Mr. FINLEY. Mr. Chairman, during the past one hundred and twenty-four years the United States has many times extended its boundaries or expanded its territory. First, the Louisiana purchase, in 1803, out of which has been carved the States of Arkansas, Kansas, Louisiana, a part of Minnesota, a part of Mississippi, Missouri, Nebraska, North Dakota, South Dakota, a part of Wyoming, Indian Territory, and Oklahoma; and, together with Arizona and New Mexico, will at some time be admitted as States; next, the Florida purchase from Spain, by treaty, in 1819, first organized as a Territory, and then admitted as a State in 1845; and by the same treaty a large scope of territory, out of which has been carved the States of Idaho and Washington; and third, the annexation of Texas by act of Congress in 1845, followed soon after by other acquisitions from Mexico, under treaty, out of which has been carved the States of California, Colorado in part, Nevada, Utah, Wyoming in part, and the Territories of Arizona and New Mexico. All of these acquisitions were adjoining the territory of the United States, and were secured from a standpoint of national necessity, or in order that we might be rid of dangerous or troublesome neighbors, living in close proximity to us.

France, when in possession of the Louisiana Territory, including the western bank of the river, had control of the mouth of the river, and this was a serious annoyance to American citizens inhabiting the part of the United States on the east side of the Mississippi, and drained by it. This being before the days of railroads, the Mississippi River was the great commercial highway for all the people living within this boundary.

The mouth of the river being in possession of the French, and our right of exit and entrance being secured only by treaty, which could be annulled by France at any time, it was a matter of extreme national necessity that the Louisiana Territory should be secured in order that the citizens of the United States living in the eastern part of the valley of the Mississippi might have an unrestricted outlet for their commerce, a dangerous neighbor removed, and our western border secured—a direct application, so to speak, annulled it referred to afterwards, in what is called the Monroe doctrine, that America should not be considered a field for exploitation and colonization purposes by the powers of Europe.

In the case of Florida, held as it was by insipient and bigoted Spain, its proximity to the southern part of the United States rendered it a fertile field for breeding troubles to our Government.

In the case of the annexation of Texas it was a matter of contract between two intelligent and sovereign nations, advantageous to both.

In the case of the other territory secured from Mexico by treaty, it was but the result of a theory long held by many of our wise and sagacious statesmen that, by the laws of nature and geographically speaking, the entire area from the Atlantic on the east to the Pacific on the west, from the Gulf of Mexico on the south to the Great Lakes on the north, was intended for one great country under one national government.

So, in this way, expansion of our territory was brought about by constitutional methods, and, except in the case of Texas, which was admitted as a sovereign state, always with a view to organizing the lands so secured into Territories with local self-government, and, eventually, to the admission of these Territories into the Union as sovereign States.

This wise and statesmanlike policy has been carried out to such an extent that to-day there are only four Territories, Arizona, New Mexico, Oklahoma, and Indian Territory, within the bounds of the above acquisitions.

In 1867 we purchased from Russia Alaska. This purchase, I believe, was not so much because the territory was valuable at the time, or that it was considered that it would ever be of any great use for purposes of emigration and settlement, or from a commercial standpoint, but because, the Russian Government being in the humor to sell, it was thought advisable for the United States to purchase, rather than at some time this territory should fall into the hands of Great Britain, it being held, as it had long been held, that it would be unwise on our part, from a national standpoint, to permit England to secure any further acquisition of territory in North America.

Mr. Chairman, in all this there is in charge of governing and shaping the national policies of the United States were wise and sagacious; the territory acquired being in all instances, practically speaking, an unsettled wilderness and needing only the hand of an intelligent, industrious, and liberty-loving American citizen to be applied in order that it might become an important and valuable part of our great Republic.

National security from external dangers, the perpetuation of our republican form of government, the welfare, prosperity, and happiness of the people of the United States, made it necessary that these acquisitions of territory should be made. This was expansion in its best and truest sense.

Prior to the war with Spain no territory was acquired by the United States outside of North America, nor was any of this ac-
quired except in the furtherance of a policy based on the Monroe doctrine and political necessity.

The Democratic party has always been in favor of this kind of expansion, and except in the case of Alaska, practically speaking, is entitled to the credit for the acquisition of territory at all time. In all the territories acquired, as I have stated, we have acted in the acquisition of and in governing them strictly in accordance with the provisions of the Constitution of the United States. I stand with my party on the question of expansion, and in opposition to the policy of imperialism and militarism advocated by the Republicans.

Mr. Chairman, the causes leading to the annexation of the Hawaiian Islands are not in all respects the same as those leading to all former acquisitions. Along this line it may very properly in place to mention some facts in connection with the acquisition of these islands and their history. They were discovered by Captain Cook in 1789, and at that time were populated by a warlike, vigorous, and hearty race. They were a higher type of what may be termed "barbarous Asians." The islands are situated in the Pacific Ocean, some 3,000 miles from the coast of North America and about 4,000 from the coast of Asia.

The people of the islands were almost entirely isolated from the outside world up to the time of their discovery by Cook. The population then numbered between four and five hundred thousand. The area of the islands being only in the neighborhood of 6,000 square miles, this would give a per capita population of upward of 75 to the square mile. Since 1789, when the islands were discovered, to 1819, the islands were greatly reduced in population by the ravages of war and disease. Since then the death rate of the Hawaiians has increased to such an extent that to-day there are only about 40,000 natives and Hapuas, or half-castes.

Prior to 1819, idolatry was a part of the religious practice of the Hawaiians.

May 8, 1819, Kamehameha I (then King of all the islands) died. By his will he left to his son, Liliholile, the sovereignty of all the islands, with the title of King Kamehameha II, and appointed Kaahumanu (his widow) premier, to exercise authority with the young king. These two almost immediately abolished idolatry and destroyed the infamous Tabu system, so that when the pioneer missionaries arrived at the islands, October 23, 1819, they found these people self-redeemed from idolatry and casting aside the superstitions of their fathers.

When the Christian missionaries from New England landed in the island, they were most kindly received by the natives. The people of the islands having some knowledge of western civilization from the occasional visits of passing ships, willingly received the teachings of the missionaries, and in a short while the greater part of them were converted to Christianity; and the Christian religion being the foundation stone of all lasting and progressive civilization, the Hawaiians have from that day to this made rapid progress.

Up to 1829 they had no books other than written and crude hieroglyphics, amounting to very little in the way of education from a practical standpoint, being symbolic only.

Until January 17, 1833, the islands continued under a monarchy which had existed from time immemorial. During this period of time, from 1819, when idolatry was abolished, to 1833, when the monarchy was abolished, education became general throughout the islands and Christianity common among all the people.

In 1833 a part of the foreign population, dominated and led by Americans or people of American extraction, successfully rebelled and overthrew the existing government, deposed Queen Liliuokalani, abolished the monarchy, and set up a republican form of government, modeled for the most part after that of the United States; and, with the government securely in their own hands, they promulgated a constitution, and among other things, a provision looking forward to and providing for annexation to the United States whenever it could be effected. This government continued until the 7th of July, 1848, when the Hawaiian Islands, by a joint resolution passed by Congress, were annexed to the United States.

The causes leading up to annexation were, first, the islands being of prominence on account of their situation in the Pacific Ocean, on the usual route of travel between Asia and North and South America, and on account of agriculture and other resources; and, second, its government being weak from a standpoint of force and ability to maintain itself against a strong and aggressive power. The governing power of Hawaii earnestly desired annexation by the United States as a security for their welfare for all time to come.

When war was declared by the United States against Spain, in 1898, and after Dewey had sunk the Spanish fleet in the harbor of Manila, the United States was under the necessity of transporting to the Philippine Islands ships, soldiers, and supplies. As a matter of convenience, and sometimes of necessity, our ships and vessels of war had occasion to stop at the ports of Hawaii for coal and other supplies.

The Hawaiian government treated the United States in all these matters with the utmost consideration and as if there were
existing between the two countries a treaty of alliance, amity, and friendship, offensive and defensive, demanding that the Hawaiian government should not use its military forces against the United States or its territory, and that its vessels of war should not be used in time of war in the same manner that she would use her own, thus clearly violating the principle of international law requiring friendly nations to preserve strict neutrality between belligerents. This course of policy is not only unfriendly, but it would undoubtedly have brought upon her serious consequences.

Not waiting for any of these contingencies and possible troubles, the Hawaiian government, being most anxious for annexation to the United States, has, in conformity with the manner provided by its constitution, to cede absolutely and without reservation to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States all its absolute fee and ownership of all public property, etc.

The United States, on July 7, 1898, during the continuation of the war with Spain, passed a joint resolution for the annexation of the Hawaiian Islands to the United States, and among the annexation treaty, which is now more or less than a contract between the people of Hawaii and the United States, it is provided that—Until legislation shall be enacted extending the United States custom laws and regulations, existing customs duties of the Hawaiian Islands will be levied and collected by the United States on all commerce engaged in, from, to, or between the Hawaiian Islands and the United States and other countries shall remain unaltered.

Leaving to the Congress of the United States final action in the premises.

The following statements in reference to the Hawaiian Islands in geographical, historical, and educational matters are taken from the following publication of information issued by the Hawaiian government in 1890:

**GEOGRAPHICAL.**

They are not in the "South Seas," the Hawaiian Islands are not, though often called islands, a group of islands, but a continent of islands, the most northern and Hawaii the most southern. Draw a line northwestward from the farthest south point of Hawaii to the farthest north point of Kauai and you have a line of about 1,400 miles. Hawaii and Kauai are connected by a strait of less than 10 miles, and a vessel following the same course would hug Honolulu so closely that a passenger would hardly be aware of the passage of the strait.

