who presided over the republican convention at Philadelphia. Senator Lodge's life of Hamilton states that "the republic of Hamilton was to be aristocratic as distinguished from a democratic republic," and shows that he opposed popular suffrage, favored government by the wealthy, and was a firm believer in the use of military force for the suppression of domestic discontent. Mr. Kickham Scanlan, the author of this protest, who by the way is a Chicago lawyer of high standing, goes at great length into the subject matter of his protest, and makes a clear case against Hamilton out of the mouth of Lodge. Unless republicans are prepared to embrace plutocracy, imperialism and militarism, and admit that these are the principles of their party, they will do well either to avoid the further identification of Alexander Hamilton's name with their organizations, or to get Senator Lodge to suppress or edit his life of Hamilton.

OUR HISTORIC EXPANSION.

Precedents are not principles. Neither can they be substituted for principles. At the best they only illustrate principles; at the worst, they stultify them. The best use of precedents in a republic is as landmarks to show how far, at any given period of history, it has progressed toward its ideals or drifted away. For instance, the legalized slave trade period of American history may be compared with that later period when the slave trade was treated as piracy, as a means of judging whether, between the two periods, we were approaching or receding from the American ideal of the rights of man. But justification is another matter. A policy of to-day cannot be justified by the precedents of yesterday and the day before. For justification everything must stand the test not of precedents but of ideals—not of wrongful practice but of righteous conviction. The justice of Lincoln's emancipation proclamation and the thirteenth amendment is to be determined neither by the slave codes of the south nor the fugitive slave law of congress, but by the principles of the declaration of independence. And as with the new precedents that Lincoln and his compeers made, so with those that we of this generation are called upon to make. History will test our work by ideals of justice, not by the blunders or worse than blunders of our predecessors.

It makes no moral difference, therefore, whether President McKinley's imperial policy is warranted by American precedent or not. Even if Jefferson and Jackson and other traditional democrats had been the imperialists that republican speakers and papers say they were, even if the acquisition of the Louisiana territory and the Floridas and the Mexican concession were precedents for the forcible annexation of the Philippine archipelago and the benevolent assimilation of its inhabitants—nevertheless this forcible annexation and benevolent assimilation would still be criminal aggression. The conduct of our predecessors would only show that they were indifferent to national righteousness. It would not show that they were right, nor justify us in imitating them. And by conforming to their ephemeral precedents instead of aspiring to the realization of eternal principles, we should prove that we had made no advance, but were still as far off as they from the realization of American ideals.

In fact, however, Mr. McKinley's imperialism is a distinct departure. His attempted acquisition of the Philippines is absolutely without precedents in American history.

We have expanded, that is true. But we have never before assumed to acquire subjects instead of citizens. We have never before attempted to erect subordinate colonies in perpetuity like those of Rome. Not once in all our history before McKinley's time have we acquired sovereign jurisdiction over new territory without a definite purpose and distinct promise with reference to citizenship or statehood or both.

In support of this assertion let appeal be made from the clamor of irresponsible partisans to the records of the government.

The territorial system under which the United States have expanded had its inception in what is known as the ordinance of 1787. This was an act of the congress that sat under the articles of confederation, which preceded the constitution. It was enacted July 17, 1787, for the government of the territory northwest of the Ohio river, which had been ceded to the general government by the states of New York, Virginia, Massachusetts and Connecticut, pursuant to a request of congress, for the purpose of laying it out into separate and independent states, from time to time as the numbers and circumstances of the inhabitants might require. The ordinance may be found in almost any lawyer's library.

The ninth section of this ordinance provided that as soon as there should be 5,000 free male inhabitants of full age in the district comprising the northwest territory, they should proceed to form a territorial government with power to make laws for the district and the right to be represented in congress by a delegate; and the thirteenth and fourteenth sections introduced a definite compact between the original states and the people of the northwest territory in these terms:

> And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitution are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of states and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest, it is hereby ordained and declared by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable unless by common consent.

