Mr. FINLEY. I should like to state this: If the purpose of this amendment was to put an end to the land monopoly in Hawaii, I would vote for it.

Mr. KNOX. If the gentleman from South Carolina [Mr. FINLEY] will allow me, I will accept the amendment.

Mr. FINLEY. Very well.

Mr. FINLEY. As I have stated, if the purpose of this amendment was to put an end to the land monopoly in the Hawaiian Islands—a monopoly which now exists, not by religious and charitable institutions, but by speculators and capitalists—I would heartily support the amendment. But, Mr. Chairman, this is not the case, and I submit that the amendment should not prevail. The same reasons which make it necessary to limit the holdings of real property by religious and charitable organizations in the Territories of the United States do not apply to the Hawaiian Islands. Our Government is not underdeveloped, so to speak. Not, at least, with the Hawaiian Islands. They come to us a sovereign State at the time of annexation—not only a sovereign State, but one developed, with an abundant population and with institutions which exist much the same in all respects as institutions of our older States.

Now, Mr. Chairman, there is need of religious and charitable institutions in the Hawaiian Islands than there is in any Territory of the United States, because, situated as those islands are on the highway of travel between Asia and the two Americas, it is necessary to have hospitals and institutions of a charitable nature which do not exist in the Territories of the United States.

Now, I would like to ask the gentleman urging this amendment, would a provision of this kind be applicable in the State of New York, in the State of Arkansas, in the State of Maine, or in the State of South Carolina? Is it not true that in almost every State of this Union there are charitable institutions for the purposes of administering to the wants and relieving the sufferings of the afflicted having a much larger capital than $200,000? I can see no reason for not exempting the Hawaiian Islands from the provisions of section 1890, and I hope the amendment will be voted down.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

Mr. KNOX. Mr. Chairman, I make the point of order that debate upon this section is exhausted.

The CHAIRMAN. Debate upon this section is exhausted under the rule. The question is upon the adoption of the amendment proposed by the gentleman from Arkansas [Mr. McRAE].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. McRAE and Mr. WILLIAMS of Mississippi demanded a division.

The committee divided; and there were—ayes 24, noes 29.

Mr. McRAE. Tellers, Mr. Chairman. The tellers were refused, not a sufficient number, rising in support of the demand thereon.

Accordingly the amendment of Mr. McRAE was rejected.

Mr. NEWLANDS. Mr. Chairman, I now move—

The CHAIRMAN. The amendment now pending is the amendment offered by the gentleman from Tennessee [Mr. SNODGRASS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, is debate exhausted upon that amendment?

The CHAIRMAN. It is not.

Mr. WILLIAMS of Mississippi. I should like to be heard upon it for a few moments.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, in answer to what was said by the gentleman from South Carolina [Mr. FINLEY] a moment ago, this amendment would not interfere with any vested rights in the Territory of Hawaii. That is the first thing to be considered.

Now, I am not concerned with vested rights, even without the saving clause of this amendment, which says that it shall not do so. It could not, because the courts would not permit it to do so.

The second consideration that presents itself to my mind is this: I admit that the situation in Hawaii is somewhat different from that in the other States. It is, the gentleman has said, upon the thoroughfare where diseases from the Orient first make their approach. But there is nothing in the amendment that would interfere with public hospitals. They are not religious or charitable corporations within the sense of the law.

Mr. KNOX. Are they not charitable institutions?

Mr. WILLIAMS of Mississippi. Not in the sense of the legal phrase when they are public and maintained by the government of the Territory or by the State. No court has ever held that they fall within the inhibition against charitable corporations.

Now, there are out there, and there always will be, hospitals, with immense endowments, under the charge of the State, so to speak, although the State has now become a Territory of the United States—in other words, governmental institutions. This does not apply to them.

Now, the gentleman said a moment ago that this same sort of a law would not do for the States. But it is a matter within our knowledge that nearly all the States in the Union have laws limiting the amount of land which may be owned and controlled by charitable and religious institutions. Not only is it a fact that many of the States in the Union have done this, but the gentleman from Tennessee has told us that the State of Maine has a law of its own State; mine, at any rate—but it is a fact that one of the fundamental principles of the English law is the statute of mortmain, and it is a matter of the very highest public policy that land especially should not fall into the possession, control, and title of religious or charitable institutions.

Now, this amendment having done away with some of the objections of the other one, namely, having expressly saved the point of interfering with existing institutions, it seems to me that all reasonable opposition which can be made to it has disappeared.

I want to call the attention of the committee to another fact, namely, for the section 1890 of the Revised Statutes of 1891, which makes section 1890 applicable to "all the Territories hereafter to be created." So that if you make 1890 applicable to Hawaii, but leave 1891 upon the statute book, it seems to me that you may raise a question of law that it is unnecessary to have both. If you make section 1890 inapplicable, then it ought to go further and render section 1891 inapplicable. But I believe that both ought to be applicable to the Territory of Hawaii, as well as to the other Territories of the United States, first saving all questions about existing institutions and then that the amendment offered by the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Chairman.

Mr. KNOX. I make the point that debate on this amendment is exhausted.

Mr. SNODGRASS. I hope the gentleman will not do that. I did not occupy my full five minutes when I offered the amendment.

Mr. KNOX. How much time does the gentleman want?

Mr. SNODGRASS. I only want three or four minutes.

Mr. KNOX. I move that debate on this section close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that all debate on this section close in five minutes.

The motion was agreed to.

Mr. SNODGRASS. Now, Mr. Chairman, the section which this bill intends to make inapplicable in Hawaii is section 1890 of the Revised Statutes of the United States, which reads as follows:

SEC. 1890. No corporation or association for religious or charitable purposes shall be created in any Territory, nor shall any be admitted by the Territorial government, of a greater value than $50,000, and all real estate acquired or held by such corporation or association contrary to this act shall be forfeited and sold to the United States, and all rights in real estate shall not be impaired by the provisions of this section.

Now, as I stated at the outset, I believe that the Constitution is there to protect vested rights; but if the contention of gentlemen on the other side is true that whatever law Congress may enact is absolute in the Territory of Hawaii, then I assume that this provision, providing that this section shall not apply to Hawaii, is for the section 1890 of the Revised Statutes of 1891, Territorial government, of a greater value than $50,000, and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and sold to the United States, and all rights in real estate shall not be impaired by the provisions of this section.

The amendment that I offer will carry those provisions of the laws of the United States there, this section included, but will provide that this shall not operate so as to disturb existing rights, but that the title to the whole of these lands and establishing monopolies. So I think my amendment ought to pass.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Tennessee [Mr. SNODGRASS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. SNODGRASS and Mr. WILLIAMS of Mississippi demanded a division.

The committee divided; and there were—ayes 20, noes 34.

Mr. SNODGRASS. I ask for tellers.