California Law Review

VOL. V

JULY, 1917

Number 5

The Establishment of Civil Government in Porto Rico*

WHEN I was honored with an invitation to address the students of the Law Association of this great university, my first thoughts of a subject which might have more than ephemeral interest adverted to the present systems of jurisprudence, and particularly to those branches which have to do with the organization of the federal courts and practice before the federal courts. I felt that experience of many years would entitle me to speak upon that general subject and to suggest changes which, if adopted, would, I am sure, effect reforms vastly advantageous to our whole complex, judicial administrative scheme of government. But as we always have reformers in our midst and we can at almost any time gather their ideas of what is wrong and ought to be done for the future, I concluded that I would on this occasion refrain from piling my opinions upon the heap of suggestions already high, but instead would narrate a part of the accomplished history of how we of the United States implanted our institutions among a million people who, by the fortunes of war, were suddenly brought under the tutelage of the American flag. To the law student it ought not to be uninteresting, for it helps to demonstrate the catholicity of our profession and the demands upon its members.

The island was discovered by Columbus in 1493 on his second voyage to the Caribbean. Tradition has it that when Columbus returned to Spain and was asked by Ferdinand and Isabella to

* Address delivered before the Law Association, School of Jurisprudence, University of California.

describe the newly discovered island, he crumpled his handkerchief in front of them, telling their majesties that such was the relief of the country. The description is not inapt, in that there is a range of hills running through the centre of the island from east to west, with altitudes from one thousand to three thousand feet. From the tops, can be seen on one side the Atlantic Ocean, and on the other the Caribbean Sea. The island is approximately one hundred miles in length and thirty-five in width, and contains an area of about thirty-five hundred square miles. It can be generally described as the fourth in size of the Greater Antilles and lying about sixty miles eastward from Haiti and five hundred miles south and east of Cuba.

Within a few months after the Spanish-American War of 1898, the American troops landed in Porto Rico on July 25th of that year. The resistance of the Spaniards to our forces was ineffectual: indeed, many of the native Porto Ricans went down to the shores to welcome them with open arms. The Porto Ricans believed that freedom, which had not theretofore been known by them, awaited them under the American flag. A few days after the landing, when the protocol was signed by which peace between Spain and the United States ensued, the island had been invested by our troops, and thereafter, in December 1898, under the treaty of Paris, it became forever ours by cession of Spain.

I will not dwell upon the events of the military occupancy of the island between July 1898 and May 1900. Under the American governors-general it was a benign military government. The laws were made by military orders issued by the general in command of the military forces, and enforced not by virtue of civil process, but as military mandates, obedience to which was required by force of the sword. A provisional court was established by military order. It was constituted with military officers and an American lawyer who had drifted to the island directly after we acquired it from Spain. But as the people wanted a civil government in which they could participate, Congress, in its wisdom, saw fit to establish a new civil governmental organization by act which became effective May 1, 1900. From that date military government ceased, and for the first time the people found themselves free to take up their own political affairs. This organic law has always been known as the Foraker Act, called so because Senator Foraker of Ohio was the author.

This organic act provided for appointment by the President of

a governor and eleven councillors, six of whom should be the heads, respectively, of the several departments of the newly organized government, and five of whom should be natives of the Island of Porto Rico and who, although not charged with executive responsibility in being heads of departments, were yet to be members of the executive council. The council was clothed with the authority to legislate in conjunction with a house of delegates. In fine, the council and house of delegates had a legislative power not unlike the systems which prevailed in the territories of the mainland of our country. The essential difference was this: all councillors were appointed, and six councillors acted also as executive heads. In studying the history of the form of government, I found that it was largely modeled upon the English colonial form that obtains in the Island of the Barbadoes. There we find an appointive executive council, or senate, if you will, with a majority of its members charged with executive duty as well as legislative, and a legislative assembly elective by popular vote which, in conjunction with the council, legislates generally with respect to the affairs of the island. In Porto Rico the lower house was designated the house of delegates. It consisted of thirty-five members elected from the election districts in the island, the first election districts having been established by an order of the executive council in its duty of providing for the election held in the island in 1900.

