Q. The cabinet was appointed by the Crown?
A. Yes.
Q. And how removable?
A. Only by vote of want of confidence passed by a majority of elected members.
Q. What was the character of the increased power of the cabinet under the constitution of 1837 over that of 1864?
A. It made the ministerial responsibility clearer, I think, than it existed under the constitution of 1864.
Q. In what way was it made clearer?
A. By express provision after 1887, if I mistake not, saying that whenever any act was to be done by the sovereign it was to be done by and with the advice of the cabinet. That the supreme court has held to be the advice of a majority of the cabinet.
Q. Would that be so in the matter of the exercise of the veto power?
A. We thought not. That is, the justices of the supreme court thought not. Under the constitution, which made the legislative power consist of the King and the legislature, we felt that this act in approving or vetoing a bill was a legislative and not an executive act.
Q. What did the word signify, then, in relation to the power that the King could only do it with the advice of the cabinet?
A. We construed that power of the King which could only be exercised through the ministry as applying solely to executive and not to legislative acts.
Q. He could do nothing, then, without the sanction of a majority of the cabinet in the matter of administration?
A. No, sir.
Q. A single member of the cabinet would not answer?
A. No, sir. The Thurston ministry broke up on that principle, Ashford advising the King, contrary to the advice of the supreme court, that he was not bound to act unless all the members of the cabinet advised a certain measure. That led to a serious difference in the cabinet, which resulted in breaking it up.
Q. The court held that it required a majority?
A. Yes.
Q. Which Ashford was that?
A. C. W. Ashford. After his return from Canada he seemed to be very much changed.
Q. Your house of nobles was equal in number to the representatives. What was the qualification of an elector for nobles?
A. The property qualification was an income of $600 a year, or unincumbered real property of the value of $3,000. We held that where a man was paid wages and his board that his board was not to be included; that he must have a clear income of $600.
Q. I wish to ask you the reason for these changes—what they were intended to accomplish—and I wish to ask you because of your high official position as chief justice and because of your high character?
A. The main grievance was this: The Legislature was composed of officeholders. I mean the representatives prior to 1887. The district justice, nominated by the governor of each island, would use his judicial influence by making it very easy with the offenses of the people. The same thing was true of deputy sheriffs, tax assessors, tax collectors, and all minor officials. When once in the Legislature they could be very easily controlled either by threats of withdrawing the offices from them, or by promises of other offices. As was well expressed by Mr. Gibson, who was premier at one time, the King was the larger part of the