The PRESIDENT pro tempore. The amendment will be stated.

Mr. CUMMINGS. Shall reside in is the expression.

Mr. TELLER. A man could not very well act as judge in the Territory without residing in the Territory.

Mr. CUMUL. If the President will assume—of course if the appointment is left to the Governor of the Territory, I should suppose that the governor would select men in the Territory for the places.

Mr. TELLER. There ought to be a provision in this bill that the governor—I know that raises a very ugly question as to whether we can do it. In the Territory usually occurs, which, I think, if it were in here, would at least be persuasive on the President, if not mandatory, to select the governor from inhabitants of the Territory. I am not clear but what we have a right to do that. The governor ought to be selected, because in this case there is a different reason than an existing there from that which has existed in any other Territory we have ever organized.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. SPOONER. I suppose there is no doubt that Congress may prescribe the qualifications of eligibility which may be necessary for the appointee. Congress can not require the President to appoint any particular man or can not dictate to him whom he shall appoint; but I suppose it would be competent for Congress to fix the qualifications of the governor, say he shall be a resident of the island.

Mr. COCKRELL. There is no question about that.

Mr. TELLER. But I have heard that disputed so often that I did not care to bring it up and make the assertion, as I was not prepared to go on and discuss it. At any rate, the governor of that Territory, and the judges of that Territory, and the judges ought to be selected from the Territory.

As I was saying when interrupted, the condition existing in Hawaii is entirely different from what existed when most of the Territories, in fact, in May I say all the Territories, were heretofore organized. The organization of the Territories was a provision of self-government for several years under a republican form of government, a good deal of self-government, a good deal of parliamentary administration. All of the people there may not be fit for participation in the government; but certainly there is a sufficient number to insure an absolutely safe and stable government, as good as there can be in any of the ordinary communities of no greater number than those of the Hawaiian Islands.

Mr. MORGAN. And it reduces the term of office to four years.

Mr. CUMMINGS. Yes, and it reduces the term of office to four years of all of the judges. That is the substance of the proposed amendment, as I understand.

Mr. TELLER. The amendment proposing to strike out the word "governor" would at least put the section in harmony with previous legislation. Of course, this is a departure from the provision under which the Senate of the United States; and I suppose, according to the usual theory, the United States would pay their salaries instead of the Territory of Hawaii.

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