Beyond the boundaries given in the foregoing there are nine or ten uninhabited islands—rocks and reefs—extending in an irregular chain off the northwestern coast of the island of Oahu. This prediction has been taken by different Hawaiian governments. Some of these specks are known for their guano deposits, others as shark-hunting grounds, but too many of them for their sand record of shipwreck. The five islands of the group proper, already named—Hawaii, Maui, Oahu, Kauai, and Molokai—are the only ones considerably populated.

Hawaii, the largest island, gives its name, in accepted parlance, to the whole group and its government. It is 50 miles long from north to south, and 74 miles broad from east to west. It is 4,300 square miles. Topographically the island is bold and majestic in feature, being an aggregation of mountains, which in volcanic time were once contiguous or united. The island is divided into various points of view, and their bases conjoining entitle them to the name the true name of the island is the one we are using, "Hawaii." The Mauna Kea is 13,800 feet in height. It is the highest mountain in the group. Mauna Kea is distinguished for containing the living volcanoes in the islands. Indeed, the very summit of the crater of Mauna Kea, from its summit, the elevation of the highest peak of its rim being 13,875 feet. The crater of Mauna Kea is located on Kauai, and a vessel following the same course would hug Honolulu so closely that a passenger would hardly be aware of the passage of the strait.

Kauai, the third of the group, is 8,575 feet high. Hail and snow are frequent at and above 9,000 feet elevation, and the summits of Mauna Kea and Mauna Loa are covered with snow throughout the year. Hilo Bay, on the east, contains an eligible site for harbor works, which, it is confidently expected the United States Government will some day begin to develop. Hilo is the most thriving city in the islands, having tolerably safe anchorage and a small wharf newly constructed. Honolulu, the capital of the Islands, and the largest city in the group, is situated at the southern end of Oahu Island. Honolulu is the most important city in the group, and the principal market and trading post for the entire islands.

Honolulu Harbor is the only properly improved harbor in the islands. It also contains the largest steamer harbor in the Pacific. The harbor is a fine harbor, and is the largest in the world. It is 10 miles long, has a breadth of 3 miles, and a depth of 20 feet. It is connected with the sea by a channel 1 mile wide and 15 feet deep. The harbor is well protected by the reefs, and the breakwater is well constructed. The harbor is well supplied with fresh water, and is well supplied with fresh water, and is well supplied with fresh water.
Below is an analysis of nationalities, counting all of Hawaiian blood together, also adding into one lot the foreigners of each nationality born in and out of the islands:

<table>
<thead>
<tr>
<th>Race</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native Hawaiian</td>
<td>20,648</td>
<td>16,859</td>
<td>39,507</td>
</tr>
<tr>
<td>American</td>
<td>1,978</td>
<td>1,111</td>
<td>3,089</td>
</tr>
<tr>
<td>German</td>
<td>859</td>
<td>505</td>
<td>1,364</td>
</tr>
<tr>
<td>Norwegian</td>
<td>215</td>
<td>123</td>
<td>338</td>
</tr>
<tr>
<td>Portuguese</td>
<td>8,322</td>
<td>5,959</td>
<td>14,281</td>
</tr>
<tr>
<td>Japanese</td>
<td>108</td>
<td>145</td>
<td>253</td>
</tr>
<tr>
<td>Chinese</td>
<td>19,187</td>
<td>2,449</td>
<td>21,636</td>
</tr>
<tr>
<td>Scandinavians</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Other nationalities</td>
<td>448</td>
<td>132</td>
<td>580</td>
</tr>
<tr>
<td>Grand total</td>
<td>72,517</td>
<td>36,509</td>
<td>109,026</td>
</tr>
</tbody>
</table>

The population of the census of 1890, was 89,900. By islands, the population in 1880 was as follows:

<table>
<thead>
<tr>
<th>Island</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oahu</td>
<td>26,194</td>
<td>14,041</td>
<td>40,235</td>
</tr>
<tr>
<td>Hawaii</td>
<td>13,639</td>
<td>6,591</td>
<td>20,230</td>
</tr>
<tr>
<td>Maui</td>
<td>10,094</td>
<td>4,604</td>
<td>14,718</td>
</tr>
<tr>
<td>Kauai</td>
<td>1,342</td>
<td>948</td>
<td>2,390</td>
</tr>
<tr>
<td>Lanai</td>
<td>51</td>
<td>54</td>
<td>105</td>
</tr>
</tbody>
</table>

The proportion of males over females in the population of the Hawaiian Islands, by nearly two to one, is accounted for by the large immigration of male laborers for work on the sugar and rice plantations.

**EXTRACT FROM HAWAIIAN JOURNALS**

Hawaii has a thoroughly organized school system. By an act of the legislature of 1890 its administration was elevated in rank from that of a bureau, with the secretary of the executive council as its head, to that of a department of the government, with a cabinet minister as its official head. By that enactment the minister of foreign affairs became also minister of public instruction and principal of the public schools, and was empowered to subscribe to the condition that "two of the commissioners may be ladies, and two ladies are present among them as ministers of the people." Schools were first established in the Hawaiian Islands by the American pioneer missionaries. Though dead, they have left records that speak. J. W. Clark was one of the instructors of the Lahainaluna School, and he wrote an article upon that institution in the Hawaiian Spectator of October, 1833. This was the first school that the missionaries conducted in the islands, to serve as a head and as a model for the conversion of other native inhabitants to Christianity and to English education. It became the queen's school in 1861, as appears from its title page, and printed for the proprietors by Edwin O. Hall, the mission printer at Honolulu. Mr. Clark wrote:

"When I was a pupil at Lahainaluna School, in 1833, nothing like education was known at the islands. The vernacular tongue had never been taught, and the condition was thus stated with that described by a writer in the North American Review for July 1857—seventy years later—of the Chinese school in China. 'The Chinese, it is true, have not the learning of the European nations, but they have the advantage of being taught by missionaries in their own language. Schools were established throughout the islands, and supplied with such teachers as could be procured in the United States. The difficulties of the language and the difficulties of the educational work, as such a people as the Hawaiians are simply such as exist among the various races of the world, and it is the business of the missionaries to educate the people."

This was the model, the first example of systematic education in the Hawaiian Islands, in which all the elements of intelligence and good citizenship are exhibited in this official table of school attendance in 1867:

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Number of pupils</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>5,393</td>
</tr>
<tr>
<td>Part Hawaiian</td>
<td>2,449</td>
</tr>
<tr>
<td>European</td>
<td>1,192</td>
</tr>
<tr>
<td>Chinese</td>
<td>3,815</td>
</tr>
<tr>
<td>Portuguese</td>
<td>3,866</td>
</tr>
</tbody>
</table>

The comparison just instituted naturally leads to an inquiry as to the composition of our schools by nationalities. What a congestion of population we must expect in the future from the immigration to the islands.

There were 122 public and 60 private schools in 1897. One of the public schools on the little island of Niihau was the last survivor of schools taught in the Hawaiian language. The number of private schools was 57; of those 40, 12,496 and over 15,181. The state schools were fairly well balanced in numbers, excepting in the case of Chinese, who had 1,482; other foreign, 1,482; and English, 560. The total number of pupils was 13,658. There were 126 schools and 1,482 for the Chinese and 1,482 for the English and other languages. The Chinese and other foreign schools were 1,482 and the English and other schools were 560. The total number of pupils was 13,658. There are 109 schools and 1,371 for the Chinese and 1,371 for the English and other languages. The Chinese and other foreign schools were 1,371 and the English and other schools were 1,371.

The teaching force in all Hawaiian schools for 1897 was composed of nationalities as follows: Hawaiian, 57; part Hawaiian, 32; American, 32; British, 32; German, 32; French, 32; English, 32; Portuguese, 32; and other, 32. The total number of teachers was 49. The Chinese and other foreign schools were 32 and the English and other schools were 32. The total number of pupils was 13,658. There are 109 schools and 1,371 for the Chinese and 1,371 for the English and other languages. The Chinese and other foreign schools were 1,371 and the English and other schools were 1,371.

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There is a waste of time and patience to send in applications from abroad. W. M.動物 School, in which the teaching force had increased to 193, being classified as Americans; but the majority of those so classified are of island birth. The average annual salaries of men are $740.50; of women, $402.50. The highest salary is $800; the lowest, $100. The average daily attendance in those required in those States having school systems of the better sort, though not quite so high as the requirements in California. The standard is, how ever, that in the teaching force to be filled after the list of September 1st, and the remuneration in the teaching force is $740.50 for men and $402.50 for women.

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"There is but one system of public schools in Hawaii. One board employs all teachers. There is only one board of education and one superintendent of schools, all teachers are paid by the same board. There is no great educational reorganization in the future. But there is a change to educational reform.

There are 132 boys and 60 private schools in 1897. One of the public schools on the little island of Niihau was the last survivor of schools taught in the Hawaiian language. The number of private schools was 57; of those 40, 12,496 and over 15,181. The state schools were fairly well balanced in numbers, excepting in the case of Chinese, who had 1,482; other foreign, 1,482; and English, 560. The total number of pupils was 13,658. There are 109 schools and 1,371 for the Chinese and 1,371 for the English and other languages. The Chinese and other foreign schools were 1,371 and the English and other schools were 1,371. The teaching force in all Hawaiian schools for 1897 was composed of nationalities as follows: Hawaiian, 57; part Hawaiian, 32; American, 32; British, 32; German, 32; French, 32; English, 32; Portuguese, 32; and other, 32. The total number of teachers was 49. The Chinese and other foreign schools were 32 and the English and other schools were 32. The total number of pupils was 13,658. There are 109 schools and 1,371 for the Chinese and 1,371 for the English and other languages. The Chinese and other foreign schools were 1,371 and the English and other schools were 1,371. The teaching force in all Hawaiian schools for 1897 was composed of nationalities as follows: Hawaiian, 57; part Hawaiian, 32; American, 32; British, 32; German, 32; French, 32; English, 32; Portuguese, 32; and other, 32. The total number of teachers was 49. The Chinese and other foreign schools were 32 and the English and other schools were 32. The total number of pupils was 13,658. There are 109 schools and 1,371 for the Chinese and 1,371 for the English and other languages. The Chinese and other foreign schools were 1,371 and the English and other schools were 1,371.
Hawaiians manifested a desire for English instruction. English schools were instituted in localities upon the request of a certain number of residents.

