either of these other Territories, where they are so greatly differ-
entiated. There are no two of them alike, and never have been.
They each had their separate local government, conformable, as
is possible, to the wishes and the necessities of the people;
that is all.

Therefore, shall we not take into consideration the fact that
Hawaii is more than 2,000 miles from the coast of the United
States; that it is a maritime state; that much the larger part of
the public property, including the lands, comes from the sea; that
the breadth of the maritime jurisdiction—not the admiralty merely,
but the maritime jurisdiction—is almost inconceivable; and that it requires
a judge to possess qualifications for that position that are not ex-
pected from the United States courts, whether the judge be work-
or at Nashville, Tenn., or Raleigh, N. C., or anywheres in any of
the interior? The judge in our interior States has nothing to do
with admiralty and maritime jurisdiction, and he does not qualify
himself for it.

It is a lifetime study for the best men in the United
States to master admiralty and maritime law. It is the most intric-
ate, difficult branch of jurisprudence that we have to deal with,
that which concerns, which is a very important matter, for the
protection of the safety of the ships on the high seas. The
inverses are very seldom between American citizens; they are be-
tween the citizens of the United States and foreign people.
A judge appointed for four years, who has got to go to Hawaii,
must find out first of all something about the laws of that country,
has no time to find out about the laws of the United States,
and is to be tumbled out by the next political Administration
that comes along.

Now, that is a travesty upon the real administration of justice.
Ought we not to do better for those islands and for ourselves
and for the future? Then we should have a judicial department
that, than to send a judge there to be appointed for four years,
who is trebling upon his seat all the time while he is presiding
in his court for fear he may do something that is contrary to
the political wishes of the administration that sent him there?

What is the independence of judicial power, the independence of
judicial power? If there is one point in the Federal system better than all the balance, it is the fact
that the Federal judiciary is independent of the President.
It is a department, the fulfillment of a judicial function, and not a
decision of the President, and so many of the judicial departments comprises our Government.
That department ought to be as independent as the executive, or
even more so; it ought to be as independent even as the great
political department called the Congress of the United States, the
legislature, that has the power of passing laws.

I am for maintaining, Mr. President, the independence of
the Federal judiciary in Hawaii. If that judge is appointed for four
years or ten years, and can be removed at the beck and call of the
politician who may be President of the United States, that man
has got no independence. That is what is the independence.
That is my anxiety about this section of the bill.

I hoped, and I hope yet, that in the report made by this commis-
sion and in the bill predicated upon it there will be found a need
for the exercise of the powers of the Government of the United
States to over the new possessions come in an equal. It may in-
volve tariff questions or it may not. Yet I regard that as a mere
question of policy. But, Mr. President, in the exercise of the
functions that are devolved upon us in the control of these new acquisitions it ought to be understood that it is the Government
as a whole that is to exercise that control, and not the Presi-
dent, upon one of these islands. It ought not to go there grudgingly;
the ought not to go there piecemeal and dole out its powers or its
jurisdiction into the hands of local people.

Now, here comes another idea which is opposed to the views
that I have had in this bill. The Senate, I think, is right. Hawaii
and the people of Puerto Rico and the people of the
Philippines shall enjoy all of the necessary powers of self-government
that are requisite to establish in those islands a government repub-
clican in form. That is the mandate of the Constitution. We
above have been right to give to the governor of Hawaii on
the plan that we predicated and reported to the Senate the power
to appoint these circuit judges and the supreme court. But the
Senate has taken that power out of the hands of the governor, and
instead of permitting it to be a power of local self-government it
is a power to be exercised by the President of the United States,
which, in that respect, may be called a foreign power; not essen-
tially foreign, but in that regard it is foreign, a power exercised
very far from the place where the judge is to sit and hold his office.
However, the Senate has stricken out that provision and has
in this bill, the President of the United States the power to appoint
the three judges, though he is not to exercise the power to
appoint them until the other power is exercised. We have not as yet as provided, I believe, and I doubt if we do pro-
der, for their payment out of the Treasury of the United States.

Mr. CULLOM. That is provided for.

Mr. STEWART. That amendment was adopted.
Mr. STEWART. Will the Senator from Alabama yield to me a
moment?

Mr. MORGAN. For a question?

Mr. STEWART. No; to make a suggestion. I ask unanimous
consent that this bill be voted upon at half past 12 o'clock to-
morrow. It is evident that we will not have a quorum here
to-night to vote upon it. After we reach an agreement to vote tomorrow, I can talk it up to-morrow as we please.

Mr. MORGAN. Mr. President, I do not see that request of the
Senator from Nevada I wish to say a word about this bill.
Hawaii to-day is in the enjoyment of a very excellent government,
and will be until we change the law there. The laws of Hawaii
reflect upon the reputations of those who have exercised them,
and there is no power to set those laws aside except that of Congress.
The President of the United States was required to administer
the laws in such manner as he shall see proper, and through such
agencies as he might select. That is as far as he can go. He can
not annul the law by the Congress, but that which was imported there
he can execute. It can prescribe the manner of its execution and the
officer by whom it is to be administered under our act.

Now, that government has had the right all the time to have
its legislature convene and proceed with its legislative work,
the amending of those laws. That has been the benefit of Hawaii.
It has proceeded in its judicial tribunals to exercise the full breadth
of their power, and, as I observed yesterday, men have been hung
in Hawaii under the Hawaiian laws and under processes that run
in the name of the republic of Hawaii.

There has been an advice on the part of the Attorney-General
of the United States that it would be unwise on the part of the
Hawaiians to go on and legislate and provide appropriations, for
the purpose of collecting their own taxes for themselves, and
for the benefit of the Hawaiian people.

Those people have had to put their hands in their pockets to an
amount of hundreds of thousands of dollars to supply the com-
pany with the money necessary to suppress this terrible ravage,
which has been caused by an importation from China, and is now in Molokai, in Maui, and also in the island of
Hawaii, and spreading through those islands, as it is to Aden,
and to Lisbon and various other places in Portugal, and will be
in San Francisco and in Sand Diego, no doubt, in a month's time.

Yet, under the act that has been passed by the government of Hawaii, the Attorney-General's suggestion or request to the contrary notwithstanding, they have got a
perfect right to pass valid laws in that legislature. They have
right to the exercise of all of their judicial functions and of all of their
treasurings by the Senate. That is not a power that is wanting to
the government of Hawaii except the power to hold intercourse
with foreign countries and, in subordination to the will of the
President, as to the manner in which laws shall be executed and
the agents by whom it shall be done.

Mr. STEWART. For a moment, Mr. President. If I were a
Hawaiian, I would advise them to stand by what they have got for a hundred years rather than to put up with this bill as it stands to-day; and rather than see this bill pass I would rejoice to see it defeated, for the Sena-
tate of the United States has not been willing at all to take any
interest in the Hawaiian Islands. The Committee on Foreign Relations have recommended, after the most studious and careful and impartial consideration of this sit-
uation; and they have attempted to create for Hawaii government that is applicable to Arizona or to New Mexico, or something that has been written about; and I hope this will be a
repelled affair; not only so, but a government that we hand out to them in this dilapidated condition, in the most virulent outpouring
of abuse and scandal and slander on the floor of the Senate.
If I were a Hawaiian, Mr. President, or if I had my way about it, I would let Hawaii stand where she is. She can always vindicate herself.
Hawaii has not cost us a dollar since she has been in the American
Union, and she will never cost us a dollar. She can stay there
under her laws and make money. Her people are already pros-
norous; and their property has been disturbed not less than once
and that is, by a visitation on high—that is, all I would