Among the executive heads was the secretary of the island. His duty was to keep the minutes of the executive council and look particularly after the affairs of the various municipalities of the island; to take general charge of executive records and correspondence. Reports to the governor go through his office: it is a sort of clearing house for executive action.

The treasurer was charged with the duty of particularly safeguarding the revenue systems, including the assessment and collection of taxes, the custodianship of all public funds, the imposition of excises, and generally the execution of all fiscal affairs.

The commissioner of the interior was charged with the building and management of improvements within the island, all harbor improvements, road construction, and operation of government telegraph lines. He also had charge of charitable institutions.

The commissioner of education had the direct responsibility for the educational affairs of the island. It became his duty to execute all laws having for their purpose the establishment of systems for

education, construction of school houses and establishment of normal schools.

The attorney-general was the legal adviser of the governor and executive heads. It devolved upon him to aid in the establishment of a judicial system, to exercise supervision over the clerks of the court, and to prosecute all litigation wherein the public was interested. He also had supervision of prisons.

The auditor was the head of the system of accounts. It was solely through the auditor's office that warrants for the payment of money could pass. It was his duty to audit and approve every account against the island and to secure the written approval of the governor to every warrant which called for the payment of money from the treasury.

Upon May 1st, 1900, in the presence of a tremendous gathering of the people, including not only the most distinguished but throngs of bare-footed humble natives, the formalities of yielding military to civil power took place. From the front of the old Fortelaza or governor's palace, which had been built in 1533, looking over the palms out to the sapphire blue ocean, under a cloudless sky against which floated the flags of our country, came the message of a new day for this unfortunate people. It told them that forever the miseries of four centuries were ended and that the dawn of a happier day had come. As the venerable Chief Justice of the Supreme Court of the island administered the oath to the first civil governor and there pealed the strain of our national air, strong men of the island who had throughout their lives struggled and struggled against the scourge of bad government wept in solemn joy that they had lived to see that day. *Prospera lux oritur!*

So the first actual step in civil government was taken. In June we organized the executive council. The five native councillors appeared in formal dress, and after paying their respects to the governor, proceeded to what was called the throne room of the old palace in San Juan, and there formally organized by electing a president of the council, chief clerk, and minor officials. In as-much as the five native councillors spoke no English, our proceedings were all translated as we moved from point to point.

When we were ready for business, among the first important situations which confronted us was the fiscal need of the government. We could not appropriate because legislative action contemplated concurrence of the house of delegates. Yet we had to

have funds to meet governmental expenses from May 1, 1900, when the civil government was organized, until after the members of the house of delegates could be elected and organized and could make appropriations wherewith to pay public expenses. The insular treasury had but little money in it, and the natives could not understand the use of warrants, although they might be discounted at value at banking institutions. In the light of Spanish history, to them a government evidence of debt meant depreciated value and uncertainty of sale at any price. The suggestion of such a plan was, therefore, distasteful to the native councillors. But as no election of delegates could be had for months, we were sorely perplexed. Fortunately the first governor, Mr. Allen, of Massachusetts, was not a lawyer, and did not feel that restraint which goes with the lawyers' dread of usurpation or infringement of power. He was an intelligent, farseeing, practical business man, however, who could, and would, act, while most of us paused. He told me that he was not going to permit the credit of the island to be hawked about by natives holding warrants which they would be compelled to sell at ruinous discount to persons willing to give to holders but a small fraction of their real value. I suggested to him the difficulty of legalizing any action which the executive council might take; that there was but one arm of the legislative body in existence; and that under the organic act there was no power to appropriate without the consent of the assembly as a whole. The governor, with clear and courageous vision, said that there must be some way to avoid a humiliating evidence of the impotence of American power. So, calling to our aid the Spanish lawyers who had participated in past affairs, we searched the royal orders which had been issued from time to time by the Kingdom of Spain to control the Island of Porto Rico and Cuba, and among them found a decree to the effect that if the budget of one year was exhausted without royal order having been made for a new budget, the governor-general of the island could, by proclamation, make an order which would be effective to continue the expiring budget, subject to action of the king. With this to tie to, we concluded to have a budget adopted by resolution of the executive council, making it applicable for the fiscal year commencing July 1st, 1900, to be in force until otherwise provided for by legislative action. This scheme met the approbation of the council, the budget received approval by the governor, and was promulgated and made the authority for

