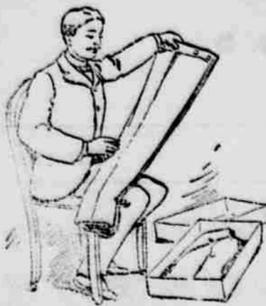


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## The Dalles Daily Chronicle.

THURSDAY - - - MARCH 29, 1900

### WHAT THE FATHERS THOUGHT

In support of the doctrine that congress has power to provide such laws for our territories as may be deemed fit; that the constitution does not "run" in them and never did "run" till congress brought it there; that congress, therefore, is not restrained by the constitution from passing any tariff laws for the government of Puerto Rico it may consider applicable to existing conditions, and that the founders of our government never did consider congress so restrained, THE CHRONICLE submits the following facts of history:

By the act of March 26, 1804, for the government of the district of Louisiana, all power—executive, judicial and legislative—was lodged in one person, in the governor of the territory, a thing impossible in any place where the constitution is in force. The act of March 3, 1805, for the government of the same territory, reads:

"The legislative power shall be vested in the governor and in three judges or a majority of them, who shall have power to establish inferior courts in the said territory and prescribe their jurisdiction and duties and to make all laws which they may deem conducive to the good government of the inhabitants thereof."

Could that have been done under the constitution? If the constitution "ran" in the territory how was it possible to combine in the same persons the power to make laws, to adjudicate laws and to execute laws? And let it not be forgotten that this was done in this case under no less a leadership than Thomas Jefferson, author of the declaration of independence.

There is no part of the constitution better known than that which provides for trial by jury in all cases involving more than \$20. Yet in two provisions of the acts already referred to, the language of which is identical in each act, the right of trial by jury was limited to \$100, notwithstanding that the seventh amendment to the constitution that fixed the sum at \$20 had been adopted some years before. Thus those who helped to make the constitution, and who assisted in the adoption of the seventh amendment said that a jury could only be demanded in Louisiana in cases where in \$100 was involved. Is it not clear as sunlight that these men believed that when legislating for territory belonging to the United States they were not limited by the provisions of the constitution?

Once more. Congress in March 3, 1821, passed a law for the government of the territory of Florida, vesting all military, civil and judicial power in such person or persons as the president should direct. Under the authority of this act President Monroe appointed Andrew Jackson governor. The only laws that had

then been extended by congress over Florida were the revenue laws and those forbidding the importation of people of color. A federal judge, Egeles Fromentin by name, was "authorized and empowered to fulfill the duties of his office according to the constitution and laws of the United States." In the exercise of his authority Governor Jackson came in conflict with the Spanish ex-governor of the territory over the question of the possession of some papers relating to the title to land. Jackson put the ex-governor in jail, had his house searched and took the papers. The ex-governor applied to the federal judge for a writ of habeas corpus and the judge, believing in the newly resurrected heresy that the constitution, of its own force, follows the flag, granted the writ. But that did not release the ex-governor. Jackson, who was legislator, judiciary and executive all in one—for the constitution, we repeat, did not "run" of itself in American territory in those days—cited the judge to appear before him and answer for "open contempt of the orders and decrees made by me," as the citation read. The controversy was finally submitted to President Monroe and the president, by John Quincy Adams, secretary of state, informed the judge that his commission applied only to the two laws extended by congress; that the president "thought the authority of congress alone competent to extend other laws to the newly-acquired territories" and that he "could not give to the judge a jurisdiction that could only be conferred by them." The judge's explanation of Governor Jackson's position ought to be interesting reading for end-of-the-century disciples of Old Hickory. Writing to Adams, Judge Fromentin said:

"But again, says General Jackson, the writ of habeas corpus is no extended by law to this territory, and I must confine myself to the jurisdiction given by the act of congress in the only two cases mentioned in the act, to-wit: the revenue laws and the importation of people of color."

This is what Andrew Jackson thought and President Monroe decided the controversy in harmony with Jackson's contention, and THE CHRONICLE submits it in all candor, as good, sound democratic doctrine that modern Democrats—and alas! that we should have to say it—not a few Republicans, through ignorance or for political reasons or both, have abandoned for a doctrine that we supposed had been shot to death in the civil war.

So fully did the Democratic legislators of Andrew Jackson's day recognize the laws he had passed in his legislative capacity for the territory of Florida—all extra-constitutional as they were—it took an act of congress to repeal some of them that were found objectionable to that body! Let us charitably hope that certain Democratic and Republican editors are unwittingly but not willfully ignorant of these things. A little knowledge would stop their senseless rant about the monarchical and imperialistic tendencies of the administration and its supporters.

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8 p. m.	FROM PORTLAND, OREGON STEAMSHIPS. For San Francisco—December 3, 8, 13, 18, 23 and 28.	4 p. m.
8 p. m. Ex-Sunday 10 p. m.	Columbia Rv. Steamers To Astoria and Way Landings.	4 p. m. Ex-Sunday
6 a. m. Ex-Sunday	WILLAMETTE RIVER. Oregon City, Newberg, Salem & Way Landings.	4:30 p. m. Ex-Sunday
7 a. m. Tues, Thurs. and Sat.	WILLAMETTE AND YAMHILL RIVERS. Oregon City, Dayton and Way Landings.	3:30 p. m. Mon, Wed and Fri.
6 a. m. Tues, Thurs. and Sat.	WILLAMETTE RIVER. Portland to Corvallis and Way Landings.	4:30 p. m. Mon, Wed and Friday
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