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Thesis.

GOVERNMENT OF AMERICAN COLONIES.

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At the time of the Declaration of Independence the United States of America consisted of thirteen small states, occupying a narrow strip of land along the Atlantic ocean; but it was not long before territories were added in rapid succession to the original states; until our nation extended from the shores of the Atlantic on the east, to those of the Pacific on the west. Even then the growth of our country did not cease and where today we find one of the greatest and strongest nations of the world; not much over a century ago there was a complete wilderness, inhabited mostly by savages.

The remarkable growth of our country is due, largely, to the establishment of an efficient government.

It is the object of the writer to give a short explanation of how the territories were governed before having reached a stage of development necessary in order to become a state and placed on an equal basis with the original states. Secondly to show how the colonial possessions of the United States are now governed.

The territory lying east of the Mississippi river, reaching as far south as the Spanish Floridas and north to the great lakes was acquired during the war for independence. So at the very beginning of our history the question of how to govern territories came up before Congress; which solved the problem with the Ordinance of 1787; this provided for the Government of the territory northwest of the Ohio river, which now constitutes five of our large states; namely, Ohio, Indiana, Illinois, Wisconsin and Michigan.

According to this Ordinance, Congress was to appoint

the Governor, judges and military officers, who were to govern the territory, their actions being subject to the veto of Congress. However as soon as the number of voters of a territory reached 5000 they were to elect delegates to a House of Representatives who together with the Governor and a council, appointed by congress, formed the Legislative Assembly; which possessed full legislative powers, provided that no laws were made contrary to principles set forth by the Ordinance; a few of these being, "That slavery or involuntary servitude, except for the punishment of crime is prohibited". While freedom of worship, freedom of speech and press, free schools, trial by jury, and all other common rights guaranteed to citizens of the United States were given to the inhabitants of this territory. It also provided for the equal distribution of the property of persons dying intestate.

This Ordinance gave the right to the legislative assembly to appoint a delegate to congress, who had no right to vote. It provided that as soon as population of a territory reached sixty thousand, the territory or portion of it should be admitted to state-hood on an equal footing with original states; provided that not more than five nor less than three states be made from territory; also that a republican form of government be established within the states.

This Ordinance was re-enacted by the first Congress under the Constitution and the territory south of the Ohio river was organized under the same general principles, with the exception that the laws of North Carolina should be in force over territory until repealed or altered by the Legislative Assembly of the new territory. As Carolina allowed slavery it was practically

established in this territory south of the Ohio river.

At the beginning of the nineteenth century France acquired from Spain the territory commonly known as Louisiana. Jefferson, then president of the United States feared a strong colony would arise, if this vast amount of territory laying west of the Mississippi river remained in the possession of France. For this and other reasons negotiations were commenced which ended with the United States purchasing the entire Louisiana. Thus more territory was acquired and a means of governing it necessary. By using the Ordinance of 1787 as a model, a government was established on the following plan.

A Governor and Secretary were appointed by the president with advise and consent of the senate. The Governor together with thirteen other persons of the territory, who were annually appointed by the president with consent of the Senate, formed a Legislative council. The qualifications for members of this council being; that a person must have real-estate in the territory and have resided therein for at least one year and hold no office for which he receives compensation under the territory or United States.

The Governor and Legislative council or a majority of it, were given power to repeal, alter or modify any law which was in force at the commencement of this government, also having power to make laws all of which must be consistent with the Constitution and laws of the United States. It was the duty of the governor to publish throughout the territory all laws made, and also send a report to the president, to be laid by him before Congress who reserves the right of action upon all laws passed by the Legislative council and if any law is dis-

approved of, by the Congress it is of no force.

The judicial part of government consisted of a Supreme Court and such inferior courts as might be established.

The Supreme court consisting of a Chief Justice and two Associate Justices, who were appointed by the President. This government gave the people of the territory scarcely no power in the government, as the territory developed and as more territory from time to time has been added; Congress has provided a government, for each of the territories, consisting of three departments, 1. The Executive; 2. The Legislative; 3. The Judicial.

The Executive department consisting of a Governor appointed by the President with the consent of the senate. The governors duties being to see that laws of the United States and those of the territory are enforced. The powers of vetoing legislative acts are also given to the Governor, however these may be passed over his veto by two thirds vote of each house of the Legislature.

The President also appoints the other executive officers; that is, a Secretary, Treasurer, Auditor and Superintendent of Public Instruction, these officers are appointed for a certain number of years, generally four, but are subject to the Presidents removal at any time.

