why a circuit judge in Alabama can not exercise such power, how we can justify conferring double jurisdiction upon a Territorial court.

The Territorial court, under the decisions of the Supreme Court, derives from Congress, in view of its competent powers, all of the rights of a circuit court of Alabama or any other State, and also all of the rights, powers, and jurisdiction that belong to Federal courts. Such jurisdiction is for the disposal of cases that are local in their origin and in their effect—purely local litigation. The other docket relates to cases of the Government of the United States or cases in which the Government of the United States is involved. This commission, by an act of Congress, undertook to get rid of this incongruity, this unnecessary mixing of two jurisdictions in the mind of a man serving two masters upon the bench, and we first of all separated the local courts in Hawaii entirely from the courts of the United States, and gave to the Territorial courts the local jurisdiction that a circuit court of the United States has in a State possesses.

Then, in order that the Government of the United States might have its rightful powers exercised judicially in the Hawaiian Islands, the committee recommended that a district court of the United States should be established in those islands having a jurisdicticn. That is not novel, that has been defined by statute and by judicial decisions so that there is no doubt or dispute as to its powers at all, and that in that jurisdiction that judge, representing the Government of the United States, should reside in all cases where the laws and rights of the Government of the United States are involved.

Now, is there any serious objection, is there any constitutional objection, can there be an objection in theory or in practice to establishing in the islands of Hawaii the two separate jurisdictions just as they exist in the States? I can see no difficulty in the theory, in the practice, and it has never occurred to me or to any other member of the commission or to any other member of the Committee on Foreign Relations. The subject has been fully discussed, and the committee have been of the opinion that we had just as much right to establish a district court in any State in the American Union.

Now, if there is no such difficulty, it behooves us in providing a good government for those people there to keep those jurisdictions separate, and in order to keep them separate the appointing power ought to be kept separate. The appointing power of the local jurisdiction to be the local government and of the Federal jurisdiction the Federal Government. Is there any collision between them? Is there a possibility of collision between them? No more in the islands of Hawaii than there is in the State of Alabama—not at all. They have separate Legislatures, they have separate constitutions, separate governments, and separate authority and power, separate officers for the purpose of enforcing their judgments and decrees, and there is no reason and no man can state a reason against this proposition except to say we have not heretofore done it. That is all you can say about it.

Mr. President, we have never had the power and the opportunity to legislate for a country situated as Hawaii is, I take it for granted that the Hawaiian Territory is not fully incorporated into the United States, and according to the very terms of the act of annexation the Constitution of the United States shall remain in force there in all of its self-executing powers, except so far as Congress has seen proper to withhold the positive introduction of those provisions of the Constitution and to retain for the present time and until Congress has further directed the local government of Hawaii in all of its full force and effect, except in respect of its foreign relations. The Hawaiian Islands are outposts in the sea 3,000 miles removed from our coast. It is a maritime territory, strictly speaking. It has no connection with anything on any side except with the open ocean. Separated from the continent of the United States, responsibilities rest upon any government that may be formed there. The Territory like Arizona or New Mexico, that is locked up in the bosom of the continent. What are the questions that arise in Hawaii every day, whose determination is absolutely essential to the preservation of any form of government there that is supposed to exist? I will take the collection of customs, if you please. Customs cases arise and must arise in Hawaii very frequently in which judicial determination is absolutely necessary to ascertain the rights of the parties. Will you refer those questions to the local court or to the Federal court? What is the aspect of the laws of the United States on the subject of duties and customs? Criminal cases, smuggling, and a large class of criminal cases are continually arising in this outpost in the sea which can be dealt with efficiently only by a district court of the United States. I will not dwell upon these different topics to elaborate them at all, but I will refer to them rather by their heads.

We will take the subject of immigration from China, a subject that properly falls within the jurisdiction of a Federal tribunal. Shall we not have a Federal court in Hawaii to look out for the Chinese who may attempt to smuggle themselves onto this continent contrary to law? Shall we leave it to a local court, and a local court whose interest may be directly in favor of introducing Chinese labor into those islands, if not into the United States? Is there no question of immigration? Then there is an issue of people who are proper subjects of judicial action by a Federal tribunal.

