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Insular Decisions.

The United States supreme court has recently delivered two opinions relating to our insular possessions.

One of these cases was known as the "fourteen diamond rings case" and involved the right of the federal authority to collect tariff duties on goods, coming from the Philippines to the United States, under the Dingley law.

The other case involved the right of congress to levy a tax on goods going from the United States into Porto Rico.

In the first case, the court held that tariff duties on goods coming from the Philippines were unconstitutional because the Philippines were not foreign territory, but became United States territory when the treaty of Paris was ratified.

In the second case the court held that the levy of a tax upon goods going from the United States to Porto Rico was constitutional. In this case was involved, practically, the question of the right of congress to impose an export tax. The constitution forbids an export tax, but the court holds that inasmuch as Porto Rico is not foreign territory, the goods shipped to Porto Rico from the United States are not exports.

In the first case relating to the Philippines, Chief Justice Fuller delivered the opinion. Joined with the Chief Justice in this opinion were Justices

Harlan, Peckham, Brewer and Brown. Justices White, Gray, Shiras and McKenna dissented.

In the second case, the export tax case, Justice Brown delivered the opinion and his conclusions were agreed to by Justices Gray, Shiras, White and McKenna, while the chief justice, together with Justices Harlan, Peckham and Brewer, dissented.

In order that the reader may understand all these insular decisions, it may be well to give a very brief outline of the decisions in the order in which they were delivered.

In May, 1901, the first opinion delivered by the court related to the right of the federal authorities to collect tariff duties in Porto Rico under the Dingley law. The chief justice, together with Justices Harlan, Peckham, Brewer and Brown, delivered the opinion of the court to the effect that such duties were invalid because Porto Rico was not foreign territory, and that the Dingley law, which was enacted for the purpose of levying tariff duties against goods from foreign countries, was not in force in Porto Rico.

The second case, decided in May, 1901, involved the constitutionality of the Foraker act, a law passed by congress levying certain tariff duties on goods coming from Porto Rico to the United States. Justices Brown, Gray, Shiras, White and McKenna in this case reached the conclusion that Porto Rico was "appurtenant territory" and not an integral part of the United States, and that congress could therefore levy such tariff duties as it saw fit.

It would only be confusing to the reader to refer specifically to the various special opinions which several of the justices filed in these cases. The fact remains that so far as conclusions were concerned in the first case Chief Justice Fuller together with Justices Harlan, Brown, Peckham and Brewer comprised the majority, Justices Gray, Shiras, White and McKenna practical-

ly dissenting. In the second case Justice Brown joined Justices Gray, Shiras, White and McKenna practically dissenting. In the second case Justice Brown joined Justices Gray, Shiras, White and McKenna in making up the majority and reaching the court's conclusion, while Chief Justice Fuller, together with Justices Harlan, Peckham and Brewer, dissented in this second case.

Now, in the Philippines case decided on December 1, Justice Brown joined the chief justice, together with Justices Harlan, Peckham and Brewer, in making the majority opinion. This case may be said to be similar to that of the first case decided with relation to Porto Rico. The question of the right to collect tariff duties prescribed by the Dingley law on goods coming from the Philippines was involved, and the court held, as in the Porto Rico case, that because the Philippines are not foreign territory, the Dingley tariff duties will not apply. It is fair to infer that if congress should pass a tariff law relating to the Philippines, providing for the collection of tariff duties as the Foraker act applied to Porto Rico, Justice Brown would join Justices Shiras, White, McKenna and Gray in upholding the validity of such a law.

In the second case, decided on December 1, Justices Brown, Gray, Shiras, White and McKenna formed a majority of the court and sustained the levy of a tax on goods sent from the United States to Porto Rico, while the chief justice, together with Justices Harlan, Peckham and Brewer dissented.

It is worthy of note that Justice Brown has completed the majority in each of these various decisions. So far as conclusions are concerned, there is nothing seriously inconsistent in the action of any of the justices with relation to these last two decisions and the position taken by these justices in the Porto Rico cases.

Perhaps the most important feature of the decisions of December 1 is that relating to an export tax. Reference to this decision is made in another column.

Philippine Tariff Bill.

Washington, D. C., Dec. 18.—The Philippine tariff bill, under consideration in the house today, provides:

1. That the "act to revise and amend the tariff laws of the Philippine archipelago," enacted by the United States Philippine commission, shall remain in effect.
2. That there shall be levied on all articles coming into the United States from the Philippines rates of duty levied upon like articles imported from foreign countries.
3. That the same tonnage taxes shall be levied upon all vessels coming into the United States from the Philippines which are required by law to be levied upon vessels coming into the United States from foreign countries, provided that until otherwise provided by law, 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 Philippines and the United States.
4. That duties collected in the Philippines, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles coming from the Philippines and upon vessels coming therefrom shall be held as a separate fund and paid into the treasury of the Philippine islands, to be used and expended for the improvement and benefit of said islands.
5. That when duties prescribed by this act are based upon the weight of merchandise deposited in any public or private bonded warehouse such duties shall be levied upon the weight

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of such merchandise at the time of its entry.

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 shipment from the United States to the Philippines shall, when so shipped, be exempt from internal revenue tax.

7. That all articles subject to internal revenue tax, or on which the internal revenue tax has been paid, or which may, under existing laws and regulations, be exported to a foreign country without the payment of such tax, or with benefit or drawback as the case may be, may also be shipped to the Philippines with like privilege.

8. That where imported articles on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States there shall be allowed on the shipment of said articles to the Philippines, a drawback, equal in amount to the duties paid on materials used, less 1 per cent of such duties.

Rather Late in Protesting.

Must we lose the dollar of the daddies? It looks like it. Here is the director of the mint telling us that it ought to be abolished. Probably he is right. But somehow it seems as if we could hardly spare those good, old, cart-wheels. Used very little in the east, the silver dollar is very common in the west and there is a sort of sentimental attachment to it. Somehow a man feels richer fingering a pocketful of jingling dollars than fumbling a little wad of green paper.—Minneapolis Journal.

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