The introduction of the English language and its use as the medium of education was marked by the establishment of schools in various parts of the island. These schools were supported by the residents themselves through contributions. The first school was established in 1823, with the help of missionaries from the American Board of Commissioners for Foreign Missions. The school was attended by a small number of students and was taught in the Hawaiian language.

As the demand for English education grew, the missionaries began to teach English in the schools. The language was taught alongside the Hawaiian language, and the students were encouraged to learn both languages. The schools were also taught the arts and sciences of the English people, including mathematics, science, literature, and history.

Gradually, the schools were expanded to accommodate more students. The students were taught English as a second language, and they were encouraged to use it in their daily lives. The schools also introduced English literature and history, and they taught the students how to read and write in English.

The Hawaiian language was not abandoned, however. The students were taught to use both languages, and they were encouraged to preserve their own cultural heritage.

The introduction of English education in Hawaii was a significant step towards modernization. It helped to prepare the students for the challenges of the modern world, and it helped to promote a sense of national identity.

The government of the United States played a significant role in the development of English education in Hawaii. The government provided support for the schools, and it helped to establish a system of education that was consistent with the principles of modern education. The government also provided support for the teachers, and it helped to ensure that the schools were well-equipped.

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Mr. FINLEY. I think that is why the sugar and tobacco trusts are in favor of the Porto Rican bill. I take it that the trusts reasonably suppose that by proper effort on their part during the continuance of the tariff that the trade of Porto Rico will be hampered by the inequitable and unlawful burden imposed upon her sugar and tobacco and other productions. It will be difficult for them to continue so, and they will be enabled to obtain possession of the greater part, and then they will be most anxious for Congress to treat Porto Rico as we propose to treat the Hawaiian Islands in the bill under consideration.

Mr. STOKES. A pretty good deduction.

Mr. FINLEY. Mr. Chairman, I think that we are treating the Hawaiian Islands as we should treat them in this bill, as I understand the Constitution of the United States and as I believe its interpretation by the Supreme Court, that all the rights of a territory extend equally to and the same extent that it extends over any Territory or State under the jurisdiction of the United States.

In the bill before the House no attempt is made to legislate for the Hawaiian Islands except under the provisions and strictly within the limitations of the Constitution of the United States. Particularly is this true in the matter of taxation. In the bill before the House the trade of the Hawaiian Islands with other Territories and States of the Union stands upon the same footing in that there is no discrimination whatever. In dealing with Porto Rico the majority in this House have attempted to treat her in a very different manner. For Porto Rico, the effort is made to treat the island as if she was not a part of the United States and to impose a tariff upon certain of her products coming into our ports.

Why this discrimination? Why treat the island of Porto Rico differently to the way we treat and deal with the Hawaiian Islands? If one is a part of the United States and under its jurisdiction the other is. We treat the Hawaiians as citizens of the United States and Porto Rican citizens are not.

Both are entitled to all the benefits, privileges, and immunities conferred by the Constitution of the United States upon any citizen. In the matter of impost duties or taxation the products of the two Islands must be treated the same in all respects as we treat the products of Pennsylvania or California.

Mr. Chairman, in a few words I will give my opinion as to why the Hawaiian Islands have been treated as a part of the United States and why Porto Rico has been treated as a foreign territory.

In Hawaii, sugar and tobacco come into the United States and all the operations connected with the sugar and tobacco industry are carried on within the jurisdiction of the United States.

In Porto Rico sugar and tobacco come into the United States but after the products of Porto Rico shipped into the United States, first, Congress has a right to so order under the Constitution; second, in that order to raise money to relieve the sufferings of the people of the island it must be done, and third, that to do so is to strike a blow at the sugar and tobacco trusts; therefore it is necessary.

In answer to the first proposition, Mr. Chairman, I will say that Congress has no right or authority under the Constitution of the United States to impose a tariff on the products of Porto Rico coming into our ports, because Porto Rico is a part of our territory.

As to the second proposition, in my opinion no good, but only harm, can result to the Porto Ricans from the imposition of this tariff.

As to the third proposition, I think it amounts to jesting with a serious question.

If this is true, would not it be equally a blow at the trusts to impose a tax upon the products of the Hawaiian Islands coming into the United States? Why, if it is necessary in dealing with Porto Rico to impose a tariff upon her products in order to strike a blow at the trusts, is the necessity and the argument not equally as strong in the case of Hawaii? If it is necessary to strike a blow at the trusts in one case, it is in the other.

No, Mr. Chairman, the reasons for the imposition of a tariff upon the products of Porto Rico.

In my judgment, Mr. Chairman, the reason is that in the Hawaiian Islands the greater part of all that is valuable and productive to any great or considerable extent, including the land and trees, exists in the sugar and tobacco industry. On the other hand, in Porto Rico this state of facts does not exist. Since we acquired Porto Rico from Spain there has not been time for the capitalists, the speculators, and the trusts to manipulate and obtain possession of the valuable lands and franchises.

My judgment is that the Porto Ricans that exist in the Hawaiian Islands in the ownership of lands, franchises, and other valuable property, I submit that no fight would have been made by the sugar and tobacco trusts, or anyone else, to impose a tariff on the Porto Rican sugar and tobacco. Mr. Myrick would never have been heard of in connection with Porto Rican legislation.

Mr. STOKES. Will it disturb the gentleman to interpose a question?

Mr. FINLEY. Not at all.
has jurisdiction. We have not in the past one hundred and twenty-four years governed any territory except under the provisions of the Constitution of the United States, and I believe that the Hawaiians and Porto Ricans can be governed better under its provisions than by any other form of government. We can govern them in no other way.

The territorial line does not exist with a part of the Territory within its jurisdiction under a constitutional government and the balance under a nonconstitutional government. In the case of the Territory of Hawaii we give full force and effect to the provisions of subsections 5 and 6 and section 1 of the Constitution, which provides as follows:

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

In the case of Porto Rico the majority deny this, and attempt to justify their course upon the ground that Congress has supreme authority over the property and territory of the United States. No one denies that Congress has jurisdiction over property and territory of the United States; but that jurisdiction is limited. It only is jurisdiction to do what is authorized by the Constitution. It has no jurisdiction in a State, Territory, or elsewhere to do those things prohibited by that instrument.

That the Constitution and jurisdiction of the United States are coextensive is evident from a consideration of section 4 of Article IV of the Constitution, which provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive in case the legislature cannot be convened, against domestic violence.

The word “State” is used in this clause of the Constitution, yet this is the only provision in the Constitution making it a duty of Congress to protect from invasion. The word “State” as used here is synonymous with the word “Territory.” Therefore it is the duty of Congress to protect each and every part of the domain subject to its jurisdiction from invasion; that is, each of the various States and all of its Territories, including Hawaii and Porto Rico.

It is also our duty to guarantee to each of them a republican form of government.

To my mind it can not be contended successfully that it is the duty of Congress, under the provisions of the Constitution, to protect Porto Rico from invasion without admitting under the same authority that it is equally our duty to give to her a republican form of government. In the case of Porto Rico, in considering the legislation proposed by the Republican party, in determining whether or not the Constitution is being violated, the question naturally arises, What is a republican form of government? The answer can only be, as it has been, “A government of the people, by the people, and for the people.”

The right of local self-government and that all government shall be under the restrictions and limitations of a written constitution is absolutely essential to a republican form of government. We recognize this principle, and give a republican form of government to Hawaii. The majority deny the application of this principle in the case of Porto Rico, and refuse to give a republican form of government. The framers of the Constitution were jealous of giving to Congress unlimited power, and did not do so.

The Constitution of the United States is the sole grant of power to Congress, and this power is limited in the grant. This is necessarily the case, as I have stated, in a republican form of government; under an imperial form of government, a written constitution defining the rights of the citizen and protecting him from oppression by the government, is monstrous, as in the case of England, having no written constitution other than Magna Charta. Her Parliament, in all matters outside of the provisions of that instrument, has unlimited power, and there is no such thing as an unconstitutional act of Parliament. And, because of oppression by the British Parliament in the exercise of this unlimited power, our revolutionary fathers rebelled, achieved their independence, and gave to us a system of government with a written Constitution, and forever guaranteed to American citizen exemption from the oppressions they had suffered.

In the bill before the House, Hawaii is placed under our customs and revenue laws, as required by the Constitution of the United States. The majority here refuse this to Porto Rico. In the Hawaiian bill the principle that all taxation by Congress must be uniform and for a national purpose is recognized and carried out. In the Porto Rican bill taxes are imposed upon the products of that island being into the United States, thus violating the rule of uniformity in taxation required by the Constitution, and the proceeds of this tax are appropriated for local purposes in the Island.

Congress derives its sole power to levy taxes under the Consti-
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House  
v. 33 (4)  
p. 3769-3777  

GOVERNMENT FOR THE TERRITORY OF HAWAII.

The committee resumed its session.

Mr. KNOX. Mr. Chairman, before yielding the rest of my time, I desire to state that, as has probably been observed by the committee, this bill simply strikes out all after the enacting clause of the Senate bill and substitutes the House bill. It is the House bill we have been considering and shall consider to-morrow for amendment.

I simply desire to avoid reading both bills, as we otherwise might have to do, and I therefore ask unanimous consent that in reading the bill we simply read the House bill. I have seen gentlemen upon both sides, and I understand there is no objection.

