tincture of Hawaiian blood in them—it is quite a mistake to suppose they have not been consulted. There has not been a cabinet from Kamehameha I down to the present time where the Hawaiians have not been associated, and sometimes the political premier—

Mr. HOAR. May I ask the Senator one question in that connection? It is a practical question purely.

Mr. MORGAN, certainly.

Mr. HOAR. That is, whether there is kept now and is preserved a record of the persons who registered prior to 1897—for those three years. I am speaking of the practical question. I make no criticism on the rule proposed, but I only wish to know whether there are the means in existence of enforcing it justly; that is, are they in existence? I understand the Register that the record will show who did and who did not in those three years?

Mr. MORGAN. My impression is entirely distinct that when this subject was under discussion before the commission we ascertained that those registrars had been kept and that it was easy to determine who were the registered citizens of the United States. They were citizens of the United States. That was the question in the case. That is how we disposed of it, and my impression is there are between eight and nine hundred who were said to have stood out and refused to recognize the Hawaiian republic by registering upon the voting list.

Mr. HOAR. I do not know if the concession was made upon these citizens upon those reasons. They were on very good reasons why it should not have been done, but we concluded that we would confer upon them citizenship, but we would put the qualification upon them of taking an oath to support the Government and Constitution of the United States and they would be entitled to vote. I think that is reasonable and proper and all right.

Mr. HOAR. May I ask the Senator from Alabama one other question?

Mr. MORGAN. Certainly.

Mr. HOAR. I suppose those Hawaiian people, then, who are to swear to support the Constitution of the United States are under that Constitution of the United States and it is applicable to them, in the judgment of the committee?

Mr. MORGAN. I do not think I caught the drift of the Senator's question.

Mr. HOAR. There has been a good deal of discussion in the Senate lately and elsewhere as to whether the Constitution of the United States is in force in respect to Territories and dependencies. Now, do I understand that, so far as the people of Hawaii are concerned, the committee hold that they are under the Constitution of the United States and that that Constitution is applicable to them?

Mr. MORGAN. Not only do the committee?

Mr. HOAR. If the committee do not so understand it, of course the operation of an oath that the inhabitants shall support the Constitution of the United States would be out of the question.

Mr. MORGAN. That would be out of the question. I will inform the Senator that the committee have no doubt about that proposition at all; and more than that, the act of annexation, which is our guide, forced it upon us by saying—

Mr. HOAR. I think the answer is complete.

Mr. MORGAN. It says:

The municipal legislation of the Hawaiian Islands, not enacted for the full purpose of extinguishing, and not inconsistent with that resolution nor contrary to the Constitution of the United States nor to any law of Congress passed in pursuance thereof, shall remain in force until the Congress of the United States shall otherwise determine.

Mr. FORAKER. Will the Senator from Alabama allow me to?

Mr. MORGAN. Certainly.

Mr. FORAKER. The Senator from Massachusetts made one remark in reply to the answer to him to which I want to take exception, and that was that unless the Constitution is extended to the Hawaiian Islands, either ex proprio vigore or by this Constitution, it would be inconsistent and incompetent to require the citizens or officials there to take an oath to support the Constitution of the United States. I will say to the Senator that if he will examine the organic laws that have been from time to time enacted, he will find that, although the extension of the Constitution was withheld and the view obtained that the Constitution did not apply to the Territories, yet they did require the officials to take an oath to support the Constitution of the United States.

Mr. HOAR. If I may be pardoned one word in reply, I will say that I do not believe the framers of the various provisions in regard to our Territories, or the men who voted for them in either House of Congress when such a provision was enacted, were of opinion that the Constitution did not extend to the Territories. I believe they knew the great authority on one side and on the other of these questions, especially Mr. Webster. It seems to me, with great deference to my honorable friend the Senator from Ohio, that an obligation imposed on a man to support with life and fortune and responsibility a Constitution in which he has no share and from which he receives not the slightest benefits is an unjust and unreasonable exaction.

I do not wish, if I may say one thing further, to be understood in this matter as qualifying the doctrine advanced; if I understood him correctly, by the Senator from Ohio yesterday, I am merely speaking of the injustice, accepting that it is true, if we do accept it at true, of putting on anybody such an obligation.

Mr. FORAKER. Mr. President—

Mr. HOAR. I shall be able to, by putting on anybody such an obligation—

Mr. FORAKER. I do not rise to make any argument or to advance any view or to support in any kind of controversy spirit any particular contention. I merely wish to say to the Senator that as a matter of fact the case is as I stated, that although the Constitution was not extended to the Territories, but was expressly withheld, they yet required in practice that taking an oath to support the Constitution of the United States.

Mr. HOAR. I think that is an unfair and unjust practice.

Mr. FORAKER. However that may be, it remains for us to discuss it later. I am only calling attention to the fact.

Mr. MORGAN. On this subject of the Hawaiian Islands, so far as I am concerned, I think I can put it all at rest by reading section 5:

That, except as hereinafter otherwise provided, the Constitution and all the laws of the United States shall be applicable to the Territory of Hawaii as hereinafter provided:

"Not locally inapplicable," I believe it is going to read—

shall have the same force and effect within the said Territory as elsewhere in the United States.

Mr. DAVIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. MORGAN. I will yield in a moment. Allow me to state and subject to discussion are many points I wish to discuss to-morrow.

I hope we have settled the question about the Constitution of the United States in its application to this Territory. I have already shown that the Government of the United States, in the case of the Five Civilized Tribes, has permitted republics to grow up, separate governments, under constitutions republican in form, but in which a great deal of good harm has come of it, but, on the contrary, a great deal of good.

I wish to state that to-day, under the act of Congress of annexation, the president of the republic of Hawaii is in his office executing all of the functions of the president of those islands except the functions of the executive branch of the Government. The functions of the executive branch of the Government and those functions are collected by the Hawaiian authority. The judiciary are under Hawaiian authority and under Hawaiian commissions, expounding the constitution and the laws of Hawaii, except so far as they are those functions which have been withheld.

The President of the United States was consulted immediately after the commission arrived upon this question. It was understood that in the courts indictments would be demurred to or a motion to quash would be made on the ground that the constitution of Hawaii required all processes to run in the name of the republic of Hawaii. The act of Congress and that had no longer the right to exercise its functions as such, and the country had become a part of the territory of the United States, that those motions could prevail and it would stop the administration of justice; there would be no indictments and no convictions.

The President of the United States issued an order that the process in Hawaii should run in the name of the republic of Hawaii as was provided in its constitution; and from that time to this every function of government in the Hawaiian Islands has been exercised by the republic of Hawaii, so to-day, in the elasticity of our laws upon this question, we have a full-fledged republic, without having lost any of its powers, except its foreign relations, within the bosom of this