court of the circuit courts. If we appoint the officers and appoint those judges, of course we have got to provide the salaries, because they become then officers of the United States Government. The government must have the power, not while they are in office, but in respect to future legislation, to reduce them if it chooses to do so, or to increase them.

The government of Hawaii has maintained itself, and will continue to maintain itself, upon the basis of the expenditures that are provided for in this bill. The people of Hawaii, of course, own the Territory, and therefore I think the Territory Government should consider how well they are in the Territory. They are in the Territory making these burdens off of their hands, but they are quite willing to retain them, if they can have the privilege, which I think every community ought to be accorded, of having some voice in the selection of their judicial officers.

The other day, when I was discussing this subject, I adverted to the Secretary of the Interior. I think it is an entirely correct one, that a judicial office is as much an office as the Senate is in the United States. If we break away from the system that is recommended here and assume the appointment of those officers by the Government of the United States, why not go further and have the President of the United States, or the President of the Territory, and why not require the President to appoint the legislative officers also? Why should the Senate in respect of the legislative and executive officers of the Territory, and not assume that function in respect of the election of the judicial officers? That is the question we have heard in that direction is that we have not heretofore done so.

Well, Mr. President, we have heretofore permitted in a very large degree the people of the Territories, through their legislature or governor, or by election, to have their own judicial officers; and this bill, as it will be left after the amendment of the Senator from New York, will be practically annulling any power we have heretofore had to change judges, or to leave the district judges of the islands under the power of appointment of the governor and confirmation by the Senate. These district judges have a more important jurisdiction, so far as the administration of justice is concerned, than the judges of the circuit courts or of the supreme court. There is unity in the jurisdiction of the latter whose jurisdiction is limited to the United States as to the justice of the peace. They also have other and very important powers relating, for instance, to the probate of wills and the administration of estates. A number of important powers are left in the hands of the judges of the district courts. These powers reach in every neighborhood in Hawaii, so that a man of property can look to those judges as the conservators of the peace and the administrators of justice in respect of cases that do not involve certain very important constitutional or other questions or very large amounts of money and property.

So, if it is a matter of transferring the appointing power to the President of the United States, we ought to continue it, to be consistent with ourselves, as to the appointment of the judges of the district courts. There is, therefore, no logic in the proposition presented by the Senator from Connecticut. It is entirely unimportant, entirely illogical, except that the people of Hawaii have the right as every other people have to know the judges who are appointed amongst them and over them. No country can be described that is in a worse condition than a state where a foreign judge is seated in the seat of judgment. A foreign judicial rule is of all things the least to be approved, and it is the last thing that the people of any self-governing community in the United States or in the Territories should suffer.

I am opposed, Mr. President, to having the political parties in the United States choose the judges for Hawaii. In the hands of a President of the United States the appointment of a judge in a Territory is a purely political question. The present excellent and capable one, Mr. Norman, has so high an reputation for integrity and character I have the highest confidence, would hesitate a long time before he would confront the politicians of his own party in making a selection of a judge for the Territory of Arizona or New Mexico from the Democratic party. It would make no difference what the man's qualifications might be; it would make no difference what his character might be, but that the Democratic party would make the appointment in every case, as he has done and will do in every case, from the political party to which he belongs. I do not know what other motive there can be for having this power transferred from the governor of a Territory into the hands of the President, unless it may be a political motive, a motive to secure the patronage of the party in power, that would make it object to it on that ground, as being inequitable and unjust to the people of Hawaii. If we intend now to take the offices of Hawaii and make them a part of the Presidential patronage, let us take them all, let us take the whole of the judges, including the judges of the circuit court, and also the members of the legislature, and all of the members of the executive department of that Territory government.

Mr. President, this bill first received the consideration of five commissioners, all of whom agreed in respect of its provisions in this particular which I am now discussing, and made their report on it in the Senate in the last Congress, and was there considered and reported, retaining this provision. At the present session of Congress it has again gone the Committee on Foreign Relations, and has been again reported with this feature in it, and now, at a time when the Territory is in the hands of a new Administration, I set up here which is entirely disorganizing, which destroys the scheme of the entire bill as to the judiciary.

I beg the attention of what few Senators have consented to linger in this body, for the purpose of attending to the public business, for a little while to the proposition that this bill contains a new provision in respect of the judicial administration of the Territory of Hawaii. The first proposition is that the judges, the juries, and those functionaries who exercise judicial power in that Territory shall be selected so far as may be possible from the worthy people of those islands, people who are capable of filling those important places. That view of the subject I do not take. The second is that the committee have strayed away from any proper doctrine for the Government of the United States or of its Territories.

Local self-government is as much included in the administration of justice as it is in the election of officers or in the execution of laws, and the principle of local self-government is the one to which the people of Hawaii have appealed. This provision has been in the Constitution of the United States, and we have not hereetofore done. It is the same as the Constitution of the United States, and we have not hereetofore done. It has been the custom heretofore—and a very bad custom, indeed—to appoint the judges of the Territorial courts for four years, and to secure by the Constitution of the United States a new set of judges every four years. But what is the difference between a judicial administration with political influence, instead of a strong community influence? They can scarcely become acquainted with its laws and their meaning. If the Administration of the President or of the Territorial Administration of justice who is acquainted with the people and with the laws of the Territory in which he resides. That system of itself is faulty in principle and it has been very injurious in its administration.

But there are other views of this question; there are other situations which have been forced upon the attention of Congress and chiefly by the expediency of an educated and trained population in the Territories which we have hereetofore organized. Heretofore, up to the present time indeed, except, I believe, in the case of Alaska, we have conferred upon what they call the United States courts in the Territories—the same courts the Senate has in the United States under the laws of the United States. But with the law of Hawaii—have conferred upon them the power to enforce the laws of the United States, assuming under the decisions of the Supreme Court that Congress as the supreme sovereign over the Territories has the right to combine the powers of the State government and the powers of the Federal Government in the appointment of judicial officers for the Territories. We have conferred upon them the double duty, and sometimes the irrecusable duty, of passing upon questions that arise in the Territories themselves, and which concern private interests entirely, combining them with questions that arise under the laws of the United States and are in no way affected by the laws of the Territory. It is a power which is conferred from the Territorial or local laws. For instance, we have conferred upon those Territorial courts the power of admiralty in several cases.

Now, what greater inconsistency can there be than that of a Territorial court exercising all of the local jurisdiction that be, and also exercising jurisdiction jurisdictorial in admiralty? How are we to expect to find judges of sufficient breadth of learning, sufficient ability to manage these diverse and incongruous conditions? We have escaped hereetofore for the reason that the Territorial courts have been called upon to administer admiralty jurisdiction, but I can conceive of nothing more unseemly in legislation to provide a judicial jurisdiction and officers than to place in the hands, for instance, of a circuit judge of the State of Alabama the power to determine and execute the laws of the United States in Alabama. I am opposed to it on that ground, as being inequitable and unjust to the people of Hawaii. If we intend now to take the offices of Hawaii and make them a part of the Presidential patronage, let us take them all, let us take the whole of the judges, including the judges of the circuit court, and also the members of the legislature, and all of the members of the executive department of that Territory government.