Mr. TALBERT. In the absence of the gentleman from Pennsylvania [Mr. MAHON] and in the absence of the gentleman from Illinois [Mr. CANNON], I suggest that the House is rather thin. There is no quorum here.

Mr. KNOX. I hope the gentleman will not raise that question.

Mr. TALBERT. I withdraw the point.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KNOX] requests unanimous consent that when the reading of the bill under the five-minute rule is begun, the House bill proposed as a substitute for the Senate bill be alone read. Is there objection?

Mr. HILL. Mr. Chairman, I do not wish to object to this, because I wish to hasten the reading of the bill; but the bill is a long one, and will undoubtedly provoke a good deal of discussion, and it is a good deal of a question whether the end of the bill will be reached before 4 o'clock. While not objecting to the request of the gentleman from Massachusetts, I also request that two small amendments may be considered as pending.

Mr. KNOX. I will say that I will not object to that, but I would like to have this consent obtained first, so there will be no question about it. I ask the Chair to put my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. KNOX]?
There was no objection.

Mr. HILL. Now I renew my request that the amendments which I send to the Clerk's desk may be considered as pending, to come up at the proper time, in case the reading of the bill is not finished in committee.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the amendments which the Clerk will now report be considered as pending.

The Clerk reads as follows:

"TERRITORIAL COMMISSIONER."

"The governor may nominate and, by and with the advice and consent of the Senate of the said Territory, appoint a commissioner of said Territory, to reside at the capital of the United States, and to represent the inhabitants of said Territory, in all Treaties made, and which shall be binding upon the United States, and the said commissioner shall, when appointed, be a citizen and bona fide resident of said Territory; his term of office shall be two years; his salary shall be $3,000 per annum, which, with his actual necessary traveling expenses, shall be paid by the United States.

"[Sic] 103. Nothing 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."

Renumber section 103 of the bill as section 104.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. RICHARDSON. Mr. Chairman, I cannot understand what would be the effect, in a parliamentary way, of consenting now that amendments which the gentleman says he will offer to a section may be considered as pending. Suppose the section is not read. Would the gentleman insist that these amendments should be pending? I make the point of order against them, and shall not consent to their being admitted; but I want to state why I do it, because I can not see how they could be considered as pending in the House by any agreement made in the committee.

It seems to me that such an agreement as this ought not to be made. I have no objection to the reading of the bill for information, but I shall object to any consent being given for any agreement that they shall be considered as pending.

The CHAIRMAN. Objection is made.

Mr. LOCKWOOD. Mr. Chairman, I yield the remainder of my time, or the remainder of the time allotted to this side, to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, the islands of Hawaii are of volcanic origin and lie 2,100 miles out in the Pacific southwest from San Francisco. From the center of the island of Kauai to the North Pacific is 3,445 miles, and from Honolulu to Hong Kong is 4,961 miles. From Unalaska, the nearest port on the north, to Tahiti, the nearest port to the south, is 4,904 miles.

By reason of the vast waste of water that surrounds them and by reason of the limited coastline and steaming capacity of even the strongest of these islands, the islands lie on the North Pacific as Gibraltar commands the Mediterranean, and strategically they have no rival in the world.

In annexing them we have annexed the only insular vantage ground from which a hostile fleet might have made descent upon our western coast and to which it could have returned. By annexation, therefore, we have posted these islands like sentinels in the midst of the Pacific to guard our western coast.

Commercially they lie at the crossroads of the sea. The lines of ocean traffic intersect there, and in the future a tremendous and florid commerce from this Territory of which will flow to the North Pacific. It shall have become the meeting place and transfer depot of the ships of Russia, China, Japan, Australia, New Zealand, and the American ships of the Atlantic and the Pacific, joined by the Nicaragua Canal in the carrying trade of a nation whose never-reposing physical and mental energy must have constant and increasing market for its product.

The commercial and strategic importance of these islands is far out of proportion to their size. They number seven inhabited islands and a dozen rocky or sandy shoals and reefs, with a total area of about 6,400 square miles, and a population of 50,000 souls.

From Hawaii the longest of the islands trends northwesterly. Hawaii has 2,500,000 acres, and its principal town is Hilo.

Maui is next in size and location to Hawaii. Oahu is third in size, but largest in population. On the southern side of Oahu is Honolulu, the capital city of the Hawaiian Islands, with a population of 30,000. A little to the east of Honolulu city and harbor is Pearl Harbor, with a water surface of about 10 square miles and a depth ranging from 20 to 90 feet.

Kauai is fourth in size and population. On the north side of Kauai the Molokai is the leper settlement, where about 1,200 lepers are fed, clothed, and cared for at governmental expense. Attended by a few monks and nuns of the Order of St. Francis, they live out their days there, cut off from the rest of the world by impassable mountains and by the atoll of Molokai. They are, of course, the poorest of the Hawaiian Islands and is carried on principally by corporations with capital stock ranging from $500,000 to $1,000,000, although sugar growing by small farmers on the cooperative plan, with a central mill for a group of farms, has been common.

Sugar can only be grown profitably by artesian irrigation, requiring heavy outlay for outfit and machinery. A large part of the volcanic soil is adapted to coffee, but coffee, although a common product, is not as yet an important commercial industry. Rice growing is exclusively in the hands of Chinese. The islands are rich in farming and grazing lands. The general conformation of the islands, they being of volcanic origin, is a general downward slope from an elevated central part to the sea. Climatic, temperature, and products vary on the mountain sides according to altitude. Cattle are raised on the islands, coffee and sugar now the chief products.

HISTORICAL.

It is believed that the islands began to be inhabited about fourteen hundred years ago. Civilization was introduced by Captain Cook's discovery in 1778. The islands were brought under the sway of Kamehameha about the beginning of this century. He died in 1819, but the islands continued under the Kamehameha dynasty down to the death of Kamehameha V in 1872. He left a widow with four children; he by David Kala'aua for about seventeen years, and he by his sister, Liliuokalani. The monarchy was overthrown January 17, 1893. The constitution of the republic was promulgated July 4, 1894. A joint resolution of the Congress of the United States for annexation was adopted.

The transfer of sovereignty was formally made at Honolulu August 12, 1898, and kings' crowns, kings' councils, and feudalism went out of business in Hawaii forever, and the islands which America had taken were a free nation, with already American in institutions, laws, and sympathies, were merged into the great body of the American Republic for all time.

TERRITORIAL GOVERNMENT.

By this bill we provide that the Hawaiian Islands shall hereafter be known as "The Territory of Hawaii," and that a Territorial government, with its capital at Honolulu, is hereby established.

At the outset we are met by the question of citizenship, and we have declared in section 4 of this bill "that all persons who were citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States."

By the constitution of the republic of Hawaii "all persons born or naturalized in the Hawaiian Islands and subject to the jurisdiction of the republic are citizens thereof."

The government which we have framed for the republic of Hawaii may be easily divided into the three coordinate branches—the executive, the legislative, and the judicial.

THE EXECUTIVE.

Under the head of the executive we provide for a governor to be appointed by the President for a term of four years, or until his successor is appointed, and he shall be 25 years old and a citizen of Hawaii; that he shall have a salary of $5,000 per annum, $500 for incidentals, and $3,000 for a private secretary.

Among his powers and duties it is provided that he shall be commander in chief of militia; that he may grant pardons or reprieves for offenses against the Territory and against the United States, pending decision by the President.

When necessary he may call upon military or naval forces of the United States in Hawaii or summon the police comissaries or call out the militia. He may suspend the writ of habeas corpus or place the Territory under martial law. He gives the veto power and the power of removal when not otherwise provided.
Under the head of the "appointing power" he has power to appoint—
1. Judges circuit courts. 7. Superintendent of 13. Commissioners of pub-
3. Commissioner of public instruction. 9. Deputy auditor. 15. Agent for public
5. Commissioner of agriculture. 11. High people. 15. Agent for public

There is also a secretary appointed for a term of four years by the President, and an attorney-general appointed for four years by the President.

THE LEGISLATIVE.

Now, as to the legislative branch, we provide for a Delegate from Hawaii to the United States House of Representatives. That provision was inserted by the unanimous desire of the members of the convention, and is necessary to enable those who are qualified to vote for members of the house of representatives of the Territory of Hawaii. He must possess the qualifications of members of the house of representatives of Hawaii, and the same principles and manner of holding elections for Delegate are to be as fixed by law.

We provide for a Territorial legislature composed of two houses, the upper house to be known as the senate and the lower house to be known as the house of representatives.

I will add to my remarks a diagram which I have prepared, showing in outline the whole scheme of Territorial government.

Mr. HILL. Will it interrupt the gentleman if I ask him a question referring to that diagram?

Mr. HAMILTON. I think not.

Mr. HILL. I would like to ask you to state to the House how that Territorial Delegate is to be elected, on the division of nationalities. In the voting how many Kanakas, how many Portu-
guese, ears, and how many Americans will vote for that Delegate?

Mr. HAMILTON. Before I finish I will undertake to make that part of the situation clear. We have stricken out the property qualification which the bill originally provided. We only retain an educational qualification for the people of Hawaii; and I think it is not quite true to the gentleman that there is not a man, woman, or child above 12 years of age who was born in Hawaii, capable of acquiring learning, who can not read and write in English or Hawaiian. And six years, or six qualifications, are well qualified to understand and comprehend the meaning of the elective franchise. Now I come to the inquiry of the gentleman.

Mr. HILL. I do not question that matter, but the point I want to make is this: That the moment this provision for suffrage is made—shall I say introduce a war, which will drive these islands into a state of confusion for the next twenty-five years.

Mr. HAMILTON. I will endeavor to answer the gentleman along that line. This is a most interesting question. I can see how general it may be that the capacity of these people, and I will discuss that question, and will pass as rapidly as possible from this branch of the discussion to that. I have shown how the bill provides that there shall be a Delegate to the United States House of Representatives, to be elected by voters qualified to vote for members of the senate and house of representatives of Hawaii. Now, what are the qualifications of the members of the senate and house in the Territory of Hawaii, and what are the qualifications of voters for members and senators?