paying out the moneys from the treasury of the island upon the warrants issued by the auditor and countersigned by the governor. The incident illustrates how a forceful man met a situation which called for immediate action and which involved the good faith of our government toward the islanders.

We quickly found another perplexity which is worthy of mention. By the Foraker law, the council alone was charged with the duty of dividing the island into election districts and of providing for the first election of members of the house of delegates. Here we witnessed the first serious interruption of the harmony under which we had proceeded during the first two or three months of civil government. The Porto Ricans are all politicians, active, energetic, restless, bitter. They carry politics into all affairs of life, and opposing divisions do not put aside their antagonisms. Among the five natives whom President McKinley had appointed to the council, there were two who called themselves federals—really a pro-Spanish party, two who called themselves republicans and who were in earnest sympathy with the new sovereignty; and the fifth was a native planter who had been educated in Connecticut, had fought in the Civil War, and had an appreciation of the real littleness of the hatreds which prevailed among his own people. After the introduction of bills to district the island, the American members thought it would be well to refer the several bills to a committee made up exclusively of the five native councillors, directing them to report to the council a scheme of division of the island into election districts which would be wise and impartial. As the president of the executive council, I carried out our plan and named the five native members as a special committee upon elections. The committee soon found itself unable to agree upon a plan. Councillor Crosas, for the committee, reported that it was hopeless to expect unanimity of conclusion. Accordingly, after repeated further efforts, but consistent failure, Mr. Crosas, in committee, threw his vote to the side of the recommendation of the republican councilmen, and majority and minority reports came to the council. When the question came for consideration, Councillor Crosas, speaking first in Spanish and then in English, said that his people were like Kilkenny cats—that they could never agree; that each faction of politicians was seeking a political advantage; and that he believed that the report in which he had concurred was perfectly fair to both and should be adopted. In the triangle we became

the direct arbiters, and no matter from which side we viewed the contentions, odium would ensue. We held a conference, and after going over the whole situation as it had been explained by the councilmen representing the several reports, we determined to throw our six votes in favor of the adoption of the report advised by Mr. Crosas. The news of our decision spread. At once throughout the island there arose intense political feeling. Abusive articles appeared in the papers representing the federal party; the coming of the Americans was deplored, they were held up to execration as tyrants, and the newspapers espousing the losing side advised that the two federal councillors who had been appointed by President McKinley should resign at once in order to preserve their prestige and show their disapproval of the action of the American councillors. We deplored the talk of resignation; it was so in conflict with popular government for men to retire from all participation because measures which they advocated were rejected that we earnestly hoped the counsel to resign would not prevail. We knew, however, that the pressure upon them was strong, and that the Latin political custom was deep-rooted. The council was to meet next day, when the adoption of the report would be the principal subject under consideration. Next day the question arose upon the adoption of the majority report upon a bill to establish election districts in the island for the purpose of the election of members of the house of delegates to be held in November. There was a motion to substitute the minority report. Remarks being called for, one of the natives speaking in Spanish burst into eloquent appeal for justice. I recall that he quoted Latin authors; and in his peroration exclaimed that no matter what action was about to be had, while he would bow to the superior power of men, yet he believed in the triumph of the justice of God. The council chamber was crowded, and as he sat down there was suppressed excitement. "Shall the report of the minority be adopted as a substitute for the report of the majority? The clerk will call the roll." Two votes for the adoption of the substitute; nine votes against the substitute. The report of the majority was adopted, and with low murmurings of dissatisfaction the crowd moved out and the session was adjourned until the next day. The following morning we received this cable from the Secretary of State, at Washington:

"The President has received by cable the resignations of Senors De Diego and Communes as members of the executive

council of Porto Rico. What course do you advise him to take?"

