

COLONIAL GOVERNMENT

1776 1906

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ENGLAND'S GOVERNMENT OF AMERICAN COLONIES

vs

UNITED STATES' GOVERNMENT OF PHILIPPINES

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Colonial Government.

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Colonial Government.

1776 - 1906

Since the United States has gained control of the Philippine Islands and has entered upon a colonial career, many questions have arisen concerning her colonial policy. One of the questions which, perhaps, has not been discussed as frequently as those pertaining to the constitutional rights of the United States to own and govern colonies, is the question: "Are they governing the Philippine Islands according to their ideals of colonial government in 1776?" They then formed their ideals from the view-point of the colonies; they now can see the fitness of those ideals when viewed from the standpoint of the Mother country. The revolutionary war was fought because they objected to the way England governed her American colonies. Are they governing the Philippine Islands as they wished to be governed in 1776; or are they governing them more nearly as England governed?

Let us consider first England's government of her American colonies before 1776. Her right to govern the American colonies was founded partly ^{on discovery and partly} on conquest. Her right of discovery was small, as most of the land had been claimed by some other nation before she was able to send out expeditions. The first expedition of discovery was sent out from England in 1497, headed by the Cabots. They landed in the vicinity of the Gulf of St. Lawrence. Later, companies were organized for trading purposes and these sent colonies to America. The Crown granted to the companies large tracts of land over which they were given the right to rule, subject only to the will of the Crown. One of the companies, the London Company, established a settlement at Jamestown in 1607. In 1609 the King gave this company a new charter, which gave it more authority over its colonists, and also defined, in

a vague way, the limits of its territory. Virginia was thus the first English colony established in America. Similar charters were granted to different companies. The proprietaries were given extensive powers of government. One important limitation was that they could legislate and tax only with the consent of the freemen.

England thus by discovery claimed all the land from the Gulf of St. Lawrence to the northern boundary of Florida, and westward to the Pacific. By the Treaty of Utrecht, 1713, which closed a European war in which England and France were enemies, England obtained Newfoundland, Nova Scotia, and the Hudson Bay territory. By the Peace of Paris of 1763, England received from France Canada and the territory east of the Mississippi. She also received Florida from Spain.

From 1607 to about 1760 was a period when England was so engaged with affairs at home, international wars and rebellions, that her American colonies were left to work out their own salvation. After granting the charters and appointing governors, the King left the colonies to settle their own disputes with different colonies, with the Indians and often with their governors. They were left to clear the forests, build cities, provide for education, and, in fact, do everything for their own advancement. The colonists were thus thrown upon their own resources. They made the laws for their cities; helped to make the laws for the colonies both by having been granted the right to have a representative house that was to have a voice in the government, and often by forcing the Governor to make the laws they wanted. They were compelled by circumstances to regulate the commerce and trade between the different colonies: this necessitated the meeting together of men from the colonies and bringing them in closer touch with each other. They had to provide for the education of their children. They were becoming well trained in the use of fire arms,

having to encounter savage Indians frequently. They became rich through trade with foreign nations. In a country as rich as America, left practically to themselves, what could be expected but that the colonists should become far advanced beyond all other people in ideas of self-government.

After 1700 England began to turn her attention to her colonies, and to make laws beneficial to herself and also to the colonies. A child can not be governed after he has been allowed to do as he pleased during his earlier years. Neither could Mother England govern the colonies after neglecting them during the formative period of their existence. They had been taught through neglect to rely upon themselves and to reach a solution of their troubles. When England now undertook to do all these things for them in a way that seemed just to her, do you wonder they rebelled? They were willing that England should make laws that would aid them in securing what they could not obtain unaided, but when laws were made in the interest of England alone at the expense of the colonies, they refused to obey the law. During this period of neglect the colonists learned the principles of self-government. They had representative assemblies where they taxed themselves, provided for the choosing and maintenance of magistrates, and up to the time of 1700 made laws with reference to commerce and manufacture.

