of a common humanity, for they are the trustees of civilization.

The American republic has in the fortunes of war a destiny to perform in Asia greater than was its mission to Japan half a century ago. Of all the nations it is the one best fitted to extend free representative institutions to the inhabitants of Eastern Asia. As a world power this nation seeks no extended dominion. Its mission, its manifest destiny, is to promote the peace of the world, and so far as possible by precept, example and influence to aid in securing civil and religious liberty for all mankind.

For two thousand years civilization has been moving westward from the western confines of Asia, and to-day the American republic holds the torch of the world's advancing civilization, having carried it westward across the Pacific Ocean and planted it on the eastern confines of Asia, where its illuminating rays light up with the brightness of a morning sun the Chinese sky, which canopies one-third the population of the globe. In the ever-changing future no prophet can now foretell what will be its noonday splendors if the American people, true to their manifest destiny, marked out by the mighty events of four hundred years, shall faithfully discharge their responsibilities to liberty and the rights of a common humanity in the onward progress of the race to a higher and better civilization.

UPHOLDS E. G. CRUGER'S WILL

SURROGATE ADMITS CONTESTED DOCUMENT, CONSTRUING IT ACCORDING TO FRENCH LAW.

The holographic will of Eugene Guido Cruger, which was executed at Fontainebleau, France, on May 29, 1896, in the French language, and which left all the property of the testator to Olga Salomea Heitz, a young peasant girl, who had lived with him for six years as his wife, was admitted to probate yesterday by Surrogate Thomas. Surrogate Thomas says, however, that the will must be construed according to the French law, and must only give the beneficiary one-fourth of the estate, as the testator left three legitimate children.

Mr. Cruger died at his chateau, Fontainebleau, on April 4, 1898. He had been twice married when he met the young woman to whom he willed all his property, his first wife being now Mrs. Blanche E. Tams, the wife of J. Frederic Tams. She had three children, and on their behalf she contested the will. His second wife was Meta Kane, who obtained a divorce from her first husband, Louis Bell. She, like Mrs. Tams, obtained a divorce from Mr. Cruger, and then married Raoul Mourichon, a chevalier of the Legion of Honor of France. Mr. Cruger left an estate consisting of $125,000 in personal property and an interest in real estate in this city.

The Surrogate says it is clear that the will does not in any way conform to the requirements of the law of this State as to its methods of execution, and it can only be sustained, if at all, as a French will, executed in France by a resident of that country. According to the law of France, a holographic will is not valid unless it is wholly written, dated and signed in the hand of the testator. It is not subject to any other formality. It was held by the proponent of the will that the will was written, dated and signed by Mr. Cruger. Mrs. Tams endeavored to prove it a forgery.

"On this issue I must determine," the Surrogate says, "in favor of the genuineness of the document. No proof was offered on which a finding that the paper was procured fraudulently or by undue influence could be based. The fact that the chief beneficiary was the mistress of the testator might have weight under some circumstances, though not at all controlling; but under all of the facts appearing the paper is not at all unreasonable, and may fairly be inferred to express the wishes of the decedent.

"His declaration of intent to remain in Fontainebleau," says the Surrogate, "for the rest of his life, and the expression of his wish to be buried in France beside his mother, were made to so many people that I must find as a fact that he had elected to live and die there and to abandon his American domicile. I therefore determine the paper was executed by a person not a resident of the State, according to the laws of the testator's residence, and that it must be admitted to probate as a will of personal property. It must, however, be limited in its effect to grant to the beneficiary named in it no greater rights than the law of France, to which it owes all the force that it has, gives it."

TWINS REACH EIGHTY-SIXTH BIRTHDAY.

NINETY-ONE-YEAR-OLD SISTER IS THE GUEST OF HONOR.

[BY TELEGRAPH TO THE TRIBUNE.]

Stamford, Conn., Dec. 10.—Mrs. Betsey W. Hoyt and her twin brother, Isaac Wardwell, celebrated their eighty-sixth birthday anniversary this afternoon at Mrs. Hoyt's home, No. 55 River-st. A guest of honor at the birthday party was Mrs. Hannah Scofield, a sister of the twins, who is a month over ninety-one years old. Three generations were represented at the dinner. Mr. Wardwell is as chipper and energetic as many a man thirty years his junior, goes out daily for a drive, and is able to attend to his business affairs. He continues to take an active interest in the Stamford Foundry Company, with which he has long been identified.

