Mr. FORAKER. Mr. President, I have the act right before me. Mr. MORGAN. Will the Senator read it, please?
Mr. FORAKER. I will read it, if the Senator will allow me.
Mr. MORGAN. What does it say?
Mr. FORAKER. It is as follows:

Whereas the government of the republic of Hawaii having, in due form, signed its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America, all of the right of sovereignty of the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States absolutely and without reserve, all the public lands and water lands, public buildings or offices, harbors, military equipment, and all other public property of every kind and description belonging to the government of the Hawaiian Islands, the same without any condition or reservation thereunto appertaining.

Mr. HALE. Is that the preamble?
Mr. FORAKER. That is the "whereas;" it may be said to be the preamble, I suppose. Then the resolution goes on to enact that the islands are annexed upon those conditions upon which the United States have consented. I recited it, and so understood it in the committee when I voted in favor of reporting the bill, simply to set at rest all disputes with respect to those lands.

Mr. HALE. The Senator has no doubt, under that provision and what follows, that those lands are absolutely given to the United States, so that the reference there is only a citation?
Mr. MORGAN. I had not quite completed my explanation, and I do not think anybody ever gets a chance to complete a sentence now on the floor of the Senate.

Mr. HALE. It is pretty hard to do so.
Mr. MORGAN. It is pretty hard to do so.
Mr. FORAKER. May I have the permission of the Senator from Alabama until I read another line in connection with what I read a moment ago?
Mr. MORGAN. I yield.

The President pro tempore. [Mr. HANSBROUGH] may have the floor now from the resolution of annexation itself, commencing at the second paragraph:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition. Mr. HANSBROUGH. I take it that section 101 is a special law. It occurred to me—I may be wrong about it—that it was an absolute grant of the Crown lands back to the government of Hawaii, and here, by the last paragraph, the government of Hawaii is authorized to allocate the lands to appropriate them to other uses. So I stated a few moments ago, I submit this question to the lawyers here about me, and of course I shall be guided by their opinion as to that.

Mr. FORAKER. Mr. President, the gist of the last sentence of that section is a part of the public domain about which the executive, legislate, and not to the republic of Hawaii.

Mr. HANSBROUGH. I understand that.

Mr. FORAKER. And the necessity for this arose from the fact that they did have a controversy as to whether or not the republic of Hawaii had become the owner or possessor of the fee-simple title to the Crown lands, as they were called originally. All the lands in the Hawaiian Islands were divided into three classes, one-third belonging to the public, one-third belonging to the government for governmental purposes, and one-third belonging to the crown, to be used only for the convenience of the people and the public interest.

The necessity for this arose—and it is not necessary here to go into details about it—as to whether or not those Crown lands had become possessed by the republic of Hawaii, and to that question at rest this declaration is made. Whether or not it does have that effect in law is another question. The necessity for this purpose of this is to say, according to our declaration, the republic of Hawaii had become possessed of the fee-simple title to the Crown lands, and in that consequence they passed to the United States and are now the lands of the United States.

Mr. HANSBROUGH. Mr. President—

The President pro tempore. Does the Senator from Alabama yield to the Senator from North Dakota?
Mr. MORGAN. I yield.
Mr. HANSBROUGH. I desire to suggest that so long as there is a doubt about the effect of this section it will be a good idea to strike it.
Mr. CARTER. Will the Senator from Alabama yield to me for one moment?
Mr. MORGAN. I yield the floor cordially, Mr. President. I do not care to say anything more about the matter. I was appealed to for some information about it; but if the Senate does not want to hear it, of course I cannot give it.
Mr. CARTER. I supposed the Senator from Alabama desired to review the various suggestions made and to submit the committee's point of view. I understand that the treaty of cession was approved on the 7th day of July, 1898, which is said to have resulted in an absolute cession, without reservation, to the United States of all the public lands of Hawaii. Section 101, which the Senator from North Dakota [Mr. HANSBROUGH] proposes to strike out, causes the Congress of the United States to now say that it is hereby declared that on the 12th day of August, 1898, these lands belonged to the government of Hawaii.

Mr. FORAKER. The Senator will allow me to suggest that he is perhaps not aware of the fact that the annexation was not considered when we passed our joint resolution, but only when that was accepted by the Hawaiian government, and we were allowed to take possession on the 12th day of August, 1898.

Mr. CARTER. All that is left of this section, briefly put, is that it is proposed to strike out the first sentence of the right of the queen or of the crown to the public lands of Hawaii. In that sense its efficacy is questionable. It is certainly an attempt to deprive a person not in court of certain alleged property rights without any hearing or attempt to give him a hearing on the matter. It does not objec. Mr. MORGAN thinks that is a proper way to proceed, but it would be well, if the section remain in the bill, to leave no question as to the right of the Hawaiian government to enact a law by which this public domain may be disposed of.

In the opinion here, I believe, that this right should be reserved to the Congress of the United States. I therefore suggest, if the section remain in the bill and the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] is voted down, that on page 48, section 101, line 2, it would be well to strike out the words "act of Congress;" so that there will be no question as to what power is to pass the law; or to insert "by the laws of the United States," or "as may be provided by the laws of the United States," or any equivalent term.

Mr. FORAKER. I think that is satisfactory to everybody.

The President pro tempore. That amendment is now in order.

Mr. CARTER. I offer that amendment.
Mr. CULUMO. I desire to say so. A few minutes ago I appeared to speak the desire of the Senator from Alabama [Mr. MORGAN] to give his views about this section, but he was so interrupted that he was not able to do so fully. I hope the Senator will yet explain that section, so that we may determine whether it ought to remain in the bill or to be taken out.
Mr. MORGAN. I thought the Senate had agreed that it should remain in the bill.

Mr. CULUMO. If it has, I am satisfied.

The President pro tempore. The question is on the amendment submitted by the Senator from Montana [Mr. CARTER].
Mr. CROCKKELL. Let me understand what that amendment is.

The President pro tempore. The amendment will be stated.

The Secretary. On page 48, in section 101, after the word "provided," at the end of line 1, it is proposed to strike out "by law" and insert "by the laws of the United States."
Mr. MORGAN. There is no objection to that. That is what it now means.

Mr. CROCKKELL. Why not change that? Why not strike out the period after the word "thereof," in line 24, on page 48, insert a comma and the word "and," and then strike out the word "in;" so it reads:

Sec. 101. That the portion of the public domain heretofore known as crown land is hereby declared to have been on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian government, and that the said land has become a part of the public domain and all other uses as may be provided by the laws of the United States.

Thus making it all one sentence; and then there will be no misconstruction about it.

Mr. FORAKER. That is better.
Mr. CARTER. I will accept the amendment of the Senator from Missouri.

The President pro tempore. The Senator from Montana [Mr. CARTER] modifies his amendment as suggested by the Senator from Missouri [Mr. CROCKKELL]. The amendment as modified will be stated.

The Secretary. On page 48, in section 101, after the word "thereof," it is proposed to strike out the period and the word "It," and insert a comma; and on page 49, line 2, after the words "provided," to strike out "law" and insert "the laws of the United States."

The President pro tempore. The question is on again on the amendment as modified.

The amendment as modified was agreed to.
Mr. RAWLINS. I offer the amendment, which I send to the desk, to come in at the end of section 82, on page 39, of the new bill:

The President pro tempore. The amendment will be stated.

The Secretary. On page 39, at the end of section 82, it is proposed to insert:

Provided, That...