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familiarize themselves almost perfectly with the Hawaiian tongue, they have to listen to the trials where the Hawaiians themselves are witnesses, and the men and the women who do not speak the language and are removed, very extensive acquaintance with the customs of the country, with the origin and source of the law in that country, a great deal of which is customary law, traditional law, not based upon printed or written statutes at all. I do not know any country in the world where a judge of a supreme court, in cases of life and liberty, is required to know more than a judge in Hawaii.

The judges in Hawaii also have had the administration of all questions of maritime and international law in which that republic is concerned. They have had very extensive training in that regard, and have been trained in the courts of the United States and in Hawaii, where a learned admiralty judge is so conspicuously required as in the Hawaiian Islands, nor is there any place in this Union where a court of competent jurisdiction to be administered by such a judge can be established with greater profit and convenience to the country itself than in the General Government of the United States in Hawaii.

I refer to these matters as I pass along merely for the purpose of showing the importance that we attributed to our action in dealing with those courts. The plan of the committee was correspond- ing with that of the republic there, its constitution, to require judges to have a tenure of office fixed in the constitution of Hawaii. But we saw that that had to give way; and the Committee on Foreign Relations, in reporting the bill that is now before the Senate, instead of having a life tenure for the judges of the supreme court, provided a tenure of nine years. I think that is the only thing. I believe it was, for the circuit judges before that time and that still remains.

We thought, Mr. President, that it was just to that bench and just to those people that the supreme court judges, who were in the field of the future, be provided in the manner that we were of the court that we sent out there for the purpose of butchering the republic, evacuating it, and taking from it those qualities and powers and properties which the people there so cheerfully have vested in that court or in the judges and have profited so greatly by them. We thought they were entitled to that, and we refused all their rights, for the court is a very enlightened one. We did not think so, and we made a report in which these judges were retained in office until their successors were qualified. But that will now pass out of this bill by amendment. This bill, when it passes, will legislate that these judges will be vacant until their places are supplied by a new source of appointing power. There will be a hiatus there necessarily.

Mr. TELLER. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. TELLER. Do I understand that the bill as reported by the committee legislates those judges out of office?

Mr. MORGAN. Necessarily so, when, on page 37, lines 13, 14, and 15 are stricken out, as I understand they are to be.

Mr. TILLMAN. That is the amendment of the Senator from Connecticut.

Mr. MORGAN. No. When we reported the bill I think the Committee on Foreign Relations inadvertently left in those provisions there, because it is inconsistent with the nine years' tenure. The object of the committee was to leave those judges in office for their life tenure; but when the bill was reported back from the Committee on Foreign Relations the life tenure was reduced to nine years, and the committee omitted to strike out lines 13, 14, and 15, on page 37, which would retain them until their successors were qualified. That is stricken out. I speak of the single thing only for your information.

Mr. President, you now have the reasons which influenced the committee in presenting the supreme court with this life tenure of office; but we did not continue that as an organic part of the law of the Territory. We provided that after the terms of the present judges expired, the President would not need to take a limited term of office. So the new judges coming in to take the place of those—for instance, to take the place of Chief Justice Judd, who has resigned since annexation took place—would have to take a shorter term, a fixed term, not a life tenure. We hold that that is a constitutionality of the matter, that the Senate has not already held their positions; but the Senate has stricken out all life tenure and has made the positions now dependent upon the provisions of the bill as amended, which limit the term to nine years, and which, when enacted, if it shall be enacted in its present form, will simply vacate the place and the Senate will refer the appointing power to the President of the United States instead of the governor of the Territory.

It was right, wrong, it was unjust, was it anti-republican, was it anti-American, was it against the spirit of the American people, when we were dealing with this grand republic, that we should permit the President to come to the throne to discharge its functions? Is there any violence done to anybody’s principles, except...