

**STATEHOOD: HEARING BEFORE THE
COMMITTEE ON TERRITORIES, UNITED
STATES SENATE, ON THE BILL S. 5916, TO
ENABLE THE PEOPLE OF NEW MEXICO TO
FORM A CONSTITUTION AND STATE
GOVERNMENT; FEBRUARY 18, 19, 21, 1910**

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Statehood: Hearing Before the Committee on Territories, United States Senate, on the Bill S. 5916, to Enable the People of New Mexico to Form a Constitution and State Government; February 18, 19, 21, 1910 by Various

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STATEHOOD

HEARING BEFORE THE COMMITTEE ON
TERRITORIES, UNITED STATES SENATE

ON THE BILL

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U.S. Dec. 530.5

S. 5916

TO ENABLE THE PEOPLE OF NEW MEXICO TO FORM A
CONSTITUTION AND STATE GOVERNMENT AND BE AD-
MITTED INTO THE UNION ON AN EQUAL FOOTING WITH
THE ORIGINAL STATES; AND TO ENABLE THE PEOPLE
OF ARIZONA TO FORM A CONSTITUTION AND STATE
GOVERNMENT AND BE ADMITTED INTO THE UNION
ON AN EQUAL FOOTING WITH THE ORIGINAL STATES

FEBRUARY 18, 19, 21, 1910

WASHINGTON

GOVERNMENT PRINTING OFFICE

1910



Hon. S. W. McCall
Washington

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CHARLES J. HUGHES, Jr., Colorado.

STATEHOOD.

FRIDAY, February 18, 1910.

The committee met at 2 o'clock p. m.

Present: Senators Beveridge (chairman), Dillingham, Burnham, Kean, Piles, Frazier, and Hughes.

The CHAIRMAN. This committee received a letter from the governor of the Territory of New Mexico stating that ex-Governor Prince and other gentlemen were coming on to appear before the committee respecting the question of bonds. The committee is now ready to hear them. You can fix between yourselves the order in which you will be heard, and proceed in your own way.

STATEMENT OF HON. L. B. PRINCE, EX-GOVERNOR OF NEW MEXICO.

Mr. PRINCE. It is a novel thing, Mr. Chairman, for a delegation from New Mexico to come before this Committee on Territories in regard to a statehood bill and be relieved from the discussion of what may be called the fundamental principles. We have heretofore had to bring to the attention of this committee and the committee of the other House what is admitted to be the fundamental principles, namely, the right of American citizenship and especially the right to self-government in an American republic. Those seem to us to be fundamental. Now, we are able to be relieved from this and take up matters of detail, particulars of administration. It is as gratifying as it is novel that this condition should exist.

We are all delighted that at last it seems to be conceded that the citizens of the United States lying south of the Colorado line are as well entitled to self-government as those who live north of that imaginary line. As you well know, these matters have been discussed for a long period of time and before the committees of both Houses. The date of this document which I hold in my hand, "United States Senate Committee on Territories," reminds me that twenty years ago this spring I appeared before this committee on this general subject. Since that time, year after year and session after session, we have come, through our representatives, in one way or another, before the Committees on Territories of the two Houses, asking, begging, beseeching, imploring, sometimes, if the speaker happened to be aggressive, demanding admission to the Union by right of our American citizenship; and with the result we all remember.

I rejoice that the day when that is necessary has passed and we have come down to the time when we may look at these details. I rejoice on general principles, I rejoice for myself, standing here before this committee to-day, to speak on this subject, because I must confess what you, perhaps, Mr. Chairman, know, that I have felt so indignant, my American blood has boiled so on this subject of the

deprivation of American citizens of their right to self-government, for a good many years, that it has been almost impossible for me to speak on the general subject with the patience and the consideration which I ought certainly to show.

But you must pardon us for the feeling we have had on that matter. We have felt sometimes that we could not understand the apparent indifference and the lack of appreciation of our condition on the part of some of those who were in the high places in Washington. Then, at last, after years of that experience, it occurred to me that the membership of these committees was made up almost entirely of gentlemen who had never been in a Territory, who had been brought up from their very first in an atmosphere of self-government, who had never known anything else, to whom that was as the sunshine and air, and who could not appreciate that there was any place where American citizens were really deprived of those privileges and rights which they had seen so universally throughout all their lives, that it seemed as if they were almost self-existent things. I have been inclined sometimes to wish that some of the gentlemen so situated could be for a year or a month or a single day—because cruel and unusual punishments are forbidden—placed in a position where they did not have self-government, where the officials placed over them were not of their selection, where they were not responsible for the people whom they governed, or amenable to the public sentiment of the locality, or where, in case they were wrongdoers, there was absolutely no redress.