So the still more important question of quarantine, the handling of these great masses of Orientals who come across the Pacific Ocean and are crowding like the salmon crowd in the fords of Alaska, for a place of residence, for a new home. Is there no question or jurisdiction that will deal with that? Shall a local court deal with the question of Chinese immigration than what occur if that court had no jurisdiction of the subject whatever and a Federal court was there to deal with that very important matter? And so as to the importation of persons from Japan and from other countries where the Chinese have spread, are they properly the subject of judicial action by a Federal tribunal.

So the still more important question of quarantine, the handling of these great masses of Orientals who come across the Pacific Ocean and are crowing like the salmon crowd in the fords of Alaska, for a place of residence, for a new home. Is there no question or jurisdiction that will deal with that? Shall a local court deal with the question of Chinese immigration than what occur if that court had no jurisdiction of the subject whatever and a Federal court was there to deal with that very important matter? And so as to the importation of persons from Japan and from other countries where the Chinese have spread, are they properly the subject of judicial action by a Federal tribunal.

Then take the large number of cases that arise in admiralty in time of war and also in time of peace. Prize questions are continually being introduced to the judicial tribunals by captures at sea both at war and in peace, captures for violations of the revenue laws as well as the laws of blockade and the laws of war and the laws relating to prize. The courts of the United States are called upon to decide in a great many ways, that are to be determined and ought to be determined at the nearest point to which the prize can be taken for adjudication. Shall we deny to ourselves, not to the people of Hawaii—shall we deny to the Government of the United States the right and opportunity to have its judges determine the questions of prize? No matter what the offense may have been for which the capture was made, to come 2,000 miles to the coast in order to find a court in San Diego or San Francisco or Los Angeles? It is an absurd situation.

Then take the questions that arise under the admiralty jurisdiction of the United States. There are many, very many, and they are very numerous. The classifications even are very numerous, and cases of the greatest magnitude arise in those courts. There are seizures for forfeitures and penalties against the laws of the United States. There are possessory actions for ships, vessels, goods, merchandise, fish, and all kinds of property, that are in the possession of the United States. There are actions for debts due and owing to the United States. There are actions for the capture of ships and vessels, etc., where vessels are in collision, or for any cause where a question of salvage may arise, always a very important and frequently very delicate decision; questions of liens for repairs. Almost every ship that passes Hawaii must have some repairs put upon her at some port. We must cross the Pacific Ocean without having some necessary repairs made at Honolulu. There are questions of liens upon tackle, apparel, and furniture for the payment of those repairs in the event that they are not paid according to the agreement between the parties, which must be done if the property is to be delivered.

If it is a State court, you can not give to it jurisdiction requisite for the decision of these cases. It is only in virtue of the fact that Congress has the supreme power to confer the jurisdiction both of the State and the Federal Government upon a court of admiralty that the court proposed by the Senator from Connecticut can take any jurisdiction whatever of a lien for repairs on a ship. There is that vast sweep of maritime contracts, very important in themselves and involving questions of the greatest possible difficulty and interest; questions of seamen's wages and questions of collisions, to which I have already referred. Do not introduce questions of labor and questions of local law into this subject, and there are decisions upon these questions, because I suppose the law as I have stated it here now upon the question of the jurisdiction of these courts will hardly be disputed. I am referring to it merely for the purpose of showing the necessity of having an independent separate district court of the United States located in the Hawaiian Islands.

Then we will take the internal revenue and the violations of the internal-revenue laws—the questions of illicit distilleries and the thousands of questions that arise continually under the internal-revenue laws of the United States. Are we going to extend upon all of these matters the jurisdiction of this Territorial court?

Now, shall we have behind these powers that we carry into Hawaii no judge of the district court to control and regulate those matters as between the Government of the United States and the people of Hawaii? Shall we take away from a people who have already elaborated in their judicial decisions a splendid system of admiralty law all of that system and confer upon the