We concluded at once that it would be unwise to approach the resigning councillors and ask them to withdraw their cabled resignations; believing that the proper advice to the President was that he should accept them and promptly appoint their successors, we cabled him to that effect. The following morning we received this reply:

"To the President of the Executive Council.

I am directed by the President to inform you that he has this day accepted the resignations of Senors De Diego and Communes as members of the executive council."

A few days thereafter their successors were appointed, took the oath of office, and the membership of the council was again complete. But the political atmosphere was ill seeming and thick. The incident was unfortunate. It injected into the election campaign, just about beginning, bitterness that would have been avoided could we, who had to be in close contact with the people, have been relieved at that very early period in forming government of taking sides as between the natives themselves. In time asperities softened a little, and the object lesson gained was in showing that ours was to be a government of measures and not of men.

Election machinery was started. We expected a close contest at the polls between the two parties. But within a week of the election day a formal notice was served upon us by the Jefe or Chief, as he is called, of the federal party, that, feeling itself aggrieved at the conduct of the Americans in the executive council, the federal party would refrain from participation in the election. Beyond mere acknowledgment of the receipt of the letter, no comment was made by anyone connected with the government. Election day came. There was no disturbance of any kind, but no participation from one end of the island to the other by the federal party, and as a result, the so-called republican party of the island elected its entire thirty-five candidates to the legislature.

On January 1st, 1901, the legislature gathered. The members were full of hope and made much of the event of assembling a body of natives to make laws for the people. Trial by jury was one of the most desired reforms, and if my recollection is correct,

the first sentence of the first law ever passed by the legislature of the island contained these words: "The right of trial by jury is hereby established in Porto Rico." Reform systems of revenue were crystallized into statutes, a judicial system was provided for, a liberal school law was enacted, appropriations were made for the extension of roads, laws were passed looking to the establishment of more efficient health boards, measures of prison reform were adopted, and useless public places lessened in number or abolished altogether.

The educational department, in charge of Doctor Brumbaugh, now Governor of Pennsylvania, afforded that able man opportunity to do great work. Under the Spanish system, about twenty-two to twenty-five thousand children were at school; teaching had been most inadequate, the schoolrooms wretched, the attendance irregular, and the results deplorable. Doctor Brumbaugh adopted such modern methods as insured better attendance, more thorough methods of study, and liberalized the courses of instruction. Rapidly the number of children increased, and at the end of the first year the attendance had grown by thousands. It was wonderful to travel through the island and see the little native children happy in their schoolrooms and to hear them sing with a will the "Star Spangled Banner."

The greatest problem connected with the organization of the judicial system was to have it clearly understood that under our ideas it must be a wholly independent, co-ordinate branch of the government, absolutely removed from all suspicion of executive influence or legislative control. To the lasting honor of the people, the judges of the supreme court who were appointed by the President were of very pure character, high ideals, and great learning. The three natives (there were five judges) had been educated at the universities in Spain and France, and all were anxious that the courts fulfill their true mission. The Americans on the bench were thoroughly familiar with the Spanish language. It was very necessary that the Americans should know Spanish, inasmuch as no one of the Porto Rican judges spoke or understood a word of English. The supreme court preserved in the beginning the forms that had obtained under the Spanish dominion. The lawyers sat upon benches within the railing where the judges sat. They did not face the court but sat on either side of the bench at right angles to it. The clerk faced the court, sitting about twenty-five feet in front of the judges. The

lawyers wore black gowns, and when the court opened its session, the marshal rang a bell in the corridor, but permitted none to enter the court room until the proceedings had actually begun. I remember how deeply interested the judges were in the history of the writ of habeas corpus.

The new codes which the legislature adopted were, in a modified way, like the codes of California and New Mexico. We found but little difficulty in their operation. The district judges often conferred with the attorney-general to gather his interpretations of procedure and forms. The jury system was an agreeable disappointment to us. We were uncertain lest sentiment, not evidence, gain too much hold. Very soon the responsibility of jury duty was undertaken with understanding of its obligations.