But those things, fortunately, are matters of the past. Those are the general principles of which I was speaking; and we rejoice that to-day everyone concedes that New Mexico is entitled to statehood, and it is only with regard to particulars and details that it is necessary to speak.

The CHAIRMAN. The committee understood, Governor, that you gentlemen desired to be heard upon these bond matters.

Mr. PRINCE. Of course. I will get to that immediately. I want, if you will allow me, merely to lay the foundation.

Mr. DILLINGHAM. We accept gracefully your criticism of our past actions.

Mr. PRINCE. It was not intended as criticism. It was intended as a basis for an argument for consideration at the present time.

Mr. FRAZIER. I want to say if your criticism is directed at this committee, there are some of us on it that have been in sympathy with the statehood proposition for a great many years.

The CHAIRMAN. The majority of the committee gladly take both the blame and praise. What we want to hear about now is these bonds.

Mr. PRINCE. It was not intended as any criticism, but I was simply endeavoring to lay a kind of foundation.

There are two bills to which our attention has been drawn—a bill which was introduced in the House and which has passed the House, and the bill introduced in the Senate and which is before this committee. One of the things which attracts particular attention in the Senate bill is in regard to what may be considered special safeguards thrown around the constitution, its methods of approval, which are a little different from the ordinary ones. Let me say that we accept with great pleasure anything that can be done in that way which will insure the perfection of a constitution. It is we who are to live

under the constitution, and we want the very best constitution we can possibly have, and everything which will look toward the formation of an excellent constitution is something that is desirable.

Senator FRAZIER. You still want the privilege of making that constitution yourselves?

Mr. PRINCE. Yes, sir; certainly. I will be very brief in this mention. It may be remembered that the people in New Mexico have had more experience in constitution making than any other State; I think I need not say in the United States, but in the world. Within the range of a lifetime they have had five constitutional conventions, and the constitutions they have formed have in every case been exceedingly good, something of which I am not ashamed and something which can hardly be criticised. I hold in my hand the constitution prepared in New Mexico in the year 1889, which has been universally conceded to be one of the best constitutions ever formulated in the country. We have been through it line by line, word by word, and while of course there are new subjects that have come up in more recent constitutions, it was at the time perhaps as perfect an instrument as could very well be found. I will go back, if you will permit me, only a moment—

The CHAIRMAN. Before you get to the bond question, let me ask you this. I understood you to say in private conversation that you highly approved, as you said every other man did who thought of the subject, of the safeguards thrown about the disposition of public lands granted in this bill.

Mr. PRINCE. We approve of the strictest safeguards that can possibly be found in order to insure the perpetuity of that fund and its inviolability.

The CHAIRMAN. Take your time, as you like, but I again direct your attention, because I feel that I must, in view of the committee, to the specific question of this bond issue, in which we are deeply interested.

Mr. PRINCE. If you will permit me only one more allusion to something outside—

The CHAIRMAN. Certainly.

Mr. PRINCE (continuing). Which, in justice to our people, I should mention. I have spoken of this constitution of 1889. I will ask your attention for but one moment to the constitution of 1850—sixty years ago. I hold in my hand a copy of that constitution, which, so far as I know, is the only copy that exists at the present time. It is a constitution of which any people could be proud. Of course there are matters that have come up since that have gone into new constitutions, but it was an admirable document, especially in its arrangements for education. The only trouble with that constitution was that it was too good. New Mexico would have been admitted to statehood at that time—you remember, the state government was put in operation, the election was held, the state officers elected, the legislature elected. It met and elected its Senators and it would have been put in operation if that constitution had not been too good in its proclamation of freedom to all mankind, and in the way in which it stood for a free State instead of a slave State. If it had taken another course, it would have been admitted as an offset to California sixty years ago. But because of the very direct way in which it spoke on the subject, in the first section of its first article, laying

down the enjoying and defending of its right and liberty as being the first thing to which every man was entitled, and then stating in the document accompanying it from the convention that slavery in New Mexico is naturally impractical and in reality never can exist—and wherever it does exist it has proved a curse and misfortune to the State—those were the words which made it too good for the occasion. I allude to that especially because that convention was formed at a time when the population was more than 90 per cent of an element that sometimes has been criticised; in fact, more than 95 per cent. And yet in the face of what was then a dominant influence in the country, they set themselves on that high principle of a free state government.

