

which is mixed, consisting in part of a local Territorial jurisdiction for local affairs and also a broader jurisdiction to cover all the powers of the different courts of the United States in those islands?

For my part, Mr. President, I take great pride in the fact that this commission and the committee have introduced this subject into the bill and have brought forward and presented to the Congress of the United States an opportunity to take that one step which is more necessary than any other that we can take at all for the purpose of introducing the real authority of the United States Government into those islands. I will not for the present discuss what might be the effect of such an establishment in Puerto Rico and in the Philippines, but it will be but a very short time until the Congress of the United States will find itself compelled by the necessities of the situation to go into the Philippines and also into Puerto Rico with these district judges. Why is it, when we are extending the whole constitutional authority and power of the Government of the United States over the islands of Hawaii, we should deprive those people or the Government of the United States of the opportunity of having a full sweep of jurisdiction as provided for the States of the Union in our large and elaborate system of legislation and judicial decisions? I can not understand it, Mr. President. I can not see any objection to it, and I shall listen with attention to the real point of any objection that can be made to the introduction of these courts into the Hawaiian Islands.

It is urged or it has been urged that it is unconstitutional to establish a district court of the United States anywhere in the world except within the body of a State. If that is true, we made a very wide and very serious breach of the Constitution, which is now pretty nearly a hundred years old, in respect of the District of Columbia, for here we have a supreme court and a court of appeals of the District of Columbia, and exactly the same jurisdiction is conferred upon them that is conferred by the general laws upon the district, circuit, and appellate courts of the United States.

We have judges who hold their constitutional tenure also during good behavior. Those courts in every possible respect, except in the mere name, have all of the power, all of the jurisdiction, that are possessed by the circuit and district courts of the United States, with one solitary exception, and that is that where a plaintiff sues in a district court of the United States, if he stand upon his character as a citizen merely without reference to the nature of the question he brings into court, he must be the citizen of a State and can not be a citizen of the District of Columbia or the citizen of a Territory. That is the only difference. That, however, does not in the slightest degree operate as against the jurisdictional powers which he may invoke, no matter of what State or Territory he may be a citizen, if the question presented in the cause is one that arises under the laws or the treaties of the United States.

It is no argument against the constitutionality of this court that a man living in Hawaii can not sue another man who may live in California. A man living in California can sue a man who lives in Hawaii by this law; but if he lives in a Territory, he can not sue in a district court of the United States. He would have to go into the local courts in order to have his redress. He is the only man who is excluded from that power or right. More than that, it is not quite settled—it was not settled in the first case decided upon this question, and it is not settled yet—whether the Congress of the United States has not the right to confer upon a man who lives in a Territory or the District of Columbia the right to sue in a Federal court. Chief Justice Marshall kept that expressly as an open question in the first decision ever delivered on the subject.

Now, I do not care to elaborate this subject before a Senate so thin as this is, because when our colleagues come to vote upon this question of course they will simply know nothing about it, unless we take the pains to go over the whole ground and explain it again, but I wanted to ask the Senator from Connecticut, unless he could state some real constitutional ground of objection to this legislation, to forbear his opposition to it in deference to the views of the men—not myself, but of others—who have carefully scanned this whole subject, and who have presented a system here which will be broken into and very badly injured, if not destroyed, by the effect of his amendment; and I hope the Senator from Connecticut, when he comes to consider the subject more maturely, will not insist upon his amendment.

Mr. President, it is intimated here that we should proceed with this bill in a hurry for the reason that the bubonic plague is affecting the people of the Hawaiian Islands. It has now originated, as we are informed this morning by the newspapers, in the island of Maui. In that connection, I should like to say that the bubonic plague in the island of Maui, according to the newspaper statement, which gives the only account we have, was introduced into that island by some Chinese sweetmeats, brought forward and eaten by the people. The island of Maui has no connection whatever with the island of Oahu, on which the city of Honolulu

is situated. The strictest possible quarantine is kept up, and there is no possibility of getting from Honolulu to Maui otherwise than upon a ship, a seagoing vessel. The quarantine there has been absolutely perfect, and the origin of the bubonic plague in the island of Maui and also the one case in Hilo are not in the slightest degree to be attributed to the prior existence of the disease in Honolulu. On the contrary, the measures taken by the people of Honolulu to stamp out the disease have been so effectual that it has been ten days, up to the latest account, since any new case originated in the city of Honolulu.