While these reforms were going on, the interior department was carrying on improvement of roads to permit of access to undeveloped parts of the island. Bridges were being built; harbors were being improved. Greater demand for labor resulted in a rise of wages for laborers, and better conditions gradually set in. The Insular Government owned and managed the telegraph lines.

In sanitary measures we preserved the systems that had been inaugurated under the military government. Yellow fever disappeared from the island, municipalities were under obligations to keep their streets clean, and the food inspection laws which had been adopted by the Spaniards were kept in force. Here let me say that in many respects the Spaniards were much more strict in their surveillance of food than are some of our American communities. For example, all bread had to be of a certain quality before the vendor was permitted to take it out into the streets, no meat was permitted to be sold except where the animal had been slaughtered before five o'clock on the morning that it was offered for sale. It was interesting to know that in such matters the Spaniard should have been so very strict, and yet that he would permit the streets of the cities to become filthy and disgusting.

We have all read, doubtless, of how the dead were buried. The poverty of the people was so great that many could not afford to buy coffins, and when a man died his family would rent from the municipal authorities the right to use a coffin for the funeral. The body would be put into this box and carried upon the shoulders of volunteers to the municipal cemetery. There it would be put into an open grave in which oftentimes other bodies

had been buried. Not infrequently the dirt covering was so light that the skull and hair and bones of the corpse would protrude. After a certain period of time the municipal authorities would dig up the bones from a grave which was full because of several bodies and carry the bones over to a common heap in a corner of the cemetery. Thus the grave was ready for new interments. In many cemeteries the bones accumulated for years. This was done away with. Cemeteries were enlarged, the bone heaps were taken away, and modern methods have prevailed since. I do not speak of this as showing lack of respect for the dead. There was nothing of that kind existing. But the custom originated, doubtless, because of poverty and limited graveyard space.

A few words as to the legislature. It was but natural to expect a certain reaction against Spaniards. How could it be otherwise with a people entrusted with so much power after so many years of a mere obedience to authorities! I recall this incident. A distinguished citizen of the island and member of the legislature wished to introduce a bill to prevent the carrying and exhibition of crucifixes at funerals. I told him that under American rule, where perfect tolerance of religious belief was inseparably part of our freedom, such a thing could not be and that his proposal was incompatible with our institutions. He seemed quite surprised, and after indulging in a tirade against what he conceived to be the injustices of the priests during the Spanish domination, reluctantly abandoned his idea.

I recall another incident. After explanation of our purpose to relieve the people as much as possible from taxation of vital necessities, such as taxes upon rice, codfish and beans, which are the principal foods, and to impose taxes upon luxuries, such as cosmetics, wines, musical instruments, works of art and the like, a native gentleman asked me our theory in these respects. I told him that the Spanish system—the *consumo* tax which levied upon every pound of beans or codfish that the humblest peon in the island bought—seemed very unjust to the poor, and that we preferred the American system. Afterwards he said that he never before had known why art never had flourished in the United States; that he now appreciated that it was because those who had artistic tastes and were able to indulge them were taxed so heavily that the artistic temperament in the people was repressed and thus America was behind other nations of the world in aestheticism.

I might give many other instances, but time forbids. I have mentioned these simply to illustrate some of the peculiar things that arose. In the main, however, we found the legislature reasonable and ready to adopt legislation which would eliminate many injustices which had prevailed, and substitute for them more equitable and modern ones of our own country. The first legislature adopted codes of civil procedure, a bill of rights, a civil code, a penal code, a code of penal procedure, and a political code, all of which, in many respects, were taken from California and New Mexico.