Now, Mr. Chairman, I will come immediately to the matter to which you alluded a moment ago, simply saying that if New Mexico had been admitted—and I wish to draw attention to this matter as a basis for what we are going to ask—if New Mexico had been admitted under the constitution of 1850, there is no one who is acquainted with the Southwest and the growth of localities who would not admit to-day that New Mexico with its boundaries as they then existed would contain a million and half of people and be one of the richest States there is. If it had been admitted at the time when the United States Senate in the Forty-third and Forty-fourth Congresses by vote of more than two-thirds in each case voted for its admission—and we gratefully acknowledge what we owe to the Senate of the United States at that time—if it had been admitted then, it would have had by the impetus given by statehood, coming in at the same time with Colorado, at least a million people to-day and a very large amount of wealth.

It was not the fault of the people there that it has been deprived of those things and that it has been dwarfed in its improvement, advancement, and growth.

Now, you are going to admit us. We are thankful for it; we are grateful for it. We know that every member of this committee and every Member of Congress is anxious that the new State should be a prosperous State, a happy State, a good State, and that it should have every advantage and opportunity which can properly be given to it in order that it may have that advancement and that prosperity. So we come to ask aid in certain ways, especially on account of some of these deprivations to which we have been subjected in the time past.

In the Senate bill there are a number of blanks opposite the appropriation for territorial institutions.

The CHAIRMAN. I will state there, so that it will not take your time, that the only reason that the number of acres were left blank was so that the committee, in its executive sessions when considering this bill, could put in such amounts of land as seemed right. It was not the intention by leaving those places blank, in the least, to not appropriate these lands for these institutions, not at all. There is a question, for instance, in your own Territory, about the respective amounts of land given to various educational institutions, and it was thought better, at least I did not feel myself prepared at that time to say how much should be given to one and how much to another. So it was thought wise to leave that whole question open. Accordingly you need not fear that those appropriations of land will, of course,

not be made, as seems wise to Congress. That is the whole purpose of leaving that blank.

Mr. PRINCE. I had supposed that was the case. I would be very glad if the figures that appear in what is commonly known as the Hamilton bill in the House could be used by this committee when it comes to its final report.

The CHAIRMAN. Would you say there was enough given by the House, for instance, to the University of New Mexico? Do you agree that the repeal of the saline-land act should continue?

Mr. PRINCE. We would be very glad if the amount for the university, which is the central institution, could be enlarged, but we would be glad to have the amounts stand at least as large as they are in that bill, and I think it is proper to draw attention to the fact that the acreage there in value is very much less than it is, for instance, in the northwestern States of the country, on account of the difference in conditions and the fact that the land, which still remains and which was not taken either in the days of Spain or Mexico, and which has since been occupied in various ways, is arid land of comparatively small value. So that while the acreage might be large, the amount of value concerned is very much smaller than a similar acreage would bring in other places. That is all I have to say in drawing attention to that fact.

In the Hamilton bill there is an appropriation for the payment of the debt of the Territory and of the counties. In other words, to start the new State off with a clean bill of health and without debt; not in the way of money, not in the way of any direct appropriation, but simply by an appropriation of land, a certain number of acres of land appropriated for that purpose, with a provision—and the more strict that can be made, the better—that in case that land brings more than the amount of indebtedness, it will go into the school fund or in some way be properly disposed of.

It appears to us that is one of those things that will be very greatly to the benefit of the new State, if it can start off with an unimpaired credit, start off with a clean bill of health, and start off in such a way that it will attract immigration, which it needs, and the class of immigration it is very desirable it should have. And how, may I ask, could this vacant land in this Territory be better used for future benefit than in the way it is thus indicated?

Senator PILES. The lands of the United States?

Mr. PRINCE. Yes, sir; the lands of the United States. The territorial debt is comparatively small—about a million dollars.

Senator DILLINGHAM. How much?

Mr. PRINCE. One million dollars, almost exactly. The territorial debt is \$1,001,000, practically just a million dollars. You will please remember that the Territory has built every one of its institutions.

The CHAIRMAN. Pardon me just a minute. What did you say the territorial debt was?

Mr. PRINCE. One million dollars.

The CHAIRMAN. From the information reported to the Secretary of the Interior, not contained in the governor's report, the indebtedness is shown to be as follows: Territory, \$1,200,000; territorial certificates, \$92,600; bonded indebtedness to the counties, \$3,242,710, which item is the specific item to which I think this bond question is directed.