Now, in regard to the counterfeiting of coins, in regard to illicit distilling, in regard to the illegal importation of contract labor from the Philippines, in regard to the performance of the laws that are the residue of our immigration laws, by which improper persons are shipped off and sent back to the country from which they came, at the charge and expense of the line of ships or the ship that brought them, we cannot see at once that in cases of that kind the local court of the States that is created by the local legislature and supported by the taxation of the people who are interested in having this law violated or administered in some slack and imperfect way? Can not we understand that?

This commission, Mr. President, in looking forward to what we know is coming and to what was surrounding us, undertook to carry to the islands of Hawaii as much and as full and as perfect a recognition of the influence and power of the Constitution of the United States as we knew how to do. So we subjected the islands of Hawaii to the customs system of the United States and to the importation laws of the United States, and we gave to them courts that were administered by Federal law, much as our courts in those States that were actuated by the local legislature and supported by the taxation of the people who are interested in having this law violated or administered in some slack and imperfect way?

There is no ground whatever in logic or law for the assumption that the Congress of the United States has any limitation whatever put upon its power to declare what that is and to extend it, within the boundaries of the sovereign jurisdictions of this nation. We can locate a district court of the United States in Hawaii. We can do it in Puerto Rico. I am not quite absolutely certain that we could not do it in Cuba today, but surely with regard to the others we can. So we can in the Philippines.

It has been supposed, at least the argument has assumed here, that this is a provision in this bill for the benefit of the Hawaiian people. It is quite the reverse. It is an act to hold the Hawaiian people and all those who go to Hawaii and visit Hawaii from the high seas under the jurisdiction of the United States, and to establish a State Government, administered through one of her regular courts and one of her regular judges, with a life tenure, if you please.

And I maintain that for every reason and for every consideration that is one of the most important sections in this bill.

The Government of the Hawaiian Islands during this Federal jurisdiction has been in the beginning, and that has been the development of every step of our legislative procedure from the date of the Constitution to the present time, a purpose to have an Independent Federal tribunal wherever the laws of the United States were in force, for the protection and security of the people of the United States against any attack by a district court of the United States, a Federal court which has that jurisdiction and Federal judges.

Why was this? One of the great arguments for it was that a government like the United States ought to have a judicial establishment. It must not depend upon the courts in the Territories to furnish them with judges and courts. It would be a system of government that would be a Federal establishment. The reason for that was very various and very numerous and have been so elaborated in a judicial action and decision that thousands of reasons have sprung up to justify the wisdom of our fathers when they established a Federal court for the purpose of establishing a Federal law in the United States and that a Federal court in a State, and so in a Territory, is not, Mr. President, a part of the local jurisdiction. It has no concern with the local laws, local litigation, or causes that may arise there, except as far as it may have a reverence over those tribunals given to it by an act of Congress, as the chief of the jurisdiction of that kind. But here we have a great volume of statutes, criminal laws of the United States. While I concede that a Territory may be empowered by Congress to administer all the criminal laws of the United States, it is wise to have in a Territory a judicial tribunal which has the jurisdiction and the same same charge of all the Federal jurisdiction? Is that safe? Is it not better, wiser, and safer to separate these jurisdictions in Territories precisely as they are separated in the States?

I maintain, Mr. President, that it is necessary for the complete occupation of one of these islands which have been annexed, particularly the insular portion of the country, that we should have established in them separate judicial tribunals, and one of the leading purposes of having a tribunal there is to correct and to control the population of these islands by the direct authority of the law to which they are subject.

I do not know how I would feel if I were to appear before the district court or the supreme court as it is organized in this act now of Hawaii, with a cause in which the United States was a party, whether it was civil or whether it was criminal, or a cause which was subject to a tribunal created by the laws of the United States, which the Labor Contract, the Quarantine law, the Immigration laws, the Labor Contract law, the Quarantine law, and various others that I might cite. I do not know how I would feel when I should have tried a case upon the local docket before that bench if I should then ask him if he would not turn over and try another case on the bench.

I should feel, in many cases, that I had a court that was trying to serve two masters. There would be difficulty about that. I can imagine very easily—in fact we all can by looking back over our own recollections a little bit—in cases in which the local courts have been quite antagonistic to the laws that were functioning in the Supreme Court of the United States where the State supreme court have refused to record decrees of the Supreme Court of the United States. There has always been, and there will always be, more or less of conflict between this jurisdiction, and the better plan is to keep them separate, and have the same judges to decide on Federal questions and the same judges to decide on local questions.

Are our Territorial laws consistent with each other? Have we got a Territorial system? In the Revised Statutes we attempted to put up a Territorial system, but could not do it. We had to make the general principles of the system apply to only four or five out of the thirty States in the United States, and in almost every case in favor of some particular Territory of a very important power, a very important jurisdiction. Every one of these Territories had a special law applicable to itself, and it was impossible to put all these special laws in one general system. So the codifiers of these laws gathered together those that resembled each other most and put them in a classification, making the exceptions stand for the purpose of illustrating the differences between the respective governments.

The first section, section 1831, provides:

The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

That is, every Territory; they are all there—but no law shall be passed interfering with the primary dispositions of the Constitution, etc.

Section 1832. The sessions of the legislative assemblies of the several Territories of the United States shall be held to forty days duration, and no bill...