in Hawaii and the situation of the people there which not only justifies, but requires a departure in some instances from the governmental methods which are fundamental in this country. If there be, I do not wish to make any mistake to be taken out of the bill [Mr. CULLOM], or the Senator from Alabama [Mr. MORGAN], who is very familiar with the situation in Hawaii to explain it— I shall make that motion. The section is as follows:

Sec. 15. That in case any election to a seat in either house is disputed and legal controversy should arise as to the Territory of Hawaii shall be the sole judge of whether or not a legal election has been held; and, if such a legal election has been held, it shall be the sole judge of who has been elected.

Under our system of government, without any exception, so far as I remember, each house has been made, and is made, the sole judge of the election of its own members and return of its own members. That may be some situation in Hawaii which demands this change, this peculiar provision.

Mr. MORGAN. I do not know of any situation in Hawaii that makes it exceptional on this subject. I can only say that if Kentucky had such a provision in her constitution, she would not have to have those things going on there, but we should have the means of settling the question in dispute as to the title to the office of representative or senator, to be determined by the supreme court of the State. I think it would be a great relief to this country now if we had a government in that state, as in the State of Illinois [Mr. CULLOM] can remind me—whether provision was in the constitution of the republic. I rather think it was.

Mr. CULLOM. It was in that constitution.

Mr. MORGAN. I say, Mr. President, that it has been observed over here and in that State who the senator is for all about Hawaii, who has studied the system very fully, that that is a government which is equal in all respects in its political economy, in the wisdom of all its constitutional and other provisions—and he might have added, in the fruits of government—to any State government in the American Union.

When the commission went out there the circumstances under which they were required to act were altogether the reverse of those which attended the action of any committee of either House of Congress in the formation of the governments of the young States of the Union. In the formation of the Territorial governments in the United States, which have been very numerous and very diverse, we have commenced with a community that was unorganized, speaking in a legal sense, and have undertaken to build a government and develop it, especially the civil rights of territory which are on this continent. The purpose has always been distinct and perfect that the ultimate result of our work in giving them government republican in form, as is required by the fourth section of the fourth article of the Constitution of the United States, can be obtained in the Union. No such definite purpose as that was expressed in the act of annexation: and perhaps it is in the contemplation of Senators now that it will be a long time before Hawaii can be admitted into the Union, if ever. The honorable Senator from Connecticut [Mr. PIERCE] spoke of that point and I thought he would not be a long time before a great and prosperous State would be found there in the heart, I may call it, of the Pacific Ocean.

Mr. PLATT of Connecticut. The Senator is mistaken. It was the Senator from Massachusetts [Mr. HOAR] who said that.

Mr. MORGAN. I beg pardon. It was the Senator from Massachusetts.

Mr. PLATT of Connecticut. I entertain a different idea about it. Mr. MORGAN. When I went out there under commission from the President, in company with my colleagues, one of whom was at one time the Speaker of the House, and the other two from Hawaii, after I had studied the system there during that visit and also the year previously, I became satisfied of the perfect truthfulness of the observation that those people had built up a government that was at least equal in all respects to any government in the United States. My first proposition was that we should recommend that the people of the Hawaiian Islands should hold a convention, adopt a constitution, and apply for admission into the American Union. None of my colleagues on the commission agreed with me about that. I still adhere to that as the opinion which I think is best advised.

But what work had we to do there? We were not prepared to build up a Territorial government step by step, through such processes as we are now carrying on, for instance, in Alaska, starting in a session of Congress to end with a session of Congress, when matters are a little advanced, to do another, and we have not yet in the case of Alaska got so far as to authorize the people there to have a legislature. They are governed by a code of laws which we borrowed from the State of Oregon, and by a United States court, or a Territorial court, that is now established there for the purpose of executing those laws and also the laws of the United States. Alaska is in a very nebulous stage yet, and the people of the country are not ready to make this change. If we make the change, if we do not make the change, we are losing millions of dollars, and the work which we are doing is not accomplishing anything.

When we got to Hawaii we found a state in full operation: we found a State public there. It had been an independent republic. We found that this republic had been ingrained upon a monarchy; that it had excluded all of the monarchial features of government, but still retained many of the constitutional features which had been inaugurated there under the reign of King Kamehameha I or Kamehameha II and running down through that dynasty. Our duty was dangerous and disagreeable, the difficult duty of tearing down a state government, a perfect system of government, with its constitution and laws, with its surgeons and physicians, with all the institutions of a high grade and character, tearing all that fabric of government down, attended, as it was, with a great many institutions of renown really, such as colleges and hospitals, and the like of that, and substituting for it a Territorial government. Naturally our advice was received by the Governor of Territorial government in the United States, which I may say now are possessed by Arizona and New Mexico.

Now, to describe those advantages for a moment, and to borrow from the Senator from Nevada a statement which I think is entirely correct, I would say to any one who has had the experience to see in Arizona complete systems of Territorial government, in which they have their courts, their supreme court, their governors, appointed by the President, and some of the other officers appointed by the President; their legislature elected by the people; their elections held at time to time; few, if any, of which Congress has ever exercised the right of repealing or amending. The whole civil code of New Mexico and Arizona stands upon the will of the people out there, just as the civil code that was built up in Hawaii stood there upon the will of the people out there, upon the will of the people of the republic, but antecedent to that, during the time of the monarchy, with principles perfectly well settled; institutions thoroughly established; laws that were approved by the people, and the fruits of which have not been surpassed, I believe, by any experience there, or any other experience in the United States. We had that to tear down, and our natural disposition and our natural inclination was to preserve to those people as many of their own institutions and as many of their own laws as we could that were consistent with the laws and institutions of the United States and with those principles of government which obtain in the United States.

So that in going upon this very difficult work we had to take the entire code of laws—the civil code and the penal code, which are embodied in two volumes which I have upon my desk here, very ably compiled and complete, and corresponding to the Arizona statutes of 1888—and incorporate them into a new system. We naturally, as I observed before, left as much of those laws standing as we thought we could leave standing, to have the system there comport with the laws and policies of the American Union. I believe that we arrived at the conclusion that what they had adopted in what is here presented in section 15, and which they had adopted in their constitution, was a wise provision of law and tended to prevent those outside controversies of a political kind which arise in Congress here, or in the States, and its security against those political controversies which arise in the legislatures of the States, and have reference, as I have observed, chiefly to the election of Senators of the United States. It is as follows:

Sec. 15. That in case any election to a seat in either house is disputed and legal controversy should arise as to the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held; and, if such a legal election has been held, it shall be the sole judge of who has been elected.

The contrary provision was put into the Constitution of the United States, and has been followed, I think, without any particular reason or necessity for it, by the different States of the American Union. It was originally adopted in England for the