

**SUBORDINATE TERRITORY AND THE SUPREME COURT.**

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"We are in a state of nature, sir," said Patrick Henry at the beginning of the first continental congress, "all America is thrown into one mass." Like many of the declarations of that famous orator, and imperfect reasoner, this assertion has more sound than solidity; for the colonists were then, and for some years remained, divided from top to bottom on the question of the revolution. Nevertheless the idea that there is only one sort of territorial system within the dominion of the United States of America is still deeply rooted; it appears constantly in letters and political writings, and apparently finds favor from an imposing minority of the supreme court.

It is of course a fair contention that the welfare of mankind requires the United States to observe a simple and single territorial system. It would simplify our government and save a lot of printer's ink, if we could settle down to the fundamental idea that the constitution and the union knows only states and inchoate states, that it has within it no expectation of and no provision for other communities, which are never to become an integral part of the union of states; that the constitution knows no such thing as colonies or dependencies or empire.

So far from such a comfortable and comprehensive state of things, the constitution adopted in 1787 distinctly contemplated at least five kinds of territory within the national boundaries: States, territories, the District of Columbia, forts, light-houses, and public buildings, Indian reservations. In practice, seven other kinds of jurisdiction have arisen under the constitution; as enclosed bays and parts of the great lakes; the decks of public and private American ships on the high seas; the decks of public vessels in foreign ports; the residences of ambassadors in foreign countries; guano islands; territory occupied in war previous to a treaty of peace; and territory acquired by purchase, or conquest, but not yet organized by act of congress. Perhaps it may be worth while briefly to consider each of these eleven different kinds of territory, to see what light experience throws on the present controversy over Porto Rico and Philippine Islands.

These two important questions have both been reviewed in the recent decisions of the Supreme Court which, with a variety of dissenting opinions, were handed down May 27, 1901. The two decisions taken together do not seem contradictory. They simply set forth (1) that when territory is annexed, it ceases to be a foreign country, and is therefore not subject to duties laid on importations from foreign countries, but (2) that it is

in the province of Congress to determine what duties shall be laid on trade to such a territory from foreign countries, and to and from the United States.

It is of course significant that in each of these decisions the judges stood five to four. Even though none of these cases involve the important issue of the collection of duties in Porto Rico on goods exported from the United States, the general purport of the decisions is that it is for Congress to determine when annexed territory becomes entitled to all the privileges of the Constitution, and it is for Congress to determine whether the territories shall or shall not have the same revenue system as the organized states. Although Congress tries to reason away the natural result of the decision, the principle undoubtedly includes the right of Congress to put the District of Columbia, forts, posts and light-houses, and public buildings, and Indian reservations, and organized territories under a special regime of taxation, and to impose duties on commerce from such areas of territory to the states.

It will be seen that of all the eleven forms of territory within the United States, by far the most perplexing are the newly annexed territories, and that they are perplexed because of the doubt whether, by the character of the populations, their traditions, their local systems, their religious organizations, they are fitted to look forward to statehood. Not only is the Union made up of a variety of territorial units, not only has it been so since 1757, but so far as we can see into the future, that variety will continue.—Modern Culture for August.

**RAILWAY-TIE INDUSTRY.**

A writer in the "American Manufacturer" treats of the making of railroad ties in the mountainous district of southwestern Pennsylvania, Maryland, Virginia and West Virginia, and refers to certain changes which have taken place in late years in methods of handling timber and working it up into products. This writer reports a revived activity in tie-making, which he explains as being partly due to increased facilities for marketing ties by railroad extensions into hitherto untouched tracts of land in the Allegheny mountains. As compared with methods in vogue in years past, much larger use is now made of the saw, and the timber is much more economically utilized. Instead of chopping the trees down, they are now usually cut off with a saw close to the ground, saving much material which was formerly left in the stump and which went to chips, and leaving one end of the log squarely cut, thereby saving extra work in cutting off the timber after it is made into a tie. The sawmill has also taken the place of the hewer, and in some instances, where the industry is being worked on a large scale, tramways are being used to get the

timber out to the mills. These sawmills save much valuable material which formerly went to waste in the hewing, and as the mill plant is not very extensive, usually consisting of a boiler and engine, each of ten to twenty-five horse power, with only two saws, one for longitudinal ripping and the other for cross-grain cutting, a great deal more money is being realized from the timber than was formerly the case, notwithstanding that ties in some of these localities are now cheaper than they were years ago. Slabs cut off are worked into wedges for use over mine props, slats and various other useful articles, while the top part of the tree, too small for making ties, is cut up into mine props, pit ties, spags for locking wheels of coal wagons, tool handles, etc. Methods of getting ties to market have also undergone a considerable change, the railroads now being used as the means of transportation more largely than was formerly the case, and the rattling or drifting of the ties less. One reason for the change has been the very large losses which have sometimes occurred by the breaking of booms built to catch the ties, and another is that freshets do not come with enough regularity to suit the orders in the ice market. The economical use of timber in connection with the manufacture of ties is a gratifying fact to reflect upon and in line with the reform that is needed to effect a conservation of the timber resources of the country.—Railway Age.

**CUBA'S AGRICULTURAL RESOURCES.**

The island of Cuba is a gigantic farm of 28,000,000 acres of marvelously fertile soil. Thirteen million acres remain as virgin forest. Her present population is a little above one and a half millions.

Were Cuba as densely populated as Massachusetts, her census would show 11,000,000 inhabitants. An equal density with that of England would give her upward of 22,000,000. Her ability to support a population per square mile equivalent to that of England, so large a percentage of which is dependent upon manufacturing interests, is somewhat doubtful, from the fact that Cuba presents little or no possibility of ever becoming a manufacturing center. In a measure, the comparison with Massachusetts is also faulty, for the same reason. Yet, in the latter case, the vastly greater fertility of Cuban soil would offset the manufacturing feature, and there is little doubt that Cuba, along the line of her particular agricultural advantages, can provide a comfortable and reasonably profitable living for a population of 20,000,000 of moderately industrious citizens.—From "Cuba's Industrial Possibilities," by Albert G. Robinson, in the American Monthly Review of Reviews for August.