First, the state is composed of thirty voters, held for a term of four years, elected from four districts, and vacancies are filled at general and special elections; they must be male citizens of the United States, 25 years old, must have resided in Hawaii three years, and be of sufficient property to vote for senator and representative. Each voter may cast one vote for each senator, and the required number of candidates receiving the highest number of votes shall be senator from that district. Voters must have the qualification of voters for representatives—that is, they must be male citizens of the United States, must pay an annual poll tax, and have paid a poll tax, and must be of sufficient property to vote for representatives. Each voter may cast a vote for as many representatives as are to be elected from the district, and the required number of candidates receiving the highest number of votes are to be representatives. Voters must be male citizens 21 years old, residents of Hawaii one year and the district three months, must be registered, must pay a poll tax, and be able to speak, read, and write the English or the Hawaiian language.

Mr. HILL. What of the voting population under the law as you have just explained it?

Mr. HAMILTON. The last registration of voters, under the monopoly, was: Hawaiians, 9,554; Portuguese, 2,091; foreigners, 1,770, and that includes Americans, total, 13,415. These are as near the figures as I can get them.

Mr. HILL. Now, with the property qualification taken off, have we estimated it correctly?

Mr. HAMILTON. With the property qualification taken off, it is no more than an estimate. The estimated number of voters without the property qualification would be: Hawaiian, about 10,000; Portuguese, about 2,500; Americans and Europeans, about 3,000.

Mr. HILL. Then that would be about 4 to 1.

Mr. HAMILTON. That is true. I am anxious to get to that because it has interested me, and I think it will be interesting to the gentlemen on this floor.

THE JUDICIARY.

I want to touch on the judiciary, however, because I started out to divide the government into the executive, legislative, and judicial. We provide for a supreme court, with one chief justice and not less than two associate justices. The judicial power of the Territory is vested in one supreme court, and such inferior courts as the legislature may from time to time establish.

Besides the supreme court and the circuit courts, five in number, there are district courts which correspond practically to our justice courts in this country. No person can sit as a judge or juror in Hawaii, unless he is a citizen of the United States by birth; and he is selected from the third degree to parties in interest, or who shall be interested pecuniarily personally or through relatives who are parties. The Territory is divided into five circuits, the judges are appointed by the governor, and approved by the Senate.

A federal court is established for the Territory, which shall be a judicial district, called the "district of Hawaii," and be included in the Ninth judicial circuit of the United States, and shall have jurisdiction of cases commonly cognizable by both circuit and district courts. The judge may have a salary of $3,000, and the marshal a salary of $2,000. They are appointed by the President, and with the advice and consent of the Senate.

At this point I want to call attention to some statements made by Mr. Robinson, referring to the sovereignty of the United States. Each voter has a right to exercise his vote in this election, and his choice of the judge will subject him to the court of inquiry. This is a federal court, established on the bill [Mr. ROBINSON], not unkindly, but because the nature of his remarks makes it proper that there should be some allusion to them. He made the statement that the bill as presented was an un-American bill—I mean the bill presented by the commissioners—and he said that the bill presented finally by this committee was that bill with very little change.

Now, Mr. Chairman, the gentleman evidently prepared his speech with reference to a state of facts which does not exist. I referred to the report of the commissioners as found in the report of the commissioners that did provide for a property qualification. The gentleman made some reference to the alien contract labor law, and because there has been delay in connection with that he said there had been an opportunity for many Japanese to get the American law. These diseases are insufficient.

Now, I simply want to call attention to this fact in answer to that: That a bill to extend our alien contract labor law in this country to Hawaii was presented in this House and passed this House February 6, 1886. It went to the United States Senate, where its consideration was subjected to Senator Morgan. Let the responsibility for this matter rest where it properly should. The Republicans did not then control the Senate of the United States.

THE PROPERTY QUALIFICATION.

Strong argument was presented, and I come to the question which interests many gentlemen here and which has been of great interest to me and which is of great importance. I think there is some strength upon this, you will find it to that interest. Strong argument was presented for the property qualification as the bill was presented by the commissioners who visited the island and who framed the original bill.

This feature was embodied in the bill as reported by the committee. The committee report recommended a bill on a property qualifications, and the property qualification in the bill as reported by the committee. Now, the argument presented in favor of a property qualification—and this will be interesting to my friend from Connecticut—was that the native vote will largely outnumber the white or Anglo-Saxon vote, as will also the Portuguese vote. It is said that unless there be some means of control, the legislature must inevitably pass quickly into the hands of the natives, who would only be checked by the vote of the governor, which might be overborne by a two-thirds vote.

That if the natives combine, it is reasonable to suppose that no white person could be elected to a seat in the legislature.

That under the monarchy the upper house was composed of nobles appointed for life.
Appointed by President for 4 years or until successor is appointed and qualified. Shall be 30 years old and citizen of Hawaii. Salary, $2,000 (60); $500 incidental, traveling, and $5,000 for private secretary.

Powers and duties (65,67).

Secretary (60), 4 years; appointed by President; salary, $2,000 (60).

Attorney-general (71); appointed by governor for 4 years (60).

Commissioner of agriculture (60).

Treasurer (72), appointed by governor for 4 years (60).

Commissioner of public lands (73), appointed by governor for 4 years (60).

Superintendent of public works (75), appointed by governor for 4 years (60).

Auditor (76), appointed by governor for 4 years (60).

Surveyor (78), appointed by governor for 4 years (60).

Sheriff (79), appointed by governor for 4 years (60).

Shall be commander in chief of militia; may grant pardons or reprieves for offenses against Territory and against United States, pending decision by President. When necessary may call upon military or naval forces of the United States in Hawaii, or summon police constable, or call out militia; may suspend action of habeas corpus or place Territory under martial law; has veto power; power of removal when not otherwise provided (60).

Secretary... Sec. 65.

Governor...

THE EXECUTIVE.

Attorney-general (71); appointed by governor for 4 years (60).

Commissioner of agriculture (60).

Treasurer (72), appointed by governor for 4 years (60).

Commissioner of public lands (73), appointed by governor for 4 years (60).

Superintendent of public works (75), appointed by governor for 4 years (60).

Auditor (76), appointed by governor for 4 years (60).

Surveyor (78), appointed by governor for 4 years (60).

Sheriff (79), appointed by governor for 4 years (60).

The legislative of the Territory of Hawaii

WILL CONSIST OF TWO HOUSES (22).

First session, third Wednesday February, 1901, and biennially thereafter (41).

Special session may be convened (43).

Sessions 90 days long, except that governor may extend 30 days (43).

All proceedings in English language (44).

Bills must pass three readings on separate days (46), and final passage must be on majority vote of all members by ayes and noes (47).

Governor may veto appropriation bills in whole or in part (48).

Bill may be passed over veto by two-thirds vote (50).

The judicial power of the Territory shall be vested in one supreme court and such inferior courts as legislature may from time to time establish (82).

No person can sit as judge or jury who is related by affinity or consanguinity to parties within third degree or who shall be interested pecuniarily, personally, or through relatives who are parties (84).

Judges liable to impeachment for causes specified (86), and senate shall be court to try impeachments, with chief justice presiding (87).

Supreme court; one chief justice, two associate (86).

Laws relative to, continued in force, except as modified by this act, subject to modification by Congress or legislature (88).

Territory divided into five circuits. Judges appointed by governor. Hold 5 years (80).

District attorney, salary $2,000, and marshal, salary $500 (60), appointed by the President, by and with the advice and consent of the Senate (87).

Quarantine (88).

Crown lands (100).

Naturalization (101).

Chinese certificates of residence (102).

Governor... Sec. 65.

Governor

Supreme court: one chief justice, two associates.

Laws relative to, continued in force, except as modified by this act, subject to modification by Congress or legislature (88).

Territory divided into five circuits. Judges appointed by governor. Hold 5 years (80).

District attorney, salary $2,000, and marshal, salary $500 (60), appointed by the President, by and with the advice and consent of the Senate (87).

Internal-revenue district (83).

Quarantine (88).

Crown lands (100).

Naturalization (101).

Chinese certificates of residence (102).

OUTLINE OF PROPOSED GOVERNMENT OF HAWAII.

H. R. No. 2072.

PROVISIONS COMMON TO BOTH HOUSES.

General elections, first Tuesday after first Monday in November, 1900, and biennially thereafter (14).

Each house of election, returns, and qualifications of own members (15).

Can not hold other office (16-17).

Oath of office (19).

Voting for senators.

Each voter may cast one vote for each senator from district (61), and required number of candidates receiving highest number of votes shall be senators in district (61).

Voters must have qualifications of voter for representatives, a citizen of the United States, reside in the same county for 1 year in Hawaii, 3 months in district, 21 years old (60-62); must have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian (60).

Composed of 20 members, elected from 6 districts every second year (38). Term until next general election (38, 39).

Vacancies filled at general or special elections (38); must be male citizens of the United States, 25 years old, have resided in Hawaii 3 years, and qualified to vote for representatives (40).

Commission of 15 members; 4 years; elected from 4 districts, alternating 7 and 8 biennially (39, 40).

Each voter may cast a vote for as many representatives as are to be elected from district (39), and required number of candidates receiving highest number of votes shall be representatives from that district (39).

Voters must be male citizens of the United States, 21 years old, have resided in Hawaii 1 year, and in district 6 months; have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian (39).

The Territory shall constitute an internal-revenue district (39).

The Territory shall constitute a customs district (40).

Wharves and landing shall remain under control of Hawaii, and revenues derived therefrom shall belong to Hawaii, provided same are devoted to their maintenance and repair (90).