England, in compliance with the "Mercantile Theory" then accepted among the other nations, by which each country tried to secure the monopoly of trade of its colonies, passed laws interfering with the legislation of the colonies. From then until the colonies had won their independence England tried to regulate the commerce and manufactures of the colonies. The Navigation Acts of 1657 and later years were the basis of the restrictions on the colonial trade. By these,

trade with the colonies was confined to English or colonial ships. The colonies could not export some of their most important products such as tobacco, cotton, sugar, timber, etc., except to Great Britain. Foreign ships could not enter their harbors, nor could the colonies import foreign goods except when they were shipped from England. They were forbidden to manufacture goods which would compete with England's manufactures. The port duties, imposed by England and collected by customs officers, were for the regulation of trade only. The whole system was the working out of the idea that the colonies were primarily for the interest of the Mother country, and that therefore she had a right to monopolize their trade.

As compensations for these restrictions the colonies were given the monopoly of the British market. Bounties were given to encourage their export trade to England; and by a system of drawbacks they could buy continental goods more cheaply than they could be bought in England.

A standing army was sent to America to defend the colonies against the Indians and the French. The Stamp Act was passed in 1765 in order that the colonies might help pay the expenses of this standing army. The money obtained from the port duties was to be turned over to the English treasury and used only for the defense of the colonies. This tax was almost identical with one in force in England, the principle difference being that it was more liberal for the colonies. The cause of the opposition to it in America was on the grounds that as subjects of the Crown they had an equal right with the Englishmen in England to "No taxation without representation." The colonists denied the right of Parliament to levy Internal taxes, but did not deny its right to levy port duties for revenues. Delegates from all the colonies except New Hampshire asserted in the

"Declaration of Rights" (signed at New York 1765) that "the people of the colonies are not, and, from their local circumstances, cannot be represented in the House of Commons;" and that no taxes "can be constitutionally imposed on them but by their respective legislatures." In 1766 the Stamp Act law was repealed, as it could not be enforced. Another bill was passed through Parliament at the same time which declared that Parliament had power to "legislate for the colonies in all cases whatsoever." Relying on this last bill, Parliament next passed, in 1767, what are known as the Townshend Acts. One act provided for a colonial revenue, to be raised from a tax on wine, oil, glass, paper lead, painter's oils and tea imported into the colonies; the proceeds of the duties to be used to pay the salaries of the governors and judges of the royal provinces. This would make them independent of the votes of the colonial assemblies. Another act provided for the appointment of a board of customs commissioners, resident in the colonies, who would be able to exercise effective control of the customs service. Another act declared writs of assistance to be legal; and another provided for trial of revenue cases by admiralty courts without juries. About the same time Parliament suspended the functions of the legislative assembly of New York because it had failed to live up to the requirements of an earlier act by which they were to make provisions for the support of British regiments stationed there. These acts brought before the people many political problems, among which Channing gives the following;

1. The constitutional relations of Parliament and the several colonial legislatures.
2. The control of the judiciary and executive by the people.
3. The right of Parliament to tax goods imported into the colonies.

By agitation the colonists hoped to get the acts repealed. Par-

liament in answer to this method, dissolved different assemblies. The colonists next signed an agreement by which they bound themselves not to use or import goods upon which a tax was levied by act of Parliament. This was done to induce the English merchants to take up the cause of the colonists to save their own business. The scheme proved successful, for upon a petition of the merchants for a repeal of the Acts, Parliament repealed all except the tax on tea, this latter being retained because it was thought to be too insignificant to be resisted. The Navigation Acts and the Trade Law were all that now remained in force with the exception of the tax on tea.

The presence of the soldiers stationed in America and the tax on tea caused many disturbances in the colonies, among which were the "Boston Massacre", the "Boston Tea Party," and the burning of the "Gaspa". The colonists were bound to win their point and their determined attitude so greatly incensed Parliament that they passed four Repressive Acts to punish the people of Boston and Massachusetts. These acts closed the port of Boston to commerce; suspended the operation of the charter of Massachusetts; provided for the trial outside of the colony of soldiers and other persons who might be charged with crime committed while quelling riots within the colony; and also provided for the quartering of British troops within the province. These Repressive Acts led up to the Continental Congress and finally to the Revolution.