The Legislative department is composed of two houses, A senate composed of twenty four members, and a House of sixty two members. The members of both houses are elected by the voters of the territory for a term of two years. Every member of territorial legislature is required to reside

within the district which he represents, the territory being divided in to districts each of which sends its representatives to the Legislature.

The Legislative power is as extensive as that of a state, extending, "to all rightful subjects of Legislation not inconsistent with the Constitution and laws of the United States". But Congress reserving the right to modify or annul at any time any territorial law.

The Judicial department is made up of a Supreme court, which consists of a Chief Justice and two Associate Justices who are appointed by the President with consent of the Senate for a term of four years. Their duty being to hold a term of court every year at the seat of government of the territory.

Also each territory is divided into three Judicial districts; each one of the Justices of the Supreme court being assigned to a district wherein it is his duty to hold a district court.

These officers with the aid of a United States District Attorney and United States Marshal administer the laws of the United States as well as local law, in the territories.

These territorial courts are not a part of the Federal Judiciary as the territorial legislature regulates their practice and procedure and they are always established by Congress.

Such officers as Justices of Peace and general officers of Militia are elected by the people in whatever manner is provided by the Legislature of the territory.

The right of suffrage and holding office being exercised only by citizens of the United States, who are twenty-one years of age and those above that age who have shown by oath

their intentions of becoming a citizen, also promised to support the Constitution and Government of the United States.

The territories do not take part in presidential elections, nor do they send senators to Congress; but each territory may send a delegate to Congress who is given the right to introduce bills, debate and make motions but is not allowed to vote.

Thus the territories have one after the other been organized under such a government as just described, with a few exceptions, for which on account of the conditions of affairs therein, different provisions were made to fit these territories. But all territories being organized under the impression that at some time they will become a state on equal standard with the original states. The objects of territorial government being to protect the people and to prepare them for statehood.

In 1867 when the United States purchased Alaska from Russia, a new epoch of colonization seems to have commenced, for this was the first territory annexed to the United States which was not in contact with the rest of the nation.

Besides the provisions in the treaty were different from those of any other, up to this time. The inhabitants of Alaska were granted all rights and advantages of the American citizens but were not promised, as before had been the case with all territory acquired, to be taken into the union of the United States and admitted as a state, hence Alaska would be more properly termed a colony of the United States than a territory although it is generally called a territory.

No form of government was provided until in 1884. Congress then adopted a measure which set up a government in which the principle of representation was entirely wanting as

well as the essential privileges of local legislation.

"The Judicial and executive powers being vested in one and the same person. The land laws were inoperative and no means being provided by which its citizens could obtain titles to their homes". In fact as a whole it was very inconsistent with our form of government being complicated as well as insufficient and unsatisfactory. Nevertheless Congress did nothing towards improving the government of Alaska until after gold was discovered, then on account of the increase in population a better government was absolutely necessary, which Congress provided by Act of June 6, 1900. But even this provided a government entirely different from that of any other territory.

The executive power being vested in a Governor who must reside within the territory. Some of his duties being to see that the laws are executed, "to grant reprieves for offences committed against the laws of the territory or against those of the United States until the decision of the president is known". He is also commander in chief of Militia of the territory having the right to call out the same to execute the laws and preserve peace. To perform all other duties as pertain to office of governor of a territory. He is also required to send an annual report to the president.

A Surveyor General is also appointed who is required to perform the duties assigned by law to the secretary of the territories. Besides a Governor and Surveyor General, a United States Attorney, three judges and other responsible officers are appointed by the President and confirmed by the senate, for a term of four years.

In establishing a district court the territory was divided



into three districts, there being a judge appointed for each district, who is required to reside within the district to which he is assigned. "This court has general jurisdiction in civil, criminal, and equity and admiralty cases, also for the settlements of mining disputes". The 3 judges are authorized to appoint commissioners to act as justices of the peace, recorders etc. A Marshal is also appointed for each district, by the President with the consent of the senate, who have the right to appoint a deputy marshal when needed for enforcing the laws.

There is no legislative body; Congress acts as such in all cases that come up. No delegate is sent to Congress; in fact there is no local self government, except that provided for towns of three hundred or more inhabitants.

Thus we see that Alaska's government is yet not satisfactory. But at the present time there is a bill before Congress, which if passed will give Alaska a Legislative body, also grant the sending of a delegate to Congress.