His eyesight is comparatively good and his general health is decidedly vigorous. Mrs. Hoyt had an attack of pneumonia some time ago, and for a long time was in a critical condition. She has not yet fully recovered from the illness. Mrs. Scofield enjoys very firm health and faculties, but little impaired by her fourscore and eleven years. She takes a lively interest in everything pertaining to the household, but is seldom seen on the streets.

TRIED MURDER FOR $100.

ALLEGED ASSAILANT HELD FOR ASSAULT—VICTIM IN A SERIOUS CONDITION.

[BY TELEGRAPH TO THE TRIBUNE.]

Saratoga, N. Y., Dec. 10.—Police Justice William J. Delaney this afternoon held for the January grand jury Fones W. Crandall, who, it is said, yesterday attempted to murder a liveryman, James L. Rhodes, near the Eureka White Sulphur Spring woods, east of the village. The defendant, who is charged with assault in the first degree, pleaded not guilty, and waived examination.

Crandall, as alleged, engaged Rhodes to drive him to the woods, where he brutally assaulted the latter with a heavy stake. The assailant's object was to rob Rhodes of $100 that he (Rhodes) had received from the Saratoga Racing Association and carried on his person. Crandall is twenty-two years old, and bears an unenviable reputation. Rhodes, who was terribly injured about the head, is still in a serious condition.

WANTED AMBULANCE, GOT FIREMEN.

SCHOOL PRINCIPAL GIVES WRONG SIGNAL AND EXCITES PARENTS OF SCHOOL CHILDREN.

There was considerable excitement soon after 1 p. m. yesterday near Public School No. 19, at No. 344 East Fourteenth-st., when five pieces of fire apparatus dashed up to the school and firemen ran into the building. Three thousand boys and girls attend this school, and in a few minutes the street was crowded with men and women, parents of the pupils, who believed there was a fire in the school. Their alarm was unwarranted. The school authorities wanted an ambulance and not the Fire Department. The school children did not learn of the appearance of the fire apparatus, and there was no excitement inside the building. A boy had fallen in the schoolyard and injured himself so that he could not stand. The janitor informed Joseph S. Taylor, the principal, and he started to send for an ambulance. He went to the signal box in the school, through the medium of which the aid of the police, Fire Department or an ambulance can be obtained. This is done by moving a switch on the box before the hook is pulled. Dr. Taylor evidently made a slip. The ambulance was finally obtained, and the boy, who had wrenched his right knee, was taken to Bellevue.

A HARD CRAFT TO STEER.

LIVELY RUMPUS IN THE DEMOCRATIC SENATE CAUCUS.

FOLLOWERS "BOSS" THE LEADER, AND MR. TELLER REFUSES TO HAVE HONORS THRUST UPON HIM.

[BY TELEGRAPH TO THE TRIBUNE.]

Washington, Dec. 10.—There was a lively little rumpus in the caucus of the Democratic steering committee of the Senate this afternoon. The affair was interesting because it indicates how hard, indeed, it is for the Democratic brethren to dwell together in peace. Harmony, of course, is beyond them now, but the concern of Republicans is for the minority to get on such terms with one another as not constantly to threaten the dignity and decorum of the Senate, as did the scrimmage yesterday between Tillman and McLaurin, of the great old Democratic stronghold of South Carolina.

The cause of to-day's rumpus was the attempt of Senator Jones, of Arkansas, to lead the distracted hosts of his party, and the determination of the distracted hosts not to be led—especially by Jones, who protests that he is still true to Bryan and regards with suspicion every other member of his party. When the Nebraskan was the undisputed boss of his party he had the now beleaguered Arkansas statesman made chairman of the Senate Democratic steering committee, a place of commanding influence when the followers want to follow, but one full of woe and humiliation when the followers take it into their heads to boss the leader.

Senator Jones was made to realize this fact keenly to-day, when he tried to run the steering committee to suit himself. Without conferring with anybody but himself he called a caucus of the committee for a purpose which he scornfully refused to reveal to any except a select few on his side of the chamber. With great urgency and mystery, he invited Senator Teller, of Colorado, to attend the caucus. Now, while Mr. Teller sits uneasily on the Democratic side of the Senate, he has never been known to authorize anybody to enroll him with the Democratic cohorts. He still describes himself in the Congressional Directory as a Free Silver Republican, whatever that means, since the party by that name which once filled the planet with noise and lamentations has been disbanded these many months. However, the caucus hall scarcely assembled before Senator Jones announced that he had selected Senator Teller to fill a vacancy on the steering committee. The other members—Mr. Cockrell, of Missouri; Mr. Bacon, of Georgia; Mr. Money, of Mississippi; Mr. Martin, of Virginia, and Mr