We have briefly gone over the history of the American Colonies in reference to England's government of them, now we will in like manner review the situation in the Philippine Islands with reference to the United States' government of them up to the present time. The Philippine Islands had been under the authority of Spain for about three and a half centuries before the United States gained control

of them.

During the Spanish domination there were frequent uprisings and disturbances of the peace in isolated parts of the islands, due to religious excitements among certain fanatics and sometimes to plots of the friars and others in authority. In 1896 a revolution was started without even the slightest reason for thinking it's object could be secession from Spain. Two years later Spain and the United States became hostile. On May 1st. 1898, Commodore Dewey, in command of an American squadron, destroyed the Spanish squadron in Manilla Bay. Commodore Dewey took the port and blockaded Manilla. Three months later the surrender of Manilla was accepted and the Spanish flag hauled down forever, while the "Stars and Stripes" has since waved over the city.

In the same year the island of Negros, the first island to gain independence of Spain, asked the United States to assume control of the government at Bacolod. The Treaty of Peace between Spain and the United States, signed at Paris, was ratified at Washington April 1899. Spain surrendere[n] her sovereignty over the island of Cuba, and ceded to the United States Puerto Rico and other islands in the West Indies, the Ladrone Islands in the Pacific, and the entire Philippine Archipelago. Pres. McKinley in his speech to Dewey said, "We accepted the Philippines from a high duty in the interest of their inhabitants and for humanity and civilization. Our sacrifices were with this high motive. We want to improve the conditions of the inhabitants, securing them peace, liberty and the pursuit of their highest good".

The laws for the government of the Philippine Islands under Spanish sovereignty were very strict, and were intended to keep the natives in entire subjection. The governors appointed were given almost absolute powers, and they used them to subject the natives to

their will and pleasure. Foreigners were absolutely prohibited from living in the Islands, while Spaniards were only allowed to immigrate there in limited numbers; permits having to be obtained before they could go. The term of residence was then limited, but the restrictions were not enforced against those who immigrated for permanent residence. All Philipinos were obliged to belong to the Roman Catholic Apostolic faith. The Curates domineered over them and they became accustomed to follow their advice. "All through the Spanish sovereignty the object of all teaching appeared to be to avoid anything that was not strictly Spanish, and unquestionably accepted by traditional orthodoxy of the Catholic church. All modern ideas were to be condemned. All experimental science and all advances of the human mind in the line of independent thinking which disregard tradition, and the influence of religious and empirical forms were anathema. The Philipinos were obliged to believe and maintain that "the Philippine Islands belong entirely to Spain and are identical in everything with Spain", but no Philipino was allowed to meddle in public affairs nor allowed to express an opinion regarding politics or the manner of the local administration of affairs in his country". (Census of P. I. 1903 Vol. I.)

One of the greatest hardships to which the people were subjected was the obligatory performance of military service. Each province had to furnish yearly a certain number of young men, drawn by lot, for service in the army. The person drafted could secure a substitute to serve in his place for from 125 to 150 pesos. It was alleged that many of the civil and military officials were able to enrich themselves by this system. Another abuse was the censor of the press, which held the papers published within the Philippine Islands within the strictest limits as regarded their editorial utterances. They were not allowed to even refer to political matters. They could only

publish items of news, happenings on the street, etc., and copy articles of foreign occurrences taken from European exchanges. These laws had the result of keeping the Philipinos ignorant and of making them suspicious of all officers and governments which were not of their own choosing. This was the kind of people the United States encountered when they gained control of these islands. They were suspicious of all attempts to govern them in any way that might resemble the Spanish rule.