Among the members of the bar of the island were many able men educated in Spain and France and highly trained in the civil law. The courts, in their decisions, did not write opinions as do our courts, but filed considerations and results; the usual form being *considerandos*, which constituted recitals of the issues; and *resultandos*, which, in effect, were conclusions of law flowing from the antecedent findings of fact. The supreme court was what was generally called a court of cassation. That was changed, and a jurisdiction was conferred upon it such as exists in the highest court in territories and states of the mainland. The prosecuting attorneys, called *fiscals*, exerted more influence under the Spanish system than they do with us. A *fiscal* used to sit on a bench by the judges and his opinion was generally of as much weight as was that of a judge. Under the reformed procedure the influence of that official was somewhat lessened, however.

A word as to franchises. By the Congressional organic act, the executive council was made the sole power to grant franchises, all of which were required to be submitted to the President of the United States for his approval. Franchise matters became a very important part of the duty of the council. No small part of our duty with respect to them was to keep our own countrymen from seizing available opportunities. The economic policy which we adopted was to grant franchises which would result in the building up of enterprises and at the same time yield a revenue to the government upon scales so graduated that as the income of the corporations obtaining franchises should increase, so their annual payments to the government should be augmented. This plan worked exceedingly well, and I am satisfied that on principle it was the correct economic view.

But, to revert for an instant to the revenue system of the island generally, I will say that I am not satisfied that we were

wise in taxing personal property and realty separately under *ad valorem* taxes. The difficulties of obtaining correct statements of the personal property of people became as great there as they are elsewhere, and devices were too common in endeavors to hide money, stocks, bonds, and other things which could be put away.

I believe now that I have covered the principal larger things which we had to do in laying the foundations of civil government. Throughout all we found much co-operation: on the other hand, a great deal of objection as time went by. As I look back upon it, while I know we made mistakes, I believe that most of what we did was for the ultimate happiness and welfare of the islanders. We may, however, have proceeded a little too fast. Perhaps some of the innovations would have been more acceptable if they had come a little bit more slowly. And yet, after more than sixteen years of civil government, there has been no repeal of any of the laws which were adopted by the first and second legislative assemblies. They seem to have been accepted as a charter to be amended and improved as experience has warranted, but not to be taken off the books. The misunderstanding of the people found expressions in abuse, ridicule, and not a little attempted insult; but we felt that so long as the policies we adopted were founded upon correct principles, they should be carried on if we could find enough support among the islanders to help us make them effective. At the end of the first year we had a government running smoothly, sufficiently perfect in all of its co-ordinate parts to administer to the wants of the people and to be self-supporting in its fiscal affairs without hardship upon the islanders. Not a dollar has ever been contributed to Porto Rico by Congress. Under the Insular Government life and property are protected, education has spread, exports increased, a balance of trade turned in favor of the island, internal improvements were carried on, justice was impartially administered, property values increased, and the people gradually became sensible of the fact that they were free from oppression or intentional disregard of their rights. Do not misunderstand me. Of course we made mistakes and never have the people been happy. Their hopes and aspirations have not been realized. But I take it that is not unnatural. In government men are usually looking for something that has not come and which they think would greatly help them if it might be attained. A distinguished Porto Rican once analyzed the ideas of his people in their frequent and eloquent clamor for liberty. I had been talking with him of

the greater opportunities under the new order, of the better prices that products were realizing, of the higher wages that were being paid since the Americans had come to the island, of better health conditions, and so on. He replied that the Porto Rican had been led to believe that if the Americans gained the island his children would have a school practically at their doors and that he was disappointed at finding they have to walk two miles to a school house; that he would be able to acquire land; and would find himself generally in substantially happier mind. I told him that as education spread I felt these dreamy notions would disappear, but that I wanted particularly to fathom the political feelings of the people and to get at the spirit underlying their complaints and to understand their aspirations. "Well," said my visitor, "you know that for four hundred years we have been taught to hate the government and that with that feeling in our bosoms the expressions of dissatisfaction are but the ebullitions of inbred thought." But I pressed him further and asked what the people would have that they had not. To this he replied that as part of their definitions of liberty the Porto Rican had always believed that when you gave power to one man, it gave him the right to put the heel of his boot on the neck of his enemy, and that his people could not understand how a majority could rule with respect to the minority's rights without, so to speak, putting their heels on the necks of the minority. I explained that such a feeling could only be mollified by daily object lessons of self-control by those in authority, and the encouragement of that sense of mutual self-respect which must prevail in the government of a free people where every citizen is a part of the government itself. And I am convinced that tolerance has found an abiding place among the islanders and that they are vastly more moderate in their views of political duty. Almost immediately after civil government obtained, a strong demand grew up for full citizenship in the body politic of America. As islanders, they are regarded as citizens of the United States with respect to passport rights, but they are not, however, citizens of the United States within our own country, but remain citizens of Porto Rico until Congress may otherwise enact. This has irritated them, and in my judgment citizenship should be conferred.

