to bills of exceptions, etc., and added at the end of the section the following:

And until the legislature shall otherwise provide, the laws of Hawaii herefore in force shall have the same force and effect as herein otherwise provided.

That section, perhaps, would be better understood if I should read it. There is nothing in section 81, however, except to restore the words "circuit courts" in the section. The Senate, I believe, has only provided that the President should appoint the judges of the supreme court. The amendment would appoint both the supreme court and circuit court judges, and in conference the Senate conferees consented to the President appointing the circuit court judges as well as the supreme court judges, and conference agreed accordingly on the section.

Mr. JONES of Arkansas. Is it a perfect section? Mr. CULLOM. No, section 81.

Mr. SPEAKER. If the Senate will allow me, does that section leave in all cases the decisions of the supreme court of the Territorial court, without any right of appeal in any case to the Supreme Court of the United States?

Mr. CULLOM. I think the section did not apply to that.

Mr. SPEAKER. Yes; it did. There was a provision in the Senate bill for an appeal from the supreme court of Hawaii to the circuit court of appeals of the Ninth judicial circuit, and an appeal on writ of error to the Supreme Court of the United States upon any writ of habeas corpus involving a question of personal freedom. In that all strikes out of the bill?

Mr. JONES of Arkansas. From where was the Senator reading?

Mr. SPEAKER. In page 43, section 81, of the print of April 19.

Mr. CULLOM. I think, if the Senate will allow me to go on until we get entirely through with the court business, Senators will probably be better able to understand what is in and what is out of the bill.

Mr. JONES of Arkansas. I wanted to ask the Senator a question about something that has been passed; but if the Senator prefers to conclude before I ask the question, I shall wait.

Mr. CULLOM. I am getting a little tired of standing so long.

Mr. JONES of Arkansas. There are some questions that I want to ask the Senator, but I will have an opportunity at a later time.

Mr. CULLOM. In section 81, I stated, the House inserted a provisjion that—

The laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

Section 82 is amended so as to require that the judges of the supreme court shall be citizens of the Territory of Hawaii; that they shall be appointed by the President of the United States and confirmed by the Senate, and they may be removed by the President.

Section 82 is amended by the insertion, in line 21, on page 44, of the word "male," and also the words "and 21 years of age" are inserted so as to make the provision that no person shall be a qualified juror unless he is a male citizen of the United States and 21 years of age, etc.

Bill 91 amends the amendment which provides that "no person shall be convicted in any criminal case except by unanimous verdict of the jury."

Mr. JONES of Arkansas. Where is that?

Mr. CULLOM. In section 83. That, of course, is making the law conform to the laws of the United States.

Mr. SPEAKER. It will be found in lines 1 and 2, on page 45 of the last print.

Mr. CULLOM. I will say that the laws of the Territory allowed a verdict by two-thirds of the jury, I think, instead of unanimously.

Mr. JONES of Arkansas. In the Senate bill there is an amendment referring to grand jurors which was not in the conference bill, and included in the last part of section 83.

There is no amendment to section 84 of the Senate bill.

Referring to the Delegate in Congress, section 85 of the Senate bill makes that amendment, that the Delegate shall possess the qualifications necessary for representatives of the legislature of Hawaii, and that he shall also have a seat in the House of Representatives with the right to debate, but not to vote, the same as a Delegate from any of the other Territories.

Section 86 was amended by the Senate, but the amendment was receded from in conference, and the section stands in the conference bill as it was passed by the Senate.

Sections 77, 78, 79, and 90 were not changed.

Section 91 was amended by the House, and the conference agreed to the amendment, the purport of which is that all moneys in the Hawaiian treasury, all the revenues and other property acquired by the government of Hawaii since the cession, shall be and remain the property of the Territory of Hawaii.

Section 99 provides for the salaries of certain officers appointed by the President, namely, the governor, $5,000, and so on, giving the salaries of the respective officers provided for in the bill.

The Senate bill provided for a salary of $5,000 to $8,000, but I think it was only $5,000. That is increased to $8,500. The salary of the associate justices is $5,000 each and that of the secretary of the Territory $3,000.

Section 99, providing for the payment of salaries to the governor, the secretary, the chief justice, and the associate justices, is amended as I have stated.

The House provided for the salaries of the circuit judges to be paid by the Territory of Hawaii, but as we finally agreed that the salaries of all should be appointed by the President, the conference report the bill providing that they shall be paid their salaries by the Government of the United States.

Mr. JONES of Arkansas. They are Territorial judges?

Mr. CULLOM. Yes; Territorial circuit judges.

Mr. JONES of Arkansas. Is that the practice in the Territories of the United States?

Mr. CULLOM. I think the practice in our Territories where we provide for their appointment by the President. In such cases I think salaries are paid from the United States Treasury.

Mr. JONES of Arkansas. These are simply temporary appointments until such time as the local government there shall be able to administer affairs in its own way, is it not?

Mr. CULLOM. No, sir; the President is to continue to appoint them.

Mr. JONES of Arkansas. The President is to continue to appoint all of them?

Mr. CULLOM. Yes, sir.

Mr. TILLMAN. If the Senator will permit me, I understand when the bill was finally adopted, under the conference report, if adopted, and if the bill became a law, select all of these officers from citizens of Hawaii, and we are given the great privilege of paying them their salaries out of our own Treasury. Why does not Hawaii support her own government?

Mr. CULLOM. That is that the commission started in to require them to do; but under the direction in part of Congress, as it is provided herein, the judges are all to be appointed by the President; and if they are appointed by the President, I think their salaries ought to be paid out of the Treasury of the United States. We are in the same way with our other Territories.

Mr. TILLMAN. Why not let the President select them, just as he does for all other Territories—wherever he can find the best talent?

Mr. CULLOM. That is a question I do not care to discuss any further now.

The section as reported by the conference also provides for the salary of the United States district judge at $5,000; the United States marshal, two thousand five hundred; United States district attorney, three thousand. And the governor shall receive annually, in addition to his salary, the sum of $600 for stationery, postage and insurance; and on his traveling expenses while absent from the capital on official business, and on the sum of $800 annually for his private secretary.

Section 98 of the Senate bill was not amended.

Section 94 vests the Commissioner of Fish and Fisheries with requiring a report, etc., the House striking out the last four lines, beginning after the word "fit," on page 51, line 18, of the Senate bill, being an appropriation of $5,000 for the purpose of examining into the subject of fisheries surrounding that Territory.

Section 95 remains in the bill reported by the conference as it passed the Senate.

Section 96 was amended by the House striking out "shall," and inserting "may," and inserting "such" between "in" and "manner," and inserting after the word "manner" the words "as may be." The intention was to make it read more smoothly, as the conference thought.

Mr. JONES of Arkansas. What section is that?

Mr. CULLOM. Section 96.

Mr. JONES of Arkansas. Some of these prints have no section 96.

Mr. CULLOM. You have got hold of the wrong bill, I reckon.

Mr. JONES of Arkansas. I have both.

Mr. CULLOM. It will now read as follows:

That if fishing right be established, the attorney-general of the Territory, in such manner as may be provided by law, etc.

Section 97 was amended by striking out all the latter portion of the section, requiring the United States to pay in part the expenses of the leper settlement on the island of Molokai and the leper hospital at Kalili, and the homes at which the children of lepers are received, etc.

The people of the Territory, so far as I could learn, prefer to pay the expenses of those settlements, and I thought it better to allow them to do so, and so did the conference and the commission.

Section 98 was amended by the House striking out "on the 12th day of August" and inserting "permanent or temporary, on"