It was necessary to govern the Philippine Islands by military laws until the insurrections could be put down and the Islands reorganized under the United States system of government. As rapidly as possible the military rule has been replaced by civil authorities until at present military rule is only necessary in the remotest parts of the islands. The legislative functions are exercised by a body known as the Philippine Commission, composed of five Americans and three Philipinos. This body has also the power of general supervision over the government of the islands. The civil Governor is the chief executive of the islands, and must be an ex-officio president of the Commission. The secretaries at the head of each of the four executive departments must be ex-officio members of the Commission. The laws enacted by the Commission take effect and are enforced as especially provided in each law. The Commission must make annual reports to Congress, and is subordinate to Congress. The Philippine Commission in their census of the Philippine Islands gave in part, "The citizens of the Philippine Islands are secured in all the individual rights which are enjoyed by the citizens of the United States, except in the right to carry arms and to trial by jury. These last two have not been accorded to them as yet on account of their lack of sense of public responsibility in regard to punishment of crime, and

therefore cannot act as jurors; but these privileges are being granted as fast as the Philipinos are becoming capable of bearing the responsibility.".... "By an act of Congress the people of the Philippine Islands are guaranteed freedom of thought; seperation of the state and the church; liberty to assemble; and freedom of the press. In thus assuming sovereignty over the Philippine Islands, the American people do not intend to extinguish the love of country in the hearts of the Philipinos, and the inhabitants of these islands are given the right to call themselves citizens of the Philippine Islands. The American nation has bound itself in honor to assist the Philippino people under its care, direction and responsibility to reach the highest degree attainable of culture and civilization!" "Through the exercise of authority vested in Congress, the government of the Philippine Islands was authorized to exercise certain powers of sovereignty which hereto-fore in our history had been exercised by the Federal government exclusively; and valuable rights and privileges were conferred upon the Philipinos which never before had been given to any portion of the territory subject to our sovereignty, for the exclusive use and benefit of that territory." (Senate Doc. Vol. 7. No. 304-1903-1904)

The United States government regulates the tariff laws; internal revenue laws; immigration laws, etc.; and regulates the trade between the islands and the United States as well as their trade with foreign nations. The tariff law now in force in the Philippines is the Dingley Tariff, which was introduced in 1903 as a bill "to provide revenue for the government and to encourage the industries of the United States." This tariff is thought by a large number of people to be too high. In 1905 abd 1906 the tariff laws prior to 1902 were made legal; the tatiff on cotton and finished goods was raised, and changed on some other goods. The customs duties now being collected are

greater than those paid under Spanish regime.

The Philippine government is authorized by Congress to levy its own taxes and disburse its own revenues. The internal revenue is obtained from the industrial tax, which is fixed tariff on all industries, trades and arts; the urbana tax, which is now a land tax;

Cedulas, which was an onerous poll-tax under the Spanish regime but is now an official means of identification, the fee being only large enough to cover the expense of issue; stamps and stamped paper, registered letters, patents and copyrights; and from forestry taxes, etc. The Congress of 1905 and 1906 made a law providing for a stamp tax for Puerto Rico. Trade with the United States can be in United States vessels only, after April 11th., 1909. Tonnage taxes still hold good on foreign vessels from the islands to the United States.

With the history of these two colonial governments before us, let us compare the two, but first let us consider the fundamental cause of the American colonies' objection to England's colonial government; namely, the theory of "no taxation without representation." This theory was one that was as dear to the subjects of the crown in England as it was to those in America. The whole trouble was in the different aspects in which it was considered by Englishmen and by Americans. In England the phrase meant "no taxation except by vote of the House of Commons!" The House of Commons was held to represent the people. Its members were elected, not according to population, but by each county and borough being entitled to two members in the House. These counties and boroughs had not been changed since the Puritan supremacy, and those changes had been repealed at the time of the restoration. In 1776 many towns had representation in Parliament but not a single inhabitant, while large cities were not represented at all. The voters in the counties were those who owned the land,

while in the boroughs the right to vote depended on the possession of a peculiar privilege, such as being owner of the land, or possessing the right to cook meals at a common fire. Each voter could vote in as many places and as often as he possessed rights. The members of the House of Commons did not necessarily need to be a resident of the county or borough from which he was sent. In fact, he often was not.

