

control of the Hawaiian government, so as to compel the lands to be leased from this time forward forever. The land can not be devoted to homestead settlement at all.

Mr. CLARK of Wyoming. I do not suppose the Senator understands that any of the land that is now under lease is subject to homestead entry.

Mr. MORGAN. I do. As fast as the leases expire the land is subject to homestead entry.

Mr. CLARK of Wyoming. But not so long as the land is under lease.

Mr. MORGAN. But many of the leases have expired or are expiring.

Mr. CLARK of Wyoming. If the Senator will remember and look at his data, he will find that very few leases will expire during the term of five years mentioned in the amendment.

Mr. MORGAN. My impression is that quite a number of the leases have expired, or are about expiring. What is the use of having the Government of the United States set apart those lands as a fund to reimburse this \$250,000 and take them out of the land system in Hawaii, entirely out of the public domain? We have dedicated those lands by the act of annexation to the use of the people of Hawaii, not to the use of Liliuokalani, nor to the use of the United States.

Mr. BACON. Will the Senator permit me just a moment?

Mr. MORGAN. Yes.

Mr. BACON. The proviso expressly limits this to a charge upon the revenues from those lands especially, and those which have been disposed of by settlement or otherwise can not be affected. The proviso can not affect any lands except those which remain under lease and from which revenues are derived.

Mr. MORGAN. There is no use for it and no need for it. It is a sort of Indian gift—give it and take it back. If we are going to do the decent thing about it, if Senators insist that it is a decent act to do, then let us do it without reservation and without embarrassing the land system of Hawaii in order to get the measure through the Senate.

Mr. CULLOM. May I ask the Senator, by his leave, a question?

Mr. MORGAN. Certainly.

Mr. CULLOM. I ask whether the Senator does not think that this whole subject of what should be paid to the Queen, if anything, should be the result of a special investigation, and that we should then act with all the light possible before us?

Mr. MORGAN. It ought to be the subject of a separate bill. The committee have not had any opportunity of considering this question at all as a claim against Hawaii or the Government of the United States. It has not been presented either to the commission or to the committee.

Mr. CLARK of Wyoming. The bill as prepared and reported absolutely cuts off any possibility of action in that regard.

Mr. MORGAN. No; it does not do that.

Mr. CLARK of Wyoming. If section 101 does not do that, I should like to have the Senator from Alabama interpret it.

Mr. MORGAN. I will interpret it in a moment. The Government of the United States took over the title of those lands in Hawaii and devoted the proceeds of the lands entirely to the people of Hawaii, acting merely as a conduit or trustee for the purpose of holding title for the benefit of those people. In doing that, the commission and the committee were afraid that the Government of the United States might have thrust upon it a liability or incumbrance claimed by Liliuokalani, and therefore cut it off so far as this Government is concerned, without touching her right, whatever that might be. The only provision of the bill on the subject is that this Government does not assume, and will not assume, any claim of trust or obligation resting upon that public domain that we got from the Hawaiians; which was a just, proper, and necessary provision, and did not affect her at all.

I know what has been said about this thing very frequently. Men have been here for a year or two years; have been here almost all the time. They came here before annexation took place with powers of attorney, coupled with an interest, to have this claim vamped up and paid. Suits have been threatened, but lawyers have not yet been found who had the temerity to bring the suits against the republic of Hawaii. This claim ought at least to have gone before the Committee on Foreign Relations on the part of the Senator who now offers it, who is a member of that committee. That committee has never had an opportunity of passing upon this question, and the amendment ought to go by the board. I would vote against it, or I would move to lay it on the table; but for one reason. I am willing that the Government of the United States shall exercise whatever of generosity it chooses to do toward Liliuokalani for the purpose of healing up the scars and wounds which have been inflicted by the annexation of Hawaii upon Senators on this floor. That is the object.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDENT pro tempore. The hour of 4 o'clock has arrived; and, under the unanimous-consent agreement made yes-

terday, the amendments and the bill are now to be voted upon without debate.

Mr. MORGAN. I call for the yeas and nays.

The PRESIDENT pro tempore. Does the Senator demand the yeas and nays on the proposed amendment?

Mr. MORGAN. I move to strike out the last clause of the amendment.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] moves to strike out the proviso; and on that motion he calls for the yeas and nays.

Mr. CULLOM. The proviso to what?

The PRESIDENT pro tempore. The proviso to the amendment offered by the Senator from Wyoming [Mr. CLARK].

Mr. CLAY. Is it the proviso to the amendment offered by my colleague, the Senator from Georgia [Mr. BACON]?

The PRESIDENT pro tempore. It is the proviso which was offered by the Senator from Wyoming [Mr. CLARK] to his amendment.

Mr. CLAY. I understand.

Mr. GALLINGER. I move to lay the entire amendment on the table, Mr. President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire [Mr. GALLINGER], to lay the amendment and the proposed amendment to it on the table.

The motion was agreed to.

Mr. PLATT of Connecticut. I offer as a new section the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. It is proposed to insert as a new section, to precede the last section of the bill, the following:

Nothing contained in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will at any future time be admitted as a State, or attached to any State.

The PRESIDENT pro tempore. The question is on the amendment which has just been read.

Mr. CULBERSON. I call for the yeas and nays.

Mr. CHILTON. Mr. President, it seems to me that the amendment ought not to be adopted. I am not in favor of admitting Hawaii as a State—

The PRESIDENT pro tempore. Debate is not in order.

Mr. CHILTON. It is not in order?

The PRESIDENT pro tempore. It is not, under the agreement made yesterday.

Mr. CHILTON. Excuse me; I was not aware of that.

Mr. MORGAN. If the amendment is not debatable, I make the point of order that it was not pending at 4 o'clock.

Mr. CULLOM. It was pending.

Mr. MORGAN. No, sir; it was not then offered in the Senate.

The PRESIDENT pro tempore. Under the peculiar wording of the unanimous-consent agreement the Chair would hardly feel authorized to rule that the amendment could not be offered now.

Mr. MORGAN. If it is offered now, it ought to be debated.

The PRESIDENT pro tempore. As the agreement appears in the RECORD it does not say "and amendments then pending;" but it says "to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill."

Mr. MORGAN. That, of course, means pending amendments.

Mr. CULLOM. And without debate.

The PRESIDENT pro tempore. It does not say "on amendments then pending," which is the usual way in arrangements of that kind.

Mr. MORGAN. Well, Mr. President—

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. CHILTON, Mr. STEWART, and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTUS. Mr. President, I move to amend the amendment by inserting, after the word "will," the words "or will not;" so as to read:

Nothing contained in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will or will not at any future time be admitted as a State, or attached to any State.

Mr. HOAR. That is not in order.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Let the amendment be stated from the desk.

Mr. HOAR. Mr. President, I rise to a point of order. I came in when the Chair was announcing his ruling. Did the Chair announce that he should hold that no new amendment is in order?

The PRESIDENT pro tempore. The Chair did not.

Mr. HOAR. What was the Chair's ruling?

The PRESIDENT pro tempore. The agreement is in peculiar wording. It is not as usual in unanimous-consent agreements,