

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 and the white people have not associated together. The Hawaiians have sometimes held the chief positions, 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 the old registers preserved, so that the record will show who did register 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 registers had been kept and that it was easy to determine who refused to register and who had registered.

Mr. CULLOM. There is not the slightest doubt but that the officials of the islands know exactly who registered and who voted and who did not.

Mr. MORGAN. I will say to the Senator from Massachusetts that I have never been amongst a set of officials who are so careful with their records as those of Hawaii, and I am quite sure we had the information about the number of persons who had refused to register, and who thereby signified their determination not to recognize the republic. That was their manner of doing it. It was provided if they voted hereafter, being citizens of Hawaii, they should take an oath to support the Constitution of the United States. They were monarchists. They were against a republican government, and we did not want to admit them as voters in Hawaii unless they had so far changed their views upon that subject as that they were willing to support a republic like the Government 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.

We wanted to confer citizenship upon those people. There were some 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 before we would permit them 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 regard 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 it is extended 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 commission had not any question or 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 fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

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

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 Congressional action, 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 know 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 reputation and sacred honor, which are all involved in that oath, 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 what I say as questioning the doctrine advocated, if I understood him correctly, by the Senator from Ohio yesterday. I am merely speaking of the injustice, accepting that that is true, if we do accept it as true, of putting on anybody such an obligation.

Mr. FORAKER. Mr. President—

Mr. MORGAN. I do not think I shall be able to conclude my speech in a week if I am interrupted all the time by every question that suggests itself to the mind of any Senator.

Mr. FORAKER. I wish to say one word only in reply to the Senator from Massachusetts.

Mr. MORGAN. Very well.

Mr. FORAKER. I do not rise to make any argument or to advance any view or to support in any kind of controversial 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 thing, namely, the taking of 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. So far as this bill is concerned, I think I can put it all at rest by reading section 5:

That, except as herein otherwise provided, the Constitution and all the laws of the United States locally applicable—

“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 another proposition which 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, and no 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 in connection with foreign relations. The customs are being collected by the Hawaiian authority. Taxes of every kind are being 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 conflict with those of the United States.

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, and inasmuch as the republic of Hawaii had ceased and 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 question was raised in limine. It was the first question that came before the commission, and 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