The Republic of Hawaii <sup>had</sup> ~~having~~ for some time desired protection from the United States but no agreement was made, until during the Spanish American war. The Americans <sup>saw</sup> ~~seeing~~ that the possession of the Hawaiian Islands was essential to the protection of the western coast of the United States, ~~So~~ in July, 1898, the Hawaiian Islands were annexed to the United States by joint resolution.

By an act of Congress a government was provided to take the place of the former Republic. The government established by Congress is very similar to the regular organized territories, consisting of three departments.

The Executive is vested in a Governor appointed by the President with advise and consent of the senate. He is required to be thirty-five years of age, and a citizen of Hawaii.

As Governor he is responsible for the enforcement of the laws of the United States as well as those of the territory. He has right to grant reprieves and pardons also is Commander in Chief of Militia.

A Secretary is also appointed by the President for a term of four years. His duties are to keep a record of the laws and proceedings of the Legislature and transmit a copy to the President and one to each house of Congress, also such other duties as the legislature of the territory may require.

An Attorney General, Treasurer, Commissioner of Public Instruction, Auditor and Deputy Auditor, High Sheriff and Surveyor. The high sheriff and deputies have powers and duties of a Marshal. Also members of a Board of Health, Board of Prison Inspection, Inspectors of Elections and other boards which may be created, are all appointed by the President, with consent of the senate, for a term of four years.

The legislature of the territory of Hawaii consists of two houses, which are called the Senate and House of Representatives.

The Senate is composed of fifteen members elected for a term of four years. The territory being divided into four districts, each district being entitled to elect senators according to population.

But every senator must fulfill the following requirements; he must be a male citizen of the United States; must have resided in Hawaiian Islands not less than three years. Must be at least thirty years old and qualified to vote.

While the qualifications of a voter are , 1."A male citizen of the United States. 2. Having resided in territory not less than one year preceeding, and in the district in which he registers no less than three months immediately preceeding the time which he offers to register. 3. Have attained the age of twenty-one years. 4. Prior to election during the time perscribed by law for registration have caused his name to be entered on the the register of voters for his district. 5. To be able to speak, read and write English or Hawaiian languages. No person who is staying in territory with the United States Army or Navy is allowed to vote".

The House of Representatives consists of thirty members elected every two years. The territory being divided into six districts for the purpose of electing representatives. The qualifications being the same as for senators with the exception that the age must be twenty-five years.

The legislative powers being the same as other territories, but giving special permission to the legislature to establish towns, cities, and county governments throughout the territory.

The Judiciary consists of a Supreme court and such inferior courts as the legislature may from time to time establish. The member of judges and their powers and duties being the same as for other territories.

Territory of Hawaii has the right to send a delegate to Congress, who has the right to debate but not to vote.

Internal Revenue is collected in Hawaii by a collector at Honolulu, the capitol of the territory, and deputies at such places as the Secretary of the Treasury may direct.

In the treaty at the close of the Spanish American war, Spain ceded Porto Rico and other islands in the West Indies to the United States, also the Philippine Islands, for which the United States paid Spain twenty millions of dollars.

A temporary government was established for Porto Rico by Act of Congress April 12, 1900.

A Governor, who is chief executive is appointed by the President to hold office for four years. He is Commander in Chief of Militia. Besides having the powers given by law to the Governor of a territory.

The President with advice and consent of the senate also appoints, a Secretary, An Attorney General, Auditor General, A Treasurer, Commissioner of Education, all of whom are required to reside in Porto Ricp. They hold office for a term of four years unless sooner removed by the President.

The person holding the above mentioned offices together with five other persons, also appointed by the President, constitute the Executive Council, of which at least five of the members must be natives of Porto Rico.

The Executive Council and a House of Delegates forms the Legislative Assembly. The House of Delegates is composed of thirty-five members, who are elected biannually by qualified voters; which are, citizens of Porto Rico, who have resided for one year with-in the territory and such additional qualifications as may be prescirbed by the Executive Council. The territory being divided into districts for the purpose of such elections. There are seven districts, each of which is entitled to elect five members to the House of Delegates, the districts being divided by Executive Council as nearly as

possible according to population.

The house of delegates are sole judges of elections and have power to fix qualifications of its members. But no person is eligible who is not twentyfive years of age and can not read and write either English or Spanish language or who does not possess taxable property either real or personal situated within the island of Porto Rico.

The Legislative Assembly has legislative powers over all matter of legislative character which applies to territory, including the creating and reorganizing the municipalities also to repeal or change all laws or ordinances now inforce in Porto Rico. While the Executive Council with approval of the Governor has the right to grant franchises and privileges of a public nature, but all franchises must be reported to Congress who reserves the right to repeal or change any laws made by the Legislative Assembly if it is deemed advisable.

