

Mr. KNOX. That is true, but we do it in order to preserve the title of "sheriff" on each of the islands.

Mr. ROBINSON of Indiana. I thank the gentleman for the explanation.

Mr. KNOX. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 77, section 64, line 12, add the following:

"Provided, however, That for the holding of a special election before the first general election the governor may prescribe the time during which the boards of registration shall meet and the registration be made.

The amendment was agreed to.

The Clerk read as follows:

COMMISSIONER OF PUBLIC LANDS.

SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this act, shall continue in force until Congress shall otherwise provide: *Provided, however,* That all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, shall be reported in writing each month to the Secretary of the Interior, who shall have authority to confirm, reverse, modify, suspend, and annul any of said transactions. That all of said transactions so reported upon which no action shall be taken by the Secretary of the Interior within sixty days from the filing of such reports in his office shall thereupon and thereby be confirmed and ratified.

The Secretary of the Interior is hereby authorized and required to provide and promulgate the rules and regulations relative to all contests on the disposition of the public domain and appeals to him. That all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted in good faith by the Hawaiian government in conformity with the laws of Hawaii between the 7th day of July, 1898, and the 23th day of September, 1899, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent;" "commissioner of public lands" for "minister of the interior;" "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the republic of Hawaii," or "that I have received letters of denization under the republic of Hawaii," or "that I have received a certificate of special right of citizenship from the republic of Hawaii." And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July 7, 1898.

Mr. KNOX. I offer the following amendment to section 73.

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

The Clerk read as follows:

On page 82, section 73, line 16, after the word "eight," add the following:

"And provided, That there shall be excepted from the provisions of this section all lands heretofore set apart or reserved by Executive order or orders by the President of the United States."

Mr. KNOX. Mr. Chairman, I will simply state that this amendment was suggested by the Department as necessary. Certain lands, since July 7, have been appropriated, by order of the Executive, for naval stations and other governmental uses in Hawaii, and the purpose of this amendment is to exempt them from the operation of this section.

Mr. BARTLETT. Does that apply to any other lands?

Mr. KNOX. Not at all, except those that have been actually taken for Government purposes.

The amendment was agreed to.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Add to section 73 the following:

"Provided, That all bona fide occupants of public lands who have improved the same shall, in the disposition thereof, have the preferential right in acquiring the same under the land laws of Hawaii as modified in this act, but such preferential rights shall not exceed 50 acres to any one occupant, and such improvements shall be not less than the appraised price of such lands."

Mr. KNOX. Mr. Chairman, under the laws of Hawaii the acquisition of homestead rights is very carefully provided for by what are called homestead leases, running for ninety-nine years, which are open to all citizens of Hawaii or those who have letters of denization in Hawaii, and can not be alienated or taken for debt, the only requirement on the part of the homesteader being occupancy and improvement of the land.

Now, just pending this annexation resolution and about the time of it, a large number of persons, without any right whatever, without seeking any authority under the laws of Hawaii, which we continue in force and effect, forcibly entered upon valuable lands in Hawaii. They became, in other words, mere squatters. Now, it would be a very serious mistake to secure them any preferential rights by reason of mere occupancy of the land.

I think also that the gentleman's provision that the occupancy should be in good faith would not help the matter any. These homestead lands are valuable, and this bill seeks to preserve them to the real homesteaders. To confirm those titles in the hands of squatters who took possession of them, intentionally to violate or not to comply with the laws of Hawaii and the laws that should

be enacted by the United States, would, in my opinion, be unwise legislation.

Mr. McRAE. I should like to ask the gentleman a question. Are the crown lands reserved for the benefit of Hawaii, or do they become public lands of the United States?

Mr. KNOX. All the proceeds from sales or leases of public lands under this bill are for the benefit of Hawaii.

Mr. McRAE. This Government gets no benefit?

Mr. KNOX. We get no benefit from those sales.

Mr. McRAE. There are no lands which will become lands of the United States?

Mr. KNOX. Not at all, except what we have the right to take for governmental purposes.

Mr. McRAE. Does this bill propose to dispose of these lands under the old Hawaiian law?

Mr. KNOX. Under the Hawaiian law, subject to the modifications in this bill, that all transfers, sales, and leases under the Hawaiian laws shall be sent here and receive the approval of our Secretary of the Interior.

Mr. McRAE. I do not think you can find a more objectionable land system anywhere than that which they have in Hawaii.

Mr. KNOX. That is quite a large subject to discuss. It is a complicated system.

Mr. LACEY. Under section 28 of the land laws of Hawaii there is a provision by which lands may be taken for homestead purposes from 1 acre up to 60 acres. My proposed amendment limits it, in all instances, not to exceed 50 acres, but it provides that the land shall be taken up under the Hawaiian law and that persons who are now occupying the lands shall have a preferential right.

The purpose of this amendment is to meet this state of facts: A good many men have gone into Hawaii from the homestead regions in the West.

Out there you can locate a homestead on unsurveyed lands and get a preferential right when the land is surveyed. These men who have been accustomed to this system have gone into Hawaii, have gone into the brush and located homesteads. Under the Hawaiian law, however, they have no preferential right, and the question is whether they shall be put out of the clearings that they have made and somebody else take the land or whether they shall have the first chance at it.

I think it is to the interest of Hawaii to have this country thoroughly settled, and settled by Americans as far as possible.

Mr. KNOX. They have the right under the Hawaiian law to go there and settle.

Mr. LACEY. But the persons who are clearing the lands, who have actually made improvements, would, under this amendment, have the preferential right over somebody who has made no improvements.

Mr. KNOX. There are no such cases in Hawaii except those who took possession in violation of the law.

Mr. MONDELL. Mr. Chairman, I hope this amendment will not carry. I believe that the actual settlers and cultivators who have improved the land are amply protected under the laws as they have existed for a number of years under the republic of Hawaii.

The effect of this amendment is simply to give some sort of claim to a few men who have gone upon valuable land in Hawaii, who are claiming there without any shadow of right, who went on tracts of land after they had been surveyed by the government, after the government had built macadamized roads through those tracts, and after the government had started the process of sale and disposition under their laws. These men went on there in violation of the laws, and so far as I know they are the only men in all Hawaii who are asking to have their squatters' rights protected.

Mr. WILLIAMS of Mississippi. They are "sooners," are they not?

Mr. MONDELL. They are "sooners." I have seen them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was rejected.

Mr. MONDELL. I offer an amendment to section 73.

The Clerk read as follows:

Strike out the proviso of section 73, on page 81, and also lines 11, 12, and 13, and the words "and appeals to him," in line 14.

Mr. MONDELL. Mr. Chairman, the effect of my amendment will be to strike from the bill that provision which refers to the Secretary of the Interior all transactions under the land laws of Hawaii, and that portion of the bill which provides that the Secretary of the Interior shall make all needful rules and regulations concerning land contests, etc. In my opinion, this provision is neither wise nor necessary. After a very careful investigation of the Hawaiian land laws, on the ground, and some study of the subject, I believe the laws of those islands passed in 1895 are well calculated to settle, develop, and improve the lands, and to place them in the hands of small holders.

I believe that a people who were wise enough to pass these laws,