But I call attention to this now for the purpose of trying to quiet the apprehensions of some of our friends on the subject of very hasty legislation in favor of these islands. It is very true that we have left the islands in the most peculiar and the most unsatisfactory condition that has ever existed in respect of any part of the country over which we have had the power of government. Our neglect of the people of those islands up to this time, considering all of their antecedents, considering who they are and what they are and what they have accomplished, is discreditable to the Government of the United States. There can not be anything said of it less stringent than that. It is discreditable. Those people have now for the third time encountered, in the most heroic way that any people ever have, a great epidemic of disease.

The first was the leprosy, which they have conquered so far as concerns its being a contagious or infectious disease in any of those islands. Those people have done for the lepers, who were affected first of all from some persons who came across from China, what no nation in the world has ever attempted to do for that most miserable and unfortunate class of people. They have established for them a home, a sanitarium, covering 10,000 acres of land in a beautiful situation, surrounded on three sides by the sea and on the fourth side by precipitous mountains, and upon that plain, through which run several beautiful streams, they have located homes for these lepers, where no man can turn to his neighbor and say, "Thou art defiled." It is the only place in the world where a leper has been provided with home comforts, with the protection and care of excellent physicians, with every appliance of civil and Christian society, with all necessary amusements, and with work at which they can make money, and with every possible facility for comfort that can be given to people in such an unfortunate condition.

In that respect the people of Hawaii have accomplished a triumph of medical sanitation that has drawn the admiration of all of the scientific world, and no people have so greatly honored themselves as have those people in dealing with that terrible disease. There is no more danger of becoming a leper by contagion or infection in one of the Hawaiian Islands to-day than there is in the city of Washington, and I do not think there is half so much, because of the strict regimen and control that they have exercised over this trouble in their islands.

The second great battle they had to fight was with the cholera. They ascertained through the skill of their physicians, whose skill is not inferior to that of any set of physicians, I suppose, in the world, that the cholera was communicated not from a ship which landed, because the ship that was suspected of having the cholera aboard of her was quarantined in such a way that no person went on board and no person came away. She did not enter the harbor except a very short distance, and the authorities informed her and required them to clean the ship absolutely, to fumigate it in every particular, and then to leave, not to land any person. They washed the ship out, and the washing fell into the sea, and it was taken up by the fishes and communicated to the people through their food. The cholera broke out in Hawaii against all possible precaution, and without any admonition whatever in consequence of any case having landed of a person who was troubled with that disease; and it at once spread among the people. The authorities of the Hawaiian Government at Honolulu took the subject in hand and they crushed it out; and although there were hundreds and perhaps thousands who were affected with the cholera, there were only 41 deaths in the island, and the cholera disappeared.

Now they have the bubonic plague there, and the people of Hawaii have resorted to the old remedy that cleaned it out of London three centuries ago—fire. They have burned up 25 or 30 acres of valuable houses, made them a sacrifice, turning their tenants and their occupants out on the world, but taking religious, Christian care of all of them, taxing their purses and the receipts of their government to the last possible point of endurance. They have conquered the bubonic plague in Oahu; but it has come across the sea in sweetmeats that were sent from China as a part of the celebration of their fête on the 1st of January and gone to the island of Maui, and there it has broken out, and some eight or ten persons, Chinese and Japanese, have died, and one case has occurred in the island of Hawaii, at the town of Hilo.

We can not, Mr. President, afford to treat people like that with any degree of neglect or injustice. In every possible direction and for every reason that can be stated they have a right to our