Under the head of the "appointing power" he has power to appoint—

1. Judges court
2. Attorney-general
3. Commissioners of public instruction
4. Commissioner of public lands
5. Commissioner of agriculture
6. Superintendent of public works
7. Superintendent of schools
8. Register of deeds
9. Deputy auditor
10. Surveyor
11. High judges
12. Members board of health
13. Commissioners of public works
14. Boards of registration elections

There is also a secretary appointed for a term of four years by the President, and an attorney-general appointed for four years by the President.

The Legislative.

Now, as to the legislative branch, we provide for a Delegate from Hawaii to the United States House of Representatives. That provision was inserted by the unanimous desire of the members of the convention. Any person who shall reside in Hawaii for one year and be qualified to vote for members of the house of representatives of the Territory of Hawaii. He must possess the qualifications of members of the house of representatives of Hawaii, and the time, place, and manner of holding elections for Delegate are to be as fixed by law.

We provide for a territorial legislature composed of two houses, the upper house to be known as the senate and the lower house to be known as the house of representatives.

I will now proceed to my remarks, a diagram which I have prepared, showing in outline the whole scheme of territorial government.

Mr. HILL. Will it interrupt the gentleman if I ask him a question?

Mr. HAMILTON. I think not.

Mr. HILL. I would like to ask you to state to the House how that territorial Delegate is to be elected, on the division of nationalities. In the voting how many Koreans, how many Portuguese, and how many Americans will vote for that Delegate?

Mr. HAMILTON. Before I finish I will undertake to make that part of the situation clear. We have stricken out the property qualification which the bill originally provided. We only retain an educational qualification for the people of Hawaii; and I think that the qualification is true to the gentleman that there is not a man, woman, or child below 12 years of age who was born in Hawaii, capable of acquiring learning, who can not read and write in English or Hawaiian. And since each voter is well qualified to understand and comprehend the meaning of the elective franchise. Now I come to the inquiry of the gentleman.

Mr. HILL. I do not question that matter, but the point I want to make is this: That the moment this provision for suffrage is made, you are inaugurating a race war, which will drive these islands into a state of confusion for the next twenty years.

Mr. HAMILTON. I will endeavor to answer the gentleman along that line. This is a most interesting question. I can see how general may question the capacity of these people, and I will discuss that question, and will pass as rapidly as possible from this branch of the discussion to that. I have shown how the bill provides that there shall be a Delegate to the United States House of Representatives, to be elected by voters qualified to vote for members of the house of representatives of Hawaii. Now, what are the qualifications of the members of the senate and house in the Territory of Hawaii, and what are the qualifications of voters for members and senators?

First, the electorate is comprised of all eligible voters for a term of four years, elected from four districts, and vacancies are filled at general and special elections; they must be male citizens of the United States, 25 years old, must have resided in Hawaii for three years, and must be qualified to vote for members, each voter may cast one vote for each senator and the required number of candidates receiving the highest number of votes shall be senator from that district. Voters must have the qualification of voters for representatives—that is, they must be male citizens of the United States, 21 years old, must have resided in Hawaii for three years, and be qualified to vote for representatives. Each voter may cast a vote for as many representatives as he is qualified to elect from the district, and the required number of candidates receiving the highest number of votes are to be representatives. Voters must be male citizens 21 years old, residents of Hawaii one year and the district three months, must be registered, must pay a poll tax, and be able to speak, read, and write the English or the Hawaiian language.

Mr. HILL. What of the voting population under the law as you have it?

Mr. HAMILTON. The last registration of voters, under the monopoly, was: Hawaiians, 9,554; Portuguese, 2,001; foreigners, 1,770, and that includes Americans; total, 13,415. These are as near the figures as I can get them.

Mr. HILL. Now, with the property qualification taken off, how would it be estimated?

Mr. HAMILTON. With the property qualification taken off, it is no more than an estimate. The estimated number of voters without the property qualification would be: Hawaiian, about 10,000; Portuguese, about 2,000; Americans and Europeans, about 3,000.

Mr. HILL. Then that would be about 4 to 1.

Mr. HAMILTON. That is true. I am anxious to get to that because it has interested me, and I think it will be interesting to the gentlemen on this floor.

The Judiciary.

I want to touch on the judiciary, however, because I started out to divide the government into the executive, legislative, and judicial. We provide for a supreme court, with one chief justice and not less than two associate justices. The judicial power of the Territory is vested in the supreme court, and such inferior courts as the legislature may from time to time establish. Besides the supreme court and the circuit courts, five in number, there are district courts which correspond practically to our justice courts in this country. No person can sit as a judge or juror in any court which may have a court of record, by and with the third degree to parties in interest, or who shall be interested pecuniarily personally or through relatives who are parties. The Territory is divided into five circuits, and the judges are appointed by the President, and approved by the Senate.

A federal court is established for the Territory, which shall be a judicial district, called the "district of Hawaii," and be included in the Ninth judicial circuit of the United States, and shall have jurisdiction of cases commonly cognizable by both circuit and district courts. The district court shall consist of a one judge and a clerk, and the judge shall receive a salary of $2,000. They are appointed by the President, by and with the advice and consent of the Senate.

At this point I want to call attention to some statements made by Senator Morgan and Senator Robinson, from Fort Wayne district [Mr. ROBINSON], not unkindly, but because the nature of his remarks makes it proper that there should be some allusion to them. He made the statement that the bill as presented was an un-American bill—I mean the bill presented by the commissioners—and he said that the bill presented finally by this committee was that bill with very little change.

Now, Mr. Chairman, the gentleman evidently prepared his speech with reference to a state of facts which does not exist. I preceded with the report of the commissioners, as found in the report of the commissioners that did provide for a property qualification. The gentleman made some reference to the alien contract labor law, and because there has been delay in connection with that he said there had been an opportunity for many Japanese to get into the country, and therefore it would be better to have an alien contract labor law. Now, I simply want to call attention to that fact in answer to that: That a bill to extend our alien contract labor law in this country to Hawaii was presented in this House and passed this House February 9, 1895. It went to the United States Senate, where its consideration was objected to by Senator Morgan. Let the responsibility for this matter rest where it properly should. The Republicans did not then control the Senate of the United States.

The Property Qualification.

Strong argument was presented, and I come to the question which interests many gentlemen here and which has been of great interest to me, that if I read strength upon this, you will kill it to that interest. Strong argument was presented for the property qualification as the bill was presented by the commissioners who visited the island and who framed the original bill.

This feature was embodied in the bill as reported by the committee, and, on the contrary, as the committee then reported it, the property qualification must be established here. This feature was embodied in the bill as reported by the committee, and, on the contrary, as the committee then reported it, the property qualification must be established here. The responsibility for this matter rest where it properly should. The Republicans did not then control the Senate of the United States.