2. Attorney-general.

3. Treasurer.

4. Commissioner of agriculture.

5. Auditor.


7. Superintendent of public instruction.

8. Deputy auditor.


10. Sheriff.

SENEA

Composed of 15 members; 4 years; elected from 4 districts, alternating 7 and 8 biennially (39, 40).

Each voter may cast one vote for each senator from district (61), and required number of candidates receiving highest number of votes shall be senators in district (61).

Voters must have qualifications of voter for representatives, a citizen of the United States, reside in the same county for 1 year in Hawaii, 3 months in district, 21 years old (60-62); must have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian (60).

Each voter may cast one vote for as many representatives as are to be elected from district (39), and required number of candidates receiving highest number of votes shall be representatives from that district (39).

Voters must be male citizens of the United States, 21 years old, have resided in Hawaii 1 year, and in district 6 months; have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian (39).

The Territory shall constitute an internal-revenue district (39).

The Territory shall constitute a customs district (40).

Wharves and landing shall remain under control of Hawaii, and revenues derived therefrom shall belong to Hawaii, provided same are devoted to their maintenance and repair (90).

Quarantine (88).

Crown lands (100).

Naturalization (101).

Chinese certificates of residence (102).
That after the overthrow of the monarchy a property qualification was imposed upon electors for senators.

That this created a distinct class of conservative men who held in check the lower house and gave representation to those who by hard work and energy and capital and intelligence have built up the country.

That the natives have cast 4 votes to the Anglo-Saxons' 1.

That the native has not acquired the habit of self-government, and that to suppose he has would be to suppose the most remarkable element in the rise of the people from barbarism to civilization.

That the natives have few wants, which are supplied by little labor; that they are naturally shiftless, improvident, and unquiescent.

That in 1840 every native was given a homestead in fee simple, but that the majority of the natives have since parted with their homesteads and have spent the proceeds.

That a few retain their homesteads, but rent them out to Chinese and other tenants.

That they are herdsmen, excellent sailors, and drivers of horses in land on plantations, but that very few take to merchandising, and those who do take to a primitive kind of merchandising, involving no capital, such as small retail fruit and fish stores.

That, being by the very necessity of the case "hewers of wood and drawers of water," without hereditary or acquired commercial tendencies, they entertain more or less political jealousy toward the American white man, although personally and toward the more, privately friendly and dependent upon him, and that this jealousy is stimulated by irresponsible white "beach comers" for purposes of their own.

That the "republic" and the proposed territorial government have been evolved out of a condition which was indeed supported by the native vote, but was abolished because the native race had proved itself incapable of self-government according to the Anglo-Saxon standard.

I have endeavored to present that argument just as strongly as it has ever been presented to the committee or could have been presented to the commissioners, who are honorable, conscientious men, and who visited the island.

Mr. HAMILTON. I was not on that committee.

Mr. HILL. Did not the commissioners who went to Hawaii report when they came back in favor of a property qualification?

Mr. HAMILTON. I have so stated.

Mr. HILL. Now, gentlemen—and I put this to my friend from Connecticut—this problem spreads itself beyond these islands and reaches a great, fundamental, underlying principle of our nationality.

Mr. HAMILTON. Should the committee on Territories have reported this bill unanimously, both Republicans and Democrats supporting it. They have tried to consider these questions with absolute fairness. The question of Puerto Rico and the Philippines has not entered into the consideration of this bill at all. It has been our theory—and I think I voice the sentiments of the members of that committee—that each territory should come into the fraternity of this Union under our governmental control, by our Congressional control, if you please—on its own basis, and that the Government of each will be able to take care of each territory as it presents itself.

Now, I say that this problem spreads beyond these islands and reaches the underlying and fundamental principles of our nationality. All that the advocates for a property qualification have said in behalf of that of Hawaii—all that my friend from Connecticut could probably say—

Mr. HILL. The gentleman must not make any mistake. I am not in favor of a property qualification—not at all—not under any circumstances anywhere. But I am opposed to starting a Territorial government in Hawaii with four Kanaka votes to every single vote of an intelligent white man.

Mr. HAMILTON. Does not the gentleman want to establish a government there?

Mr. HILL. I do, but not the kind of a government that this country demands.

Mr. HAMILTON. My time is too limited, and I presume the gentleman would not have an opportunity to present his views fully on this subject, or I should be interested in knowing what his scheme of government for that Territory might be. He is a very able man who is able to present, full fledged, a scheme of government offhand.

Mr. HILL. There is no hurry about it anyway.

Mr. HAMILTON. There is a good deal of hurry. Time enough has elapsed. They are afflicted with the bubonic plague, they are in suspense, and there should be some sort of government there.

Mr. HILL. For instance, Mr. Foley, speaking of the English constitution of the eighteenth century, in his work on Moral Philosophy, says:

"Before we ask to obtain anything more, consider duly what we have. We have a House of Commons, composed of 556 members, in which number are the rich men, the lawyers and the landholders, and in the House of the army, the navy, and the law; the occupiers of great offices in the State, together with many private individuals, eminent by their knowledge, eloquence, wealth, and property of the first order. If this be the system it confers its interests? If such a number of such men be liable to the influence of applause and money, and the power of the State, how great, then, will be the danger? Does any scheme of representation promise to collect together more wisdom or to produce firmer integrity?"

And yet what political party nowadays would dare to advocate a form of government as best because composed exclusively of rich men, officeholders, landholders, bondholders, railroad magnates, that would prove, as the one which Mr. HAMILTON and Mr. HILL advocate, to drain the country of the most energetic, the most progressive, the most enterprising, the most valuable part of the people?

Mr. HAMILTON. Well, those points may be made to you in behalf of the Navy officers. Our form of government gives representation to the Navy officers, to the army officers, to the magistrates, to the police, from the frontier homestead to the brownstone front, from the merchant prince to the laborer in the ditch, and between the two great extremes of abject poverty and superfluous wealth is the great body of the plain people, in whose hands our nationality now rests. [Applause on the Republican side.]

Mr. HILL. People, with a few more Turf, perhaps, than in Lincoln's day. We have passed from the era of jeans to creased trousers, and the style of parting the hair differs according to age and the amount of hair; but we are still plain people. And, gentlemen, when the plain people of this great Republic Government can not be trusted, indeed our country is in danger.

Commenting upon the English reform bills of 1832 and 1837, and the exercise of the franchise generally, in advocating its limitation to those having educational and property qualifications, Mr. Lecky, in his work on Democracy and Liberty, says:

"Different methods will be employed. Sometimes the voter will be directly by the poll at the election, and sometimes by a ballot, and sometimes by a certificate, and sometimes by a certificate to purchase for money or for drink, or in order to win the favor or avert the displeasure of someone who is more powerful than himself. The voter is not to be greatly blamed if he is governed by such considerations."

A still larger number of votes will be won by persistent appeals to class prejudices.

The demagogue will try to persuade the voter that by following a certain line of conduct he will receive a vote in favor of a property qualification. He will encourage all their Utopias. He will hold out hopes that by breaking contracts or shifting taxation and the power of taxing or enraging the people, something of the property of one class may be transferred to another.

He will also appeal persistently, and often successfully, to class jealousies and apprehensions. All the divisions which naturally grow out of class distinctions and the relations between employer and employed will be studiously inflamed. He will plant great forces in political propaganda. Every real grievance will be exaggerated. Every real grievance will be revived. Every imaginary grievance will be encouraged.
Property is not the only interest of men in the social compact. Man is something more than a mere taxpayer. He is above all a man, and the laws touch not only his field but they touch also the man. And it is one of the boasts as it is one of the bulwarks of our free American civilization that—

A man's home is his castle; a man a son for a that.

We are called upon here Congress after Congress to vote in contested-election cases where the colored man is disfranchised of his right to vote, and where the proof is ample we unseat the man who is shown to have obtained his seat by defrauding the colored man of his right to vote. The public is not interested in the rights of the colored man in the South to exercise the right to vote in parallel columns with his speech defending the property qualification for the Hawaiians.

Sirs, there is force in the contention for a property qualification. It is ably defended by such men as Lecky in his Democracy and Lord Acton. We cannot see how we can make local exception to a great underlying rule of our Republic. We have not heretofore required a property qualification in any of our Territories, although riotous and ignorant legislation might in some instances have been apprehended.

Mr. Chairman, put the proposition to yourself. Let any man put the proposition to himself. If a man must first get an education, and then must get real estate of the value of $1,000 and carry his tax receipt in his pocket, or have obtained a certain drawing $800 a year salary, how many absent-minded literary beggars would have been excluded from "Fanny's Quarry ground" and had to wander down while some gentlemen with the money-getting instinct would have been sitting in the forum or swaggering in the public glare?

It is said of the late Emory A. Storrs that some rich men were once challenging him about the fact that he had not acquired property. Storrs stepped before for a while and then said: "Gentlemen of the right of the colored man in the South to exercise the right to vote in parallel columns with his speech defending the property qualification for the Hawaiians.

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About 700 Chinese have been naturalized into the Hawaiian republic, and many Chinese and Japanese are there under government, but under which they are bound to work for a term of years and to return to their own countries at the end of their term of service.

This bill provides (section 5) "that except as herein otherwise provided the Constitution and all laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States," and thereby simply reenacts section 1891 of existing law, with the specified exceptions of sections 1850 and 1890. This puts the Chinese-exclusion law and alien contract-labor law immediately in force in the Territory of Hawaii whenever this bill becomes a law. At present, and pending the passage of this bill, the joint resolution of annexation provides that there shall be no further immigration of Chinese into the United States except as allowed by the laws of the United States, and that no Chinese, by virtue of anything contained in the joint resolution of annexation, shall come to the United States from Hawaii.

Americans, although in a small minority, practically dominate the governmental, financial, and commercial affairs of the islands. The Chinese and Japanese possess no political power.