A Commission of three members is also appointed by the President of which at least one must be a native of the island and make a report to Congress, giving what is necessary for the providing of better municipal governments, a better system of education and public instruction and all other provisions which are necessary in order to provide a form of government which is economical as well as give satisfaction to the inhabitants of the island.

The Philippine Group consists of over a thousand islands of various size, several of which are inhabited by uncivilized tribes of people, who in many cases speak different languages, also their customs being different entirely.

As a government of a different nature from any

other territorial government of the United States is required for these islands.

One government for all of the islands would not be satisfactory to either the natives or Americans, for different laws are necessary, also a different degree of self-government must prevail in various sections in order to promote the welfare of the inhabitants of the Philippines; on account of the great difference which exists in their habits and modes of living. When the United States first received control of these islands, that is just after the Spanish American war, the conditions were such that a civil government was almost impossible, for the people being easily led by a few leaders revolted against the United States, but this revolt was not general for part of the more civilized people at once sided in with the United States. At this time the only government was that of military occupation, the civil law being directed by officers of the army; but all laws being subject to the over rule of military Governor, who in this case as in such governments is supreme authority.

In order that a civil government might as soon as possible be provided for the islands the President appointed a Philippine Commission, consisting of five members, who were instructed to study the conditions in the Philippines and report to the President as to what form of government would be most desirable and best for the inhabitants as well as the Americans.

They suggested a form of government somewhat similar to that established for the territory of Louisiana in 1804, but which gave the Philippines more of a local government, thus

giving the Filipinos more self government.

In order to carry out this plan the President gave the Philippine Commission authority to exercise legislative powers, subject to approval of the Secretary of War; leaving the executive power with the Military Governor and allowing the Commission to establish courts in which the judicial power was vested. Later instructions were given to the Philippine Commission by the President, which defined their powers and outlined the policy which was to be followed in the gradual development of a civil government in the Philippines.

The following powers were conferred upon the Commission:

"Exercise legislative authority, the making of rules and orders having the effect of law, for the raising, by taxes of revenue, customs, duties and imposts; the appropriation and expenditure of public funds of the islands; the establishment of an educational system throughout the islands; the establishment of a system to secure efficient civil service; the organization and establishments of municipal and departmental governments and all other matters of a civil nature for which the military governor is now competent to provide by rules or orders of a legislative character."

Acting according to these instructions the Commission first established governments for towns and rural communities, it being the policy of the Commission to organize municipalities; thus teaching the people to govern them selves on a small scale and as they become accustomed to self-government a legislative assembly elected by the people would be established.

In the municipal governments organized the authority is

exercised by a President, Vicepresident, and a municipal council elected for a term of two years by the qualified voters of the municipalities; the qualification for voting being that a voter must be able to read and write English or Spanish or that he has formerly held a municipal office or that he pays a tax equal to \$15.00 a year or owns property valued at \$250.00. But all persons guilty of crime or of certain acts of disloyalty are disqualified. A municipal Secretary and Treasurer are appointed by the president of municipalities with consent of the council. The powers of such a government are similar to that exercised by ordinary town governments in the United States, including fire, police and health regulations, appropriation of money for municipal purposes, etc.

Under this form of government nearly a thousand towns have been organized satisfactory.

Before the Commission could organize many municipalities as they had planned, on account of the rapid improvement of conditions a demand for larger divisions required the organization of a civil provincial government. The officers of these governments are a Governor, Secretary, Treasurer, Supervisor and an Attorney. The Governor, Treasurer and Supervisor constituting a governing board called the Provincial board, with the Attorney as legal adviser and the Secretary of province as Secretary.

The duties of the board being to collect, through the Treasurer all taxes and the construction of roads, bridges and public buildings.

The Provincial board also fixed the rate of levy for taxation also have extensive powers over municipal officers and over local police.



The first Provincial Governors were appointed by the Philippine Commission but are elected by the people at the present time.

The governor has power to suspend municipal officers for failing to do their duty.

The provincial Treasurer must collect taxes, give to municipal treasurer all that is due to each town; thus we see that town authorities act together with those of the province in which the town is situated.

The Supervisor carries on the construction work required by the board, hence he must be a civil engineer.

The Prosecuting Attorney is legal adviser for all towns within the province as well as of the provincial board.

