

two representatives. It is a constitutional provision; it is a right which they received from their ancestors, and the reason why the representation is not changed in Connecticut to-day is as I have stated. The city of New Haven has 125,000 population, and the city of Hartford probably 80,000, but they are only entitled to two representatives under the constitution.

Now, we should not care to change places with the other towns in the State. New Haven has grown, and Hartford has grown, and yet they have only their two representatives. Now, when an attempt is made to amend the constitution, or if an amendment is offered to the constitution, the little towns largely outnumber the large towns, and the little towns are jealous of their rights, for which I do not blame them, and they do not propose to give to the cities any more representation in the general assembly than they originally had, to wit, two from each town, and only two. That is the situation in Connecticut, and I thought it was but right that I should have you understand our position, and how we have come into the situation that we are in, and how it is impossible, in my judgment, to change that system of representation. Yet the good old State of Connecticut has a history that she may well be proud of. Connecticut was the first State to give civil liberty to man by a written constitution. The Newman barn constitution at New Haven, and the Hartford, Windsor, and Wethersfield constitution will remain for all time a monument to the judgment, the wisdom, and the patriotism of the early settlers of Connecticut. [Great applause.]

Mr. KNOX. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut.

The amendment was rejected.

The Clerk read as follows:

FEDERAL COURT.

Section 87. That a judicial district of the United States is established for the Territory of Hawaii, to be called the district of Hawaii, which shall be included in the judicial circuit of the United States. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint a district judge, a district attorney, and a marshal for the said district court, and a marshal for the said district courts

and other courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held on the second Monday in April and October and at Honolulu on the first day in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient.

Mr. LANE. Mr. Chairman, I have an amendment to that section which I wish to offer.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Section 87, page 91, line 7, add the following:

"The said district judge shall appoint a clerk for said court at a salary of \$3,000 per annum, and shall appoint a reporter of said court at a salary of \$1,200 per annum."

The amendment was agreed to.

Mr. ROBINSON of Indiana. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out section 87 and insert the following:

FEDERAL COURT.

"That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for the said district, and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court, and said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient."

Mr. ROBINSON of Indiana. I will state to the chairman of the committee and to the members of the House that this provision is a Senate provision. I desire to call the attention of members to the further fact that by the section read in the House bill no term is fixed for the judge, the marshal, or the district attorney, nor is any reference made as to how long they shall hold.

Mr. KNOX. The court established by the House bill is a constitutional court, and the terms of its officers are regulated by law—the judge for life and the marshal for four years.

Mr. ROBINSON of Indiana. The Senate provision is to limit the terms of these three officers to six years. I think that accords with the vote of the House the other day in limiting the terms of the circuit judges to four years. There has been a theory that these officers ought to hold for a long time. In my judgment, we ought to limit the time. The amendment I offer, which is a Senate provision, limits the term of each of these officers to six years. The Senate provision also says that they shall reside in the Territory. That provision is absent in the section that I desire to have stricken out.

This provision was well considered by the Senate, and in my judgment, after carefully looking over both sections, the Senate provision which I have offered as an amendment is the better of the two.

Mr. KNOX. Mr. Chairman, the gentleman does not seem to take in the broad distinction which there is in the bill of the House from that of the Senate bill. He picks out different items without considering the broad distinction. The Senate creates a legislative court under the general power of the Constitution that Congress has authority to regulate and provide for the Territory and other property of the United States. If I may be permitted to refer to the discussion in the Senate, it turned, not upon the wisdom or desirability of a Federal court, but upon the constitutional power of Congress to create a Federal court in a Territory. Now, this provides for a Federal court, a constitutional court. If it is a constitutional court, then the tenure of its officers is regulated by the Constitution, and there is no power in this House to change it. If, on the other hand, it is changed and made a legislative court, then, of course, all its provisions are entirely within the jurisdiction of the House to change.

Now, the desirability of establishing a Federal court is for the purpose of entirely separating the Territory from litigation from the Federal litigation. The Territory will have strictly Federal jurisdiction. Writs of error lie to the Supreme Court and are heard by the Supreme Court. The Senate, on the other hand, creates a court that has jurisdiction, at least in part, of the Territory, and has a court of mixed jurisdiction. It will inevitably result. A consideration of this provision was unanimously agreed to by the committee.

Let me suggest that we will have trouble if we legislate according to the gentleman's provision. Suppose a judge is sick and that he has to go away; perhaps the President would not like to remove him, and, not being a constitutional court, the judge of the district of California could not go there to preside. I think the only fear that there was when this question was first mooted among lawyers as to Hawaii courts and the establishment of a Federal court in the Territory has passed away upon reflection and consultation, and it is for the benefit of Hawaii as a Territory that this jurisdiction be kept separate, and that they have a regular Federal court of Hawaii.

Mr. ROBINSON of Indiana. The suggestion of the amendment is that they might have an appeal to the Ninth or California district.

Mr. KNOX. Of course it does, and if that court is established they may appeal from the supreme court of the Territory, because you have a double jurisdiction. It is our purpose to entirely separate them; and I would say to the gentleman that if there is any doubt about the constitutionality of this question in conference, why, then, of course, a special provision will be adopted. I wish that the gentleman would not offer the amendment.

Mr. ROBINSON of Indiana. Upon the suggestion that this matter will go into conference anyway, I will not insist upon it.

The CHAIRMAN. The amendment is withdrawn.

Mr. LANE. What about my amendment?

The CHAIRMAN. It is adopted.

The Clerk read as follows:

Sec. 92. That the public property ceded and transferred to the United States by the republic of Hawaii under the joint resolution of annexation, approved July 7, 1898, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii.

Mr. KNOX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 93, section 92, line 2, add the following: "And all moneys in the Hawaiian treasury and all the revenues and other property acquired by the republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 93. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, \$5,000; the secretary of