In the colonies the case was entirely different. There the representation in the assemblies was based on population, which was frequently being changed as the conditions demanded it. Each new settlement sent representatives to the assembly. The franchise in the colonies was usually given to all free, adult, white men, who possessed a moderate amount of property. The representatives were required to be a resident of the district from which he was chosen, and only those were allowed to vote for him who were residents of the same district. In this way it was felt he represented the people who had a voice in his election. Thus to the colonists the phrase "no taxation without representation" meant "no county should be taxed which was not represented by one of their own residents," or, as Channing puts it, "No taxation except by a vote of a legislative body in which a person known to the voter, and in whose election he had taken a part had a seat"

With this idea, the colonists first objected to the Stamp tax. The law, from England's point of view, was perfectly reasonable; the money collected was to be used for the defense of the colonies. The colonists denied the right of England to levy internal taxes. The United States levies internal taxes in the Philippines, the revenues to be used for the Islands. Puerto Rico has a definite stamp tax. The colonists disobeyed the Navigation laws. These acts provided for the carrying of all colonial goods in English or colonial vessels.

United States has passed a law by which all trade between the Islands and the United States shall be in United States vessels only, after April 11th, 1909. The colonists objected to the standing army sent there for their own protection. United States has troops stationed in the Philippine Islands for their defense. England ruled the American colonies through appointed governors and the chartered companies. These companies made the laws governing their territory, the laws being subject to the veto of Parliament. The United States governs the Philippine Islands through the Philippine Commission in much the same way; the principle difference being that whereas the American colonies were governed by several companies and governors, the Philippine Islands have only the one Commission and one governor. The Philippine Islands are no more represented in the United States government than the colonies were in the government of England. The colonies had representatives in the assemblies, but the laws made by them were subordinate to the laws of Parliament. The Philippines are represented in the government at the Islands, but the laws they make are null and void unless sanctioned by vote of Congress.

John L. McLauren said, "The constitution and a long line of judicial decisions all show that the policy of this government since its foundation is that we cannot acquire a territory and hold it permanently as such; that statehood must be the ultimate object" and " 'no taxation without representation' is as much tyranny now as when King George's tea was dumped into Boston Harbor. (To govern the people of the Philippines without their consent is as much government without the consent of the governed as it was when we were under the rule of Great Britain.)"

There is, however, a marked difference in the two colonial governments; a difference in the nations governing; a difference in

the people governed; and a difference in the object of governing. The difference in the nations governing is that the United States are far more powerful than England was, due to the fact that they have a better organized army and have better ideas of government. Their ideas of government in 1776 were more advanced than England's ideas are even to-day.

The difference in the people governed is that England governed a people of the same blood, race and language, and at the same time a people who had always breathed the air of freedom; while the United States is governing a people exactly opposite. The people are of a different race and language, and have always been repressed and held in subjection.

England's sole purpose in governing the American colonies was for her own good and advancement. A great empire had been established and a huge national debt increased "for the sole purpose of raising up a nation of customers." The purpose of gaining power and wealth for the nation seemed to English legislators to require that the colonies should be entirely subordinate to the Mother country, and that their trade and industry should be regulated so as to increase at once their own political power, and their commercial wealth. "The crown would make the western world a royal fief; those who would attain their ends by commerce and industry sought corporate charters and monopolies; those who sought to satisfy their desire through the exercise of functions of government would be made lords-proprietary 'with full, free and absolute power to ordayne, make and enact.... any laws whatso-ever'; hold courts, collect revenues, etc.

The United States' purpose in governing the Philippine Islands is to raise them to a higher plane of civilization. United States is not governing for their own benefit, but for the benefit of the

governed. All that can be done is being done for the advancement of the Philippino, physically, intellectually and morally. The nation is going to great expense to improve the conditions in the Islands. Experiment stations are being established; land is set aside for government improvement and preservation. The Philippinos are being educated in the affairs of self-government as well as in all the other lines of advanced civilization. The Philippine Commission in its census report of 1903 says, "The government of the Philippine Islands inspired by those free and democratic principles which have made of the American people a great, strong and happy nation, is heart-whole in its desire for the establishment of an upright administration of justice,, an honorable expenditure of the public funds, an efficient organization of schools, and a system of public education which shall mold the character of the Philippine people in accordance with the modern standards of civilization!" "The policy of the United States is to educate the Philippinos in the ways of self-government in order that they may become an independent country. When they prove themselves capable of operating a government of their own, they will be given their freedom.