The Portuguese are largely immigrants or descendants from immigrants from the islands and colonies of Portugal in the Atlantic and are not closely allied in sentiment to their native country. The public-school system makes the study of the English language compulsory. There are 25 public and 60 private schools, and education is compulsory and free as to all public schools. American text-books are used in the schools. The language of business is English and the decisions of American courts prevail as precedent.

**LEGISLATIVE POWER.**

1. The legislative power of the Territory of Hawaii is carefully guarded by this bill. The Territorial legislature is given power to legislate on "all right subjects of legislation not inconsistent with the Constitution and laws of the United States, locally applicable." The scope of the powers of the Hawaiian legislature is limited, so that special and exclusive privileges, immunities, or franchises may not be granted to any corporation, association, or individual.

2. Nor shall the Hawaiian legislature grant private charters, but it may pass general acts permitting incorporation for certain specific purposes.

3. Nor may it appropriates money for sectarian, denominational, or private schools, nor for any schools except schools exclusively under sectarian control.

4. Nor may the government, or any political or municipal subdivision thereof, take stock in or lend its credit to any incorporated company.

5. Nor may the legislature contract any debt on behalf of the Territory, or any political or municipal subdivision thereof, except to pay interest on existing indebtedness, suppress insurrection or provide for the common defense, and except that the legislature may authorize loans by the Territory or any such subdivision thereof for the creation of penal, charitable, and educational institutions, or for public buildings, wharves, harbors, and other public improvements.

The total indebtedness, however, that may be incurred in any one year by the Territory, or any such subdivision thereof, is limited to 1 per cent of the taxable property of the Territory or any such subdivision as shown by the last general assessment; and the total indebtedness of the Territory or any such subdivision thereof for the creation of penal, charitable, and educational institutions, or for public buildings, wharves, harbors, and other public improvements.

6. No bonds or other instruments of indebtedness are to be issued unless redeemable in five years and payable in fifteen years.

7. No prospective laws are to be passed.

8. No legislative divorces are granted.

The legislature shall not attempt to create county, town, and city municipalities and to provide for the government thereof.

**PUBLIC LANDS.**

Of the various offices, officers, and boards which this bill provides for, that of commissioner of public lands has attracted most attention.

This bill provides 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.

The public-land system of the Hawaiian Islands has been evolved out of local conditions and is peculiar to them. After careful consideration it has not been thought advisable to attempt to extend the public-land system as it exists here, so as to include Hawaii. In some respects such extension would be absolutely impossible. Under the constitutional provision in that behalf Congress has from time to time made laws "respecting the territory or other property belonging to the United States."

At the time the United States contained 218,721,280 acres by the definitive treaty of peace with Great Britain in 1783, our territorial extent was increased to 531,300,000 acres; in 1808, by the Louisiana purchase, we obtained 758,961,280 acres; by the Florida cession in 1819 we obtained a further tract of 37,865,820 acres; by the annexation of Texas in 1845 we obtained 175,587,840 acres; by the purchase of New Mexico in 1848 we obtained 924,488,000 acres; and the latest territorial acquisition of the Federal Government bought of Texas 65,130,890 acres; in 1830 we bought of Mexico 29,144,400 acres; in 1847 we bought of Russia Alaska, containing 302,839,600 acres, and by the joint resolution of 1852 annexed Hawaii, containing in all 4,313,600 acres, of which 1,750,033 acres are occupied.

The greatest portion of lands which we have so acquired were occupied except by Indian tribes, whose Indian titles have been extinguished. In many cases, also, we are acquiring these lands without previous grants, which were protected by treaty stipulations in the treaty of acquisition.

Up to 1852 the Secretary of the Treasury had supervision of the survey. In 1853 the Land Office was established as a separate Bureau of the Treasury Department, and in 1846 the Interior Department was organized and the Land Office was transferred to that Department. The Land Office is charged with the survey and disposal of the public lands.

A system of cadastral survey of public lands was established in 1786 by a congressional committee, of which Jefferson was chairman, by which base lines and meridian lines are first determined and townships 6 miles square are laid out and numbered north and south from base lines and ranges are laid out and numbered east and west from meridian lines.

To sell our lands as to public lands are not applicable to Hawaii. Our lines of survey have generally been run over new country, like lines upon clean paper. Then settlers have filled up the lines. The exceptions to this have not been difficult to deal with.

**HAWAIIAN LANDS.**

In Hawaii, however, the lands are already occupied, and, from the very nature of the soil and the character of the inhabitants, are cut up into holdings of all shapes and sizes; the shape being generally that of an irregular triangle, with its base on the coast line and its apex toward the center of the island.

Hawaii was established thereupon a system of survey adapted to the natural formation and contour of the islands. For illustration, all the islands rise from the sea level, in some parts abruptly and in some parts gradually, to a central elevation, and for purposes of cultivation the land is naturally divided into terraces. In the central portion this is sugar land, next coffee land, and then comes grazing and timber land.

It is obvious that it would be impossible to overlay this system which has been long in practice and under which the land is occupied with an arbitrary rectangular system.

As to the history and manner of disposal of public lands in Hawaii:

1. Up to 1846 all the lands of the Hawaiian Islands belonged in legal contemplation to the king.

2. In 1846 King Kamehameha III granted: (1) To his people certain portions; (2) for government purposes certain portions, (3) and reserved the remainder.

3. By an act, June 7, 1848, the legislature accepted the king's grant and confirmed to the king, his heirs and successors, certain duties upon which the crown lands were charged.

Under an act organizing executive departments, a land commission was provided whose duty it was to receive and pass upon the claims of occupants and lands to their respective holdings in that portion of the land set apart for the chiefs and people. This commission heard the testimony of claimants, caused surveys to be made, and issued to the occupants entitled thereto certificates called "land commission awards." These land commission awards established the right of the grantee to the possession of the land and entitled him upon payment of one-fourth of the value of the bare land to receive a royal patent. These awards and patents issued pursuant thereto are the source of all title to all lands not public lands or crown lands.

By an act of July 9, 1850, one-twentieth of all public lands are...
set apart for the support of schools. These lands are patented to a board of education, which was empowered to sell and lease. Part of these lands is used for sites for school buildings, part is leased, and part has been sold.

In 1894 a homestead law on a small scale was provided for but was little used, only 268 patents having been issued.

The republic came in 1894, and the legislature of that year passed the "land act of 1893." By this act the crown lands were treated as having vested in the republic and are now embraced as public lands. The public lands were placed under the control of a board of commissioners, composed of six members, three of the interior and two persons appointed by the governor, and by this bill they pass under the control of a commissioner of public lands.

The islands are divided into six land districts, with a subagent of public lands and ranges for each.

The public lands are divided as follows:

1. Agricultural lands.
2. Pastoral lands.
3. Pastoral agricultural lands.
4. Forest lands.
5. Waste lands.

The commissioners are authorized to dispose of these lands in the following manner:

1. At public auction for cash in parcels not exceeding 1,000 acres.
2. At public auction, part credit, in parcels not exceeding 600 acres.
3. Without auction sale, in exchange for private lands or by way of compromise.
4. By lease at public auction for not more than twenty-one years.
5. Homestead leases.
6. Right of purchase leases.
7. Cash freeholds.

By this bill the "commissioner of public lands" takes the place of the board of commissioners, but the laws relating to public lands, the settlement of boundaries, and the issuance of patents on land commission awards remain in force until Congress shall otherwise provide.

This bill provides for an internal-revenue district comprising the whole Territory, a customs district comprising the whole Territory, with four ports of entry, and for a Delegate to Congress.

To the proposition that the government proposed by this bill will be taken as a precedent and example for that of Puerto Rico and the Philippines, I answer that each territory will be a separate and self-governing body, using the word territory now as meaning only land and the people thereon, each territory must be treated according to its own needs and conditions.

Hawaii has shown itself capable of establishing and maintaining a stable government. Its laws are copied from our laws, its jurisprudence runs back to the same source from which we derive ours, and is enriched and illuminated by the decisions of American courts. Its people are familiar with our institutions and our language.

On the island of Hawaii there stands a monument where Captain Cook, the discoverer of these islands, was killed by the natives in 1778. He was followed by Vancouver. Then came the missionaries and civilization.

Philosophers have philosophized and theorists have theorized as to whether man may not be happier in a state of nature than under a state of government. But in practice no weak or undeveloped race has ever appeared to have any rights of inertia or retrogression which stronger nations were bound to respect.

The world moves on toward "the parliament of man and the federation of the world," sometimes by compulsion, sometimes by spontaneous advances.

As to Hawaii, she comes to us without purchase and without price; without bloodshed, and even without solicitation, and has voluntarily merged herself into the onward march of the nation which is the standard bearer of the noblest ideals which ever animated any nation since time began.
islands, and delay in extending the laws of the United States to
them will be taken advantage of to increase the number.

This bill proposes a Territorial government for the Hawaiian
Islands similar to that of the later Territories of the United
States—a governor, a secretary, both appointed by the President;
a treasurer, attorney-general, commissioner of public lands, com-
mmissioner of agriculture and forestry, superintendent of public
works, superintendent of public instruction, auditor and deputy
auditor, surveyor, and high sheriff, appointed by the governor.

A legislature is provided, consisting of a senate and house of
representatives, elected by the people. The Territory is repre-
sented by a Delegate in Congress. The Territory is made a ju-
dicial district of the United States, with a district court having,
in addition, the jurisdiction of circuit courts, with a district
judge, district attorney, and a marshal of the United States, ap-
pointed by the President, by and with the consent of the Senate
of the United States.

The judicial power of the Territory is vested in a supreme court
and in inferior courts to be established by the legislature. The
laws of the United States locally applicable are extended over the
new Territory, and the laws of Hawaii not inconsistent with the
Constitution or laws of the United States are continued in force.
The Territory is made a customs and revenue district and be-
comes subject to the tariff laws of the United States.

