statement subjects him to a penalty of $100, to be collected in the courts of Hawaii by the government of Hawaii.

Mr. WHEELER of Kentucky. In my humble opinion, in order to enforce the penalty you must make it a misdemeanor or a crime to refuse to furnish this information. To say simply that a failure to return the prescribed statement shall subject the person failing to give it to a certain penalty is so indefinite that no court would support a declaration founded upon such a provision. You must specifically define an offense the act which the law undertakes to punish.

Mr. NEWLANDS. I shall be very glad to accept any amendment which the gentleman from Kentucky [Mr. WHEELER] may frame in order to make this provision more effective. All I want is to have some provision of this kind incorporated in the bill. I have no doubt that the bill, if given them a basis of action, will shape the provision properly. Of course our amendments hastily offered here are sometimes quite crude.

Mr. KNOX. I desire to say that if I have understood correctly this amendment and its purpose, it is in the direction of securing very valuable and necessary information: and I think I may say on behalf of the committee that we have no objection whatever to its being adopted.

Mr. WHEELER: The gentleman from Nevada [Mr. NEWLANDS] will allow me to say that the machinery of the government now in operation in Hawaii provides for the accomplishment of the very purpose which he aims at. anyone who cares to examine into the matter will find a synopsis of such statistics in the report of the commission and a supplemental report. But this provision will do no harm.

Mr. NEWLANDS. As I understand it, it can do no harm; and in addition we shall have under its terms a report to the Department of Labor, which would be published, so that Congress will have actual information to guide its action.

The question being taken on the amendment of Mr. NEWLANDS, it was adopted.

The Clerk read as follows:

Chapter IV.
The Judiciary.

Sec. 51. That the judicial power of the Territory shall be vested in one supreme court and such inferior courts as shall be established by the legislature of the Territory, and not subject to the circuit courts.

Mr. WHEELER. The general provision of law puts the Territorial judicial power into one supreme court and such inferior courts as shall be established by the legislature of Hawaii. Mr. KNOX. There is supposed to be a circuit court in each county, and if so, they would be styled inferior courts.

Mr. WHEELER. The justices of the peace of the Territory shall be appointed by the President of the United States, and shall hold office for the term of three years, and be removed from the office by the President of the United States, or by the suspended judges of the District Court. Mr. KNOX. That is in accordance with the provisions of the Federal Constitution, which states that the judges of the District Courts shall hold office during good behavior.

Mr. WHEELER. When a circuit court is appointed by the President of the United States, it shall consist of not less than three justices of the peace, and shall have power to try all cases in equity and admiralty, and to enforce all orders and directions of the District Court.

Mr. KNOX. That is in accordance with the provisions of the Federal Constitution, which states that the judges of the District Courts shall have power to try all cases in equity and admiralty, and to enforce all orders and directions of the District Court.

Mr. WHEELER. That the provisions of this act shall apply to the Territory of Hawaii, and that the laws of the United States shall be extended to the said Territory.

Mr. KNOX. The provisions of this act shall apply to the Territory of Hawaii, and that the laws of the United States shall be extended to the said Territory.

Mr. WHEELER. The act provides that the judicial power of the Territory shall be vested in one supreme court and such inferior courts as shall be established by the legislature of Hawaii.

Mr. KNOX. That is in accordance with the provisions of the Federal Constitution, which states that the judges of the District Courts shall have power to try all cases in equity and admiralty, and to enforce all orders and directions of the District Court.

Mr. WHEELER. That the provisions of this act shall apply to the Territory of Hawaii, and that the laws of the United States shall be extended to the said Territory.

Mr. KNOX. The provisions of this act shall apply to the Territory of Hawaii, and that the laws of the United States shall be extended to the said Territory.

Mr. WHEELER. The act provides that the judicial power of the Territory shall be vested in one supreme court and such inferior courts as shall be established by the legislature of Hawaii.

Mr. KNOX. That is in accordance with the provisions of the Federal Constitution, which states that the judges of the District Courts shall have power to try all cases in equity and admiralty, and to enforce all orders and directions of the District Court.

Mr. WHEELER. That the provisions of this act shall apply to the Territory of Hawaii, and that the laws of the United States shall be extended to the said Territory.

Mr. KNOX. The provisions of this act shall apply to the Territory of Hawaii, and that the laws of the United States shall be extended to the said Territory.

Mr. ORLOWSKI. The gentleman from Indiana [Mr. ROBINSON] in giving the distinction between superior and inferior courts, has the correct idea. There is a large line of decisions to the effect that no court of general jurisdiction can be said to be inferior, and they make the distinction between a court of limited jurisdiction and a court of general jurisdiction.

Mr. KNOX. There is no objection to the amendment suggested by the gentleman.

Mr. BELL. I move to strike out the word “inferior.”

Mr. KNOX. There is no objection to that.

Mr. LANE. Substitute the word “other.”

Mr. KNOX. Yes; strike out the word “inferior” and substitute the word “other.”

Mr. DICKINSON. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

In section 51, line 18, strike out the word “inferior” and substitute the word “other.”

Mr. BRICK. I would like to be heard upon that. If you say, “such other courts,” that would give the power in the legislature to provide for other appellate courts. It might provide for that and might be so construed. It is not the intention that the legislature could provide for any other appellate court than a supreme court; so that if you strike out the distinctive qualification of inferior courts, then it should read “such other circuit courts and inferior courts” as the legislature may establish.

Mr. ROBINSON of Indiana. I agree with the gentleman that the words “circuit courts” ought to be in there. Is that the gentleman’s contention?

Mr. BRICK. Yes.

Mr. ROBINSON of Indiana. Then I hope the gentleman from Colorado [Mr. BURTON] will so frame his amendment.

Mr. BELL. The gentleman from Indiana [Mr. ROBINSON] has made an amendment.

Mr. KNOX. The gentleman from Colorado [Mr. BURTON] will so frame his amendment as to cover that provision.

Mr. BELL. I have no objection. My only object was to remove what was subject to misconception.

Mr. DENNY. Why not say “such other circuit courts?”

Mr. ROBINSON of Indiana. Substitute “other circuit courts and such inferior courts.”

Mr. BELL. Very well.

Mr. CHAIRMAN. The Chairman understands the gentleman to withdraw the amendment, and the gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word “such,” in line 17, insert the words “other circuit courts and such inferior courts”.

So that it will read:

That the judicial power of the Territory shall be vested in one supreme court and in such other circuit courts and inferior courts as the legislature may from time to time establish.

The amendment was agreed to.

The Clerk read as follows:

Sec. 52. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, and shall hold office for the term of years, as the provisions of this act shall provide, and that in case of the disqualification or absence of any justice thereof, in any case pending before the court, the trial and determination of said cause shall be reversed by the President of the United States, and that the amendment of this act in respect to the supreme court shall not be more than two of the justices of the United States.

Mr. ROBINSON. I offer the amendment which I send to the Clerk’s desk.

The Chairman of the gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

In section 52, after the word “and,” insert the words “in the following:

Sec. 52. That the supreme court shall consist of a chief justice and two associate justices, the purpose of which is that there shall not be less than two associate justices.

The amendment was agreed to.

Mr. CORLISS. I should like to inquire of the gentleman in charge of the measure whether there is any limitation of the terms of the judges of that court?

Mr. LANE. That is fixed in section 54 by an amendment which was offered yesterday, fixing the term for years.

Mr. CORLISS. The length of the judicial term is limited to four years.

Mr. LANE. Yes.