It would be interesting to trace in detail and to summarize the progress and the results of the last sixteen years. Time forbids. My purpose was merely to give an outline of how we con-

structed a government and established, as it were, a going governmental concern, and to tell briefly how this experiment in colonial government, if you please to call it an experiment, was undertaken. A number of us who enjoyed the confidence of President McKinley were lawyers, and I trust my story serves to illustrate how comprehensive is the law as a profession, and how the lawyer must be prepared to take up exigent calls for any public service.

To you, the members of this Association, who expect to turn to the profession of the law, let me say a word. No man should undertake the law as a profession unless his heart and mind are bent upon it and unless he realizes that if he would attain success, years of patient work are ahead of him. I say advisedly, years of patient study, because the learning and the knowledge that the truly able lawyer possesses are only to be had by unceasing devotion to work. There is no graver error than the belief that the law is an easy way to reputation or material advancement. Speaking from an experience of over thirty years in the profession, during which I have had the advantage of hearing a great many of the ablest lawyers in the country, I can say that I have never known a lawyer of high abilities and admirable professional learning who was not an untiring student. Whether on the frontier, in the rough mining camps assisting in framing codes of rules for miners' meetings, and the sparsely settled prairie sections of the West, or the great commercial cities of the Atlantic or Pacific States; whether before the courts of last resort, or only in the presence of a justice of the peace, or whether in the councils of governmental authority, a lawyer who would successfully protect the rights of persons and property can only gain proficiency by study, reflection and preparation. At this day no mere force of genius, however extraordinary, no combination of natural faculties, however rare and exquisite, no general information, however vast and extensive, when unaccompanied with exertion can constitute a truly successful professional or other public career.

Not long before Lloyd Bowers the late Solicitor General of the United States, died, he, a man of profound ability himself, was speaking to me of the tendency in young men to be satisfied with mediocrity in professional attainments, and of the duty which devolves upon the universities of the country to warn their students against the dangers of such inclinations. Mr. Bowers told me that at the first opportunity that should come to him to

speak to a graduating class, he intended to dwell upon the idea that it was essential for a young man to concentrate upon any subject to which he meant to devote his principal thought, and that it was especially necessary that a student of the law should put forth his whole energy, giving the best there was in him, to his work, and thus to measure the standard of success by the utmost of his capabilities. There is abundant food for thought in these sentiments of Mr. Bowers. Death took him before he could develop them, and I give them to you, pausing to remind you of the highest benefits which may accrue from the study of the law.

In the performance of the work in Porto Rico, we would have been untrue to the great ideas of the profession if we had ever lost thought that in everything we did we must be just to the islanders. We were there as the humble instruments for the administration of justice, the great end of human society—Justice which,

"O'er thrones and globes elate,
Sits empress, crowning good, repressing ill."

Rufus Choate once said: "In all political systems and in all times, the profession of the law has seemed to possess a two-fold nature—to be fired by the spirit of liberty, and yet to hold fast the sentiments of order and reverence and the duty of subordination. It has recognized and vindicated the rights of men, and yet has reckoned it always among the most precious of those rights to be shielded and led by the divine hand and the immortal reason of law."

And should it be that any one of you is to be called to the task of helping a people to an understanding of liberty I trust that you may find something of profit in the story of Porto Rico, that beautiful island some day to be a star rising in the Caribbean.

William H. Hunt.

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