It needs no argument, it seems to me, that if it be possible
to give to the Hawaiian Islands a government like that of
the United States Territories—a government which has met the
approval of Congress and the American people since the Constitu-
tion was adopted and has proved itself adapted to the needs of a
free and progressive people—it is desirable to do so.

Mr. Chairman, I am aware that there are many difficult
problems to be solved regarding this legislation and that it will neces-
sarily contain many errors and omissions; but, sir, I feel confident
the citizens of the Hawaiian Islands will be able ultimately to solve
the problems, and whatever defects this bill contains will be dis-
dcovered when the law goes into operation, and time and expe-
rience and subsequent legislation will correct and remedy them.
The all-important thing for us to do now, and do promptly, is to
give the people of the Hawaiian Islands Territorial government,
and the best, the freest, and the most liberal, and, above all, the
moment the combined wisdom and judgment of Congress can devise.
I am in favor of home rule and absolute local self-government for
our Territories.

And, sir, I desire to say In this connection that what we do for
the people of the Territory of Hawaii we should also do for the people
of the Territory of Puerto Rico. There should be no self-

ish distinction—no sordid discrimination. A citizen of Hawaii
is a citizen of the United States and a citizen of Puerto Rico is a
citizen of the United States just as much as a citizen of the
District of Columbia or a citizen of the State of New York: they
are all citizens of the great Republic, free and independent, and
under the dome of the Union sky, protected by the flag of our
country, they are entitled to all the rights, to all the benefits, to
all the privileges, as if equally under the Constitution. This is our
plain duty, the imperative mandate of the hour, and for anyone or any party to seriously contend to the
contrary is preposterous and in the end will be as unwise as it is
unjust, as inhuman as it is indefensible, and as un-American as
it is unconstitutional.

Any departure, in my judgment, by Congress from the well-
settled, the successful, the time-honored, and the constitutional
policy of the Republic regarding the government of our territorial
possessions will be fraught with much danger to our free institu-
tions and will be a step forward in the contemporaneous
imperialism. I am opposed to any plan or any policy repugnant to
or in any way antagonistic to the fundamental principles of our
national existence. The Constitution is my guide, and the Declara-
tion of Independence the lamp that illumines my path. I am
opposed to injustice, to militarism, to imperialism, and to indus-
trial slavery here or anywhere else, at home or in our islands of
the sea; and wherever our flag floats, in the Pacific or in the Atlantic,
in the States or in the Territories, I want the Constitution to
be there, guaranteeing to every human being liberty, equality,
justice, and every right of an American citizen. [Applause on
the Democratic side.]

Mr. Chairman, this is all I desire to say at this time regarding
the provisions of this bill. I shall vote for the amendments, and
if they be adopted, I shall vote for this bill. But in connection
with my remarks on this matter and some remarks I made a short
time ago I wish to print in the RECORD some data in relation
thereto that may be of interest to some of the thinking people of
this country.

The CHAIRMAN. The gentleman from New York [Mr. Sul-
zer] asks unanimous consent to print in the RECORD some data
in connection with his remarks. Is there objection? [After a
pause.] The Chair hears none.
GOVERNMENT FOR THE TERRITORY OF HAWAII.

On motion of Mr. KNOX, the House resolved itself into Committee of the Whole House on the state of the Union, and resumed consideration of the bill (S. 222) to provide a government in the Territory of Hawaii, with Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration, under the five-minute rule, of the Senate bill which the Clerk will report to the committee.

The Clerk, under the order made yesterday, proceeded to read the substitute in the name of an amendment, by sections.

The Clerk reads as follows:

CITIZENSHIP.

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August 12, 1888, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

Mr. McRAE. Mr. Chairman, for the purpose of asking a question of the chairman of the committee, I move to strike out that section. I would like to know who were citizens of the republic of Hawaii on August 12, 1888, and the citizens of the United States who hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

Mr. KNOX. The laws of the republic of Hawaii provided that all persons born or naturalized in Hawaii, under the republic of Hawaii, should be citizens of the republic of Hawaii. At that time they comprised the same persons whom we now make citizens—the Germans, Americans, native Hawaiians, and Portuguese—with the exception that there have been under the monarchy about 700 Chinese naturalized, about 830 of whom only remain, the rest having gone back; so that the only Asiatic citizens is composed of about 330 naturalized Chinese.

Mr. McRAE. Do you adopt them as citizens?

Mr. KNOX. I will state, further, that in order to prevent further naturalization of Asiatics the constitution of Hawaii provided that they should naturalize citizens of nations which by their laws provided for the naturalization of Hawaiians. As there were no such nations, it excluded from that time the naturalization of Chinese.

Mr. McRAE. But that would put it in the power of foreign nations to naturalize people for our country, would it not? Mr. KNOX. I move to adopt this bill as it is.

Mr. McRAE. Do you adopt this bill, as it is?

Mr. KNOX. All laws in contradistinction to the Constitution and laws of the United States are void.

Mr. McRAE. Do you adopt this bill as it is?

Mr. KNOX. Those 330, inasmuch as the Germans, Americans, native Hawaiians, and Portuguese, with the exception that there have been under the monarchy about 700 Chinese naturalized, about 830 of whom only remain, the rest having gone back; so that the only Asiatic citizens is composed of about 330 naturalized Chinese.

Mr. McRAE. Is the anti-alien contract-labor law extended to Hawaii by this bill?

Mr. KNOX. Yes; all the laws of the United States are so extended, and the law prohibiting these contracts and the penal provision is retained by this bill; but there is to be a subsequent amendment further extending it as to make it absolutely certain that we stamp out every vestige of contract labor.

Mr. McRAE. I am not quite certain that that is done.

Mr. KNOX. There is an amendment prepared which stamps out every vestige of this contract-labor system.

Mr. McRAE. At the proper time I should like to move a new paragraph in the bill which will, beyond all question extend the anti-alien contract-labor law.

Mr. KNOX. It will be an amendment to section 10.

The CHAIRMAN. The amendment offered by the gentleman from Arkansas will be withdrawn.

Mr. ROBINSON of Indiana. I move to strike out the last word, The CHAIRMAN. The gentleman from Indiana.

Mr. ROBINSON of Indiana. Mr. Chairman, at this time I think it would be proper for me to make a brief statement.

My judgment is that this is one of the most important bills that has been presented to the House since I have been a member.

The Committee on Territories have for days and weeks given careful attention and consideration to this bill. At the time of the introduction of the bill into the House of Representatives, the bill was introduced into the Senate. Differences of opinion among the members of the committee have resulted in very many changes in the original bills introduced into the respective Houses and a remodeling and recasting of many of the sections. The Senate considered a large portion of the House bill before the House and the amendments to it for nine days. With the exception of three set speeches they considered the bill by sections. During that time they covered 109 pages of the Congressional Record in the discussion of amendments and sections of this bill.

We must now, perhaps, after hearing for four hours, do all the work in consideration and debating of the bill that was done by the Senate in over a week. The committee have been careful, but differences of opinion have arisen. It was almost impossible to understand the industrial conditions of Hawaii, almost impossible to get information on the subject of its judicial and other matters. The result is there are differences of opinion now on various sections as to their meaning and interpretation.

The Senate, after mature deliberation, have passed a bill which to my mind is far better than the earlier that more perfectly carries provisions of this bill presented to the House. The misfortune is that many of the important sections involving the question of appointments by the Territorial governor or by the President, involving the question of the establishment of courts and procedure, and the like, are not in this bill.

I might say that I feel that the chairman of the Committee on Territories, every member of that committee and every member of the House, want to do the very best they can for the people of Hawaii, and send the bill to the Senate to consider and to the people of these islands to pass on as the best that can be made perfect as possible, because those people have troubles enough of their own. Now, if we proceed to the consideration of the sections of this bill and confine ourselves to the subject-matter involved, we may possibly complete the work in four hours. If we succeed in doing that, then my hope is that we may be able to pass the bill without a division may be answered. There are sections though, at the end of the bill, which we should r-ach, very important, and amendments to them will be presented.

Mr. McRAE. Do you adopt this bill, as it is?

Mr. KNOX. I will say that the Senate amendment of Senator PETTIGREW to section 10 of this House bill should be adopted. I conversed with Senator NELSON and other Senators yesterday, and they favor that amendment; and if it should pass this House with that amendment I am assured that I am far better than that more perfectly carries the provisions of this bill presented to the House by the Senate, and that it is the best that can be made perfect as possible, because those people have troubles enough of their own. Now, if we proceed to the consideration of the sections of this bill and confine ourselves to the subject-matter involved, we may possibly complete the work in four hours. If we succeed in doing that, then my hope is that we may be able to pass the bill without a division may be answered. There are sections though, at the end of the bill, which we should r-ach, very important, and amendments to them will be presented.

The Clerk reads as follows:

APPLICATION OF THE LAWS OF THE UNITED STATES.

SEC. 5. That except as herein otherwise provided the Constitution and all the laws of the United States shall be applicable to the said Territory, and shall extend and effect within the said Territory as elsewhere in the United States: Provided, That sections 190 and 190 of the Revised Statutes of the United States shall not extend to the said Territory.

Mr. DE ARmond. Mr. Chairman, I move to strike out the words "the Constitution and" on lines 24 and 25.

The CHAIRMAN. The Clerk will report the amendment.
Mr. COX. I just simply want to follow the question asked. You say that there will be a bill in the House to establish this question. That court decides how far it is applicable. Is that a final decision, and no appeal lies from that?

Mr. KNOX. We establish a Federal district court with a jurisdiction over the circuit court, that upon constitutional questions solely may lie to the Supreme Court of the United States. There is no question but that any constitutional question arising there will go to the United States court for decision.

Now, then, I say again that if the contention of these gentlemen is correct the question is one which is not applicable, and it is simply declaratory. Shall we plunge the people of these islands into