Following this preamble came a series of articles guaranteeing religious freedom, the writ of habeas corpus, trial by jury, proportionate representation, and due course of law; encouraging public schools; demanding good faith toward the Indians, with assurances of their liberty and property rights; guaranteeing that states formed in the district should forever remain part of the United

States; and providing that not less than three nor more than five states should be formed in the territory. With reference to forming states, the ordinance required that—

whenever any of the said states shall have 60,000 free inhabitants therein, such state shall be admitted, by its delegates, into the congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: provided the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than 60,000.

That was the origin of our territorial policy. The trail of the pro-slavery serpent was indeed upon it. Only free inhabitants were considered as fellow citizens; and while the final article did foreshadow the eradication of slavery by prohibiting that institution in the territory, it nevertheless required fugitive slaves to be given up. But the pro-slavery blemish has long since been wiped off, and the territorial policy of this original precedent stands forth now in substantial conformity to the national ideal. Local self-government was to be established when the population had reached 5,000, and statehood acknowledged when it had risen to 60,000. The dominant idea was the creation of states, and the recognition of the inhabitants as citizens and not as subjects.

This dominant idea of the ordinance of 1787 distinctly colored every subsequent act of territorial expansion. It appears in bold relief in the treaty with France, whereby we acquired the Louisiana territory; in the treaty with Spain, whereby we acquired the Floridas; in the treaty with Mexico, whereby we acquired the Mexican cessions; and in the treaty with Russia, whereby we acquired Alaska. It was recognized, of course, in the acquisition of Texas, for that state came into the union as a sovereign nation; and it had already been recognized in respect of the Oregon country, which was confirmed to us by treaty with Great Britain, for the British treaty only settled a disputed boundary line. Not until the cession of the Philippines in 1898 did any American treaty for territorial expansion depart from the foundation principle of our territorial policy as outlined by the ordinance of 1787.

The first of our expansion treaties was that with France for the cession of the Louisiana country. It was made April 30, 1803, and ratified and proclaimed October 21, 1803. This is one of the treaties to which apologists for the present administration refer as a precedent for its imperial policy with reference to the Philippines. Without much trouble any intelligent person can satisfy himself of the uselessness of that treaty as a precedent for that policy. The treaty may be examined at any reference library. We quote from it as it appears at page 331 in the compilation of treaties published by the government in 1889. In the third article it provides that—

the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.

Our next expansion treaty was with Spain. It was made February 22, 1819, ratified and proclaimed February 22, 1821, and may be found at page 1016 of the compilation of treaties already referred to. After ceding all the Spanish territory east of the Mississippi—known then as East and West Florida—together with the adjacent islands, etc., this treaty provided in Article VI. that—

the inhabitants of the territory which his Catholic majesty cedes to the United States by this treaty, shall be incorporated in the union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the citizens of the United States.

It was at the expense of Mexico that we next expanded. There were two treaties, that of 1848, which terminated the Mexican war, and that of 1853, which completed the Gadsden purchase. The first was made at Guadalupe Hidalgo, February, 2, 1848, and proclaimed July 4, 1848. It appears in the compilation described above at page 681. Having provided in the eighth article that Mexicans in the ceded territories might remain or remove at their option, this treaty proceeded:

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

And then in Aritcle IX. it stipulated that—

the Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the union of the United States, and be admitted at the proper time (to be judged of by the congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

These clauses were by the second treaty made applicable also to the Gadsden purchase. The second clause (the ninth article of the Guadalupe Hidalgo treaty), however, was suppressed by the United States before ratification, the third article of the French treaty ceding Louisiana, which we quote above, being substituted; but with the understanding, as stated in a protocol (see pages 692-93 of the compilation of treaties of 1889) that the American government—

did not intend to diminish in any way what was agreed upon by article 9 in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of the treaty of Louisiana. In consequence, all the privileges and guarantees, civil, political and religious, which would have been possessed by the inhabitants of the ceded territories if the ninth article of the treaty had been retained, will be enjoyed by them

without any difference under the article which has been substituted.

For the interpretation, then, of the Mexican treaty, in so far as it is to be cited as an American precedent with reference to expansion, we must go back to the third article of the Louisiana treaty, which for that reason is here quoted again:

> The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.

