Mr. SPOONER. Certainly.

Mr. MORGAN. I wish to call his attention to the statute as to Arizona:

The judicial power of Arizona shall be vested in the supreme court and the inferior courts as the legislative council may by law prescribe.

And of that the supreme court only is appointed by the President.

Mr. SPOONER. Certainly; that is the proposition of which I was speaking. Our practice has always been, as I recollect it, under the laws which from time to time have been enacted for the government of the Territories, that the judges of the supreme court should be appointed by the President of the United States with the advice and consent of the Senate.

Mr. MORGAN. But if the Senator will allow me——

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

Mr. SPOONER. Certainly.

If the Senator will allow me, the amendment proposes to appoint the judges of the supreme court and of the circuit courts.

Mr. SPOONER. I doubt the wisdom of the amendment in that respect, but I am speaking of judges of the supreme court. I can say on that point why, as Hawaii has become a part of the United States, in arranging for its judicial system, so far as the supreme court is concerned, we should depart from that theory which has governed us hitherto.

Arizona and some of the other Territories, within our own part of this continent, within reach of public opinion, inhabited by many and among them have been citizens of the United States, are, so far as their judicial system is concerned, governed in this way. But I think since the Presidents of the United States have been more governed by the fair principle that the judges should be chosen from the Territories, there has been very little difficulty in any way as to the character and the qualifications of the judges who have been appointed.

One difficulty with us all is that Senators seem to treat Hawaii here now as sui generis in all respects. It is sui generis in some respects, it was a republic. It is now as to public opinion alone a republic. It is no longer an independent government.

The Senator from Alabama spoke the other day about butchering the republic by this legislation. We are not butchering the republic. The people of Hawaii butchering the republic, Mr. President. They sought annexation to the United States. They propagated in this country and able men throughout the country advocating in the press and on the rostrum and everywhere, the annexation of Hawaii to the United States. They entered into a treaty with the United States by the very terms of which, the moment it became effective, the republic of Hawaii was to die.

Mr. MORGAN. It did not. It is living now.

Mr. SPOONER. If it is living now, why do we not send a minister to it, as we did then?

Mr. MORGAN. I mean it is living with all of its functions and powers and the same institutions. If the Senator——

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

Mr. SPOONER. I always yield to the Senator.

Mr. TILLMAN. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. TILLMAN. We have a minister there in fact—at least we are paying him there right now—Mr. Sewall. He is no longer accredited as a minister, but he is now the executive agent of the President to communicate with this principality.

Mr. SPOONER. That is another thing. It can not be an independent republic, of course, as it was once, and be a part of the United States. But when the resolution of annexation passed both Houses of Congress and was accepted, the republic of Hawaii as an independent political entity ceased to exist, and it became, by the resolution of annexation, a part of the United States. Will the Senator from Wisconsin permit me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Of course, Mr. President.

Mr. CULLOM. I suppose that is what the Senator from Alabama means.

Mr. MORGAN. That is all I mean.

Mr. SPOONER. Of course no one will dispute that if by the acquisition of territory, it being taken out from under the dominion of the government which theretofore had controlled it, all of its laws were to cease, there would be anarchy. So in all the