In the Judicial system as established by the Commission; the power is vested in a Supreme court consisting of a Chief Justice and six associate justices.

The entire archipelago is divided into fourteen judicial districts. A court of first instance is established in each of these districts. A court of Justice is also established in each municipality.

All judges of the court of first instance and justices of the peace are appointed by the civil Governor with approval of the Commission.

The Commission makes laws governing the jurisdiction of the different courts, also a code of procedure in civil actions and proceedings in the Philippine Islands.

The first step towards improving the system of education was the establishment of a bureau of public instruction; which

has power over all public schools in any of the islands. This bureau is under the direction of a general Superintendent. The archipelago being divided into 18 divisions and a superintendent appointed for each district by the general Superintendent. It being the duty of the general Superintendent to establish schools, procure building, material and teachers, fix their salaries and all other such duties as are necessary in order that all inhabitants who so desire, may procure a free education.

The English language is used as a basis of instruction; that is, as soon as Filipinos learn enough to make it practicable; for this reason several hundreds of American teachers have been procured from the United States.

In each municipality a local school board of four to six members, as the division Superintendent may determine, are elected; their duties are similar to those of school boards in the United States.

A Normal and a Trade school have been established in Manila and an Agricultural school in the island of Negros.

All schools there established are being well attended; the Filipino seems anxious to learn especially from American teachers, and although many teachers have gone to the Philippines many more are needed in order to carry on the instruction necessary.

In 1901 President McKinley thinking that the development in part of the islands had advanced far enough to drop the military control of it. Hence the president of the commission was appointed Civil Governor of the Philippine Islands.

Taking the powers of the military Governor and placing it in the hands of the civil governor, also the power of appointing

civil officers, hereto-fore vested in the Commission, was given to the Civil Governor with advice and consent of Commission. The Military Governor however continuing to exercise as before in those districts not sufficiently retored to establish provincial civil governments.

At about the same time three members were added to the Philippine Commission who were natives of the Philippines, each member of the commission was assigned to a separate executive department as follows.

The department of the Interior;

The department of Commerce;

The department of Finance;

The department of Public Instruction;

Each department includes a large number of bureaus, whose duty it is on a whole to benifit the inhabitants along what ever line each bureau was instructed to take.

On account of the immense amount of work required of the Civil Governor, a Vice-governor was appointed having authority to act as Governor in case of illness of the Civil Governor, also to relieve him of part of his duties.

On July 1, 1902, Congress ratified the actions of the President in appointing the Philippine Commission and in fact all actions of the President and the Commission were approved by Congress.

The following provisions were made; that no slavery be allowed, freedom of speech and religious worship to be free to all, and that taxation shall be uniform.

Also provided that as soon as hostilities cease in all

parts of the islands except those inhabited by Moros and non-christian tribes; a Legislative Assembly, part of which is elected by the people shall be established. The assembly consists of the Philippine Commission and a Philippine Assembly composed of not more than one hundred members, elected by the people for a term of two years.

The legislative powers as soon as assembly is organized to be turned over to this legislature of ~~two~~ houses.

The Judicial department as established by the Commission was approved and ratified by Congress.

The chief Justice and associates to be appointed by the President while other judicial officers are appointed by Civil Governor.

The supreme court of the United States having power to review, reverse; modify or affirm the final judgment of United States courts in the Philippine Islands. In all cases and proceedings in which Constitution or any statute, treaty title or privilege of the United States is involved.

The Government of the Philippines was also given the right to grant franchises and privileges for the construction of public utilities, all of which are subject to repeal or alteration of Congress.

The laws of the United States require that a tariff be collected on all goods coming into the United States from the Philippines, at the same rates as from any foreign country, but all articles being a product of the Philippines only 75% of the foresaid rate is collected. Revenues thus collected are taken into the treasury of the United States but are held

as a separate fund and paid into the treasury of the Philippines to be utilized for the maintainance of the government and other ways of benefiting the islands.

As in all other territories Congress reserves the right to annual all laws made by territorial government, requiring that an annual report of all laws and proceeding be sent to the Secretary of War by the Philippine Commission.

After making a study of the territories~~and~~ colonies of the United States, it is plain to see that~~the~~ United States has been very successful with the government of its territories.

In every cas~~e~~ the inhabitants of territories having all the civil rights of the regular citizens of the United States; of course they do not have the same Judicial rights of the people who live in the United States, but this is not absolutely necessary to the welfare of the people.

Neverthe-less Congress has always extended our republican form of government to our territories as soon as it was practicable for the inhabitants of the territories.