Our only other treaty of expansion prior to the McKinley administration was that with Russia ceding Alaska. It was made March 30, 1867, and proclaimed June 20, 1867, and it may be found at page 939 of the 1889 compilation of treaties. In the third article this treaty follows in principle the example set by the ordinance of 1787 and adopted by all preceding treaties. It provides that—

> The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion.

Here we have, then, a consistent line of expansion precedents which are pronounced against imperialism. Our whole expansion policy, from the foundation of the government, thus appears to have been in the direction of recognizing citizenship and conferring statehood. It was reserved for President McKinley to reverse that policy. His administration is the first to turn away from the American ideal of statehood and citizenship toward the imperial Roman system of colonies and subjects.

This will be perfectly clear upon contrasting the treaty provisions we have quoted, with the corresponding provision in the Paris treaty with reference to the Philippines—a provision which President McKinley himself caused to be inserted in the treaty, and upon which his imperial policy of making colonies and subjects is founded.

The Paris treaty, along with much other matter of great collateral interest and importance, is published officially in senate document No. 62 of the third session of the Fifty-fifth congress, which may be bought of the government printing office at Washington for 35 cents. The treaty occupies the first nine pages of that most luminous document. By article three, to be found on page four of the document—

> Spain cedes to the United States the archipelago known as the Philippine islands, ...

and by article nine (page nine of the document), it is stipulated that—

> the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the congress.

Beyond this, and a clause securing freedom of religious worship, there is no provision whatever in the treaty for the protection of the native inhabitants of the Philippines. So far as the treaty is concerned, congress may do as it pleases with them. Their country belongs to ours, but may not be of it. They may be subject to our laws, but not citizens of our republic.

Both the Louisiana territory and the Floridas came to us under treaty pledges that their inhabitants should be incorporated into the union and admitted to all the rights of citizenship; and the Mexican cessions were made upon the same terms. But we are under no such pledge as to the inhabitants of the Philippines. With reference, then, to every treaty of expansion prior to Alaska—and it is these that the imperialists cite as precedents—there isn't so much as the shadow of a basis for the contention that they are precedents for the Philippine treaty. Pledges of statehood and citizenship cannot be precedents for the denial of both. Yet statehood and citizenship for the Filipinos are precisely what the president's policy denies, and precisely what the Philippine treaty makes it possible to deny. Nor does the Alaska treaty substantially alter the original policy. While it does not in terms provide for statehood, it does in terms provide for the American citizenship of all the civilized inhabitants who remain in the territory. There is no such provision in the Philippine treaty. Though the Filipinos are a Christian people and were vouched for by Admiral Dewey before the making of the treaty (document 62, page 383) as so far civilized that they "are far superior in their intelligence and more capable of self-government than the natives of Cuba," yet no distinction is drawn in the treaty between them and the uncivilized tribes that inhabit remote regions of the archipelago. The Philippine treaty, then, lacks the support as a precedent of even the Alaska treaty, which turned over to us an almost uninhabited territory.

It has no precedent whatever in the whole history of our territorial expansion down to McKinley's time. But, in flat defiance of our national ideals, it is a radical departure also from the policy and practice of a century of national life.

NEWS

The most important home event of the week is President McKinley's formal letter of acceptance of the republican nomination as the candidate of that party for reelection. Dated at the executive mansion on the 8th, it appeared in the newspapers on the 10th. Mr. McKinley leads off with congratulations of his party upon the victory it won for the gold standard in 1896; and, while deploring the fact that its antagonist reopens the finacial question, he accepts the issue and invites "the sound money forces to join in winning another," and, as he hopes, "a permanent triumph for a sound financial system which will continue inviolable the public faith." Following this at length with quotations from all the opposing platforms, for the purpose of showing that in the event of Mr. Bryan's election a victory for the coinage of silver at the ratio of 16 to 1 of gold will have been won, he proceeds briefly to discuss protection and reciprocity, prosperity, trade balances, pensions, loans to Europe, the Boer war, ship subsidies, the Isthmian canal, trusts, civil service reform, the Cuban situation and the Puerto Rican