

the people here are stock-raisers. The cattle looked well but were very small. Camels and sheep made up a good share of the herd. In the spring they move off into the mountain districts, where they spend the summer.

On the trips or moves to the hill one may see the camels laden with tents, food and household utensils, the donkeys borne down with tired lambs, kids, pups, children, and young camels, all promiscuously huddled together in bags laid over the docile donkeys' backs, all driven by women, often with babies on their backs, and a spindle in the hand spinning thread. Women in Turkey are industrious. I did not mention the goats; they must not be forgotten, for what would they do without them? They use their milk and flesh for food, and their skins for shoes and for mats to pray on and for water bags. Yes, a novel sight. In Syria the girls walk as straight as a pole with a jug on their heads. Here they push a goat out of his hide, tie up the hole he leaves, and fill it with water, lay them over their backs and wallow off eight or ten in a row. They may use their hollow goats for many other domestic purposes, but the most novel was that of a churn. Some are strung up by the legs, and after being filled with cream the women take their places at the one end of the goat churn and by a sudden movement jerk the cream into butter. Others, who are more anxious for modern inventions, stand the goat on his head, tie up his hind limbs, and thus, with a stick patiently perform the churning.

FRIS.

AINTAB, May 8th, 1889.

HAWAIIANS EXCLUDED.

The question as to whether natives of the Sandwich Islands can become citizens of the United States was passed upon in the Territorial Supreme Court June 7, the decision being against the Hawaiians. The opinion of the court is as follows.

In the Supreme Court of Utah Territory, June term, 1889.

In the matter of the application of G. W. Kana Ka Niau to be admitted to citizenship:

Opinion by Zane, C. J.: In this cause counsel appeared and were heard for and against the admission of the applicant. It appeared from the statement of the applicant under oath that he was a native of the Hawaiian Islands, that his ancestors were Kanakas. In appearance he was of Malayan or Mongolian complexion, a shade lighter than the average of his race. He could not read or write the English language, but stated that he has lived in Utah Territory six years and that he had read the Constitution of the United States in his own language, that the Hawaiians had a king and the United States have a president. He was unable to mention the name of the president of the United States, but spoke of George Washington as President.

He said that he would obey all the laws of the United States, and presented his first papers.

On his statements, assuming residence proven by witnesses, ought the court to admit him to citizenship?

Prior to the act of July, 1870, amending the naturalization laws, the language of the law was that any alien being a free white person may be admitted to citizenship. After the adoption of the thirteenth and fourteenth amendments to the national Constitution, the former prohibiting slavery, and the latter declaring who shall be citizens, Congress in that act above referred to amended the naturalization laws so as to extend them to the African. The language of the law as amended is: "The provisions of this title shall apply to aliens being free white persons and to allens of African nativity and to persons of African descent." (Revised Statutes 1878, § 2169.) This law limits naturalization to persons of the white or African races. The first question is, do the native inhabitants of the Hawaiian Islands belong to the white or African races? Blumenbach classifies the human family into five varieties, viz: The Caucasian, Mongolian, Ethiopian, Malay and American. Cuvier reduced the five classes of Blumenbach to three, viz: the Caucasian, Mongolian and Ethiopian, treating the Malay and the American as subdivisions of the Mongolian. Jacquinet does the same. Prof. E. B. Taylor, in his article on Anthropology, in the Encyclopedia Britannica (ninth edition), after noticing the divisions made by Blumenbach and Cuvier, approves as the best the classification of Prof. Huxley into Australians, Negroes, Mongols and whites, dividing the whites into the fair whites and the dark whites. Among the Mongols he includes the Chinese, the Dyak-Malays and the Polynesians. Professor Van Rhyn, in the American Encyclopedia, article Malays-Polynesian Races and Languages, includes among those races the inhabitants of the Hawaiian Islands. Rev. J. F. Whitmer, in a learned article, Polynesia, in Encyclopedia Britannica (ninth edition), classifies the Polynesians into Negrito-Polynesians and Malayo-Polynesians, and among the latter places the Sandwich Islanders. The highest authorities, therefore, class the Hawaiians among the Malay tribes. No authority on such subjects classifies them with either the Caucasian or white races, or the Ethiopian or black races. Judge Sawyer says that he finds "nothing" in the history of the country, in common or scientific usage, or in legislative proceedings, to indicate that Congress intended to include in the term white races any other than an individual of the Caucasian race.

—In re Ah Yup, 5 Sawyer, 155.

Reference is made to the United States Statutes at Large, volume 22, page 61, section 14: "That hereafter no State, Court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act

are hereby repealed." In mentioning the Chinese as excluded, it is claimed that Congress intended to include all other races. There is a general rule of construction of statutes, that if a portion of a number of classes are included by name, such as are not mentioned are excluded. To adopt such a rule of construction for this section would admit to citizenship the aliens of all other races—an effect that Congress unquestionably never intended. Some courts had admitted Chinese to citizenship, and this section was evidently made to prevent naturalizations and to remove all doubt. We are of opinion that the law authorizes the naturalization of aliens of the Caucasian or white races, and of the African races only, and all other races, among which are the Hawaiians, are excluded.

The admission of the applicant to citizenship was opposed also on the ground that he did not appear to be possessed of sufficient intelligence to become a citizen, that his intellect and conscience were not sufficiently enlightened. The second division of section 2165 of the Revised Statutes requires that the applicant shall declare on oath before the court that he will support the Constitution, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state and sovereignty whatever, and particularly of the one of which he was before a citizen or subject. His feeling of obligation to his adopted country must be paramount to such feeling for any other. His allegiance must be undivided. The third division of the above section is as follows: "It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same."

This provision imposes on the court the duty of determining upon the evidence whether the applicant has behaved, during his residence, as a man of good moral character, attached to the principles of the Constitution and well disposed to the good order and happiness of the people of the United States. This statute makes it the duty of the court to judge of the applicant's moral character from his conduct in evidence, as well as of his attachment to the Constitution, and his disposition toward the good order, happiness and welfare of the people. The Constitution places on the people the direction of the government—that government which should protect human life but may sacrifice it, that may guard our liberties or may be used to overthrow them, that should secure our right to the pursuit of happiness, and to property, but which may violate or destroy them. The will upon which the welfare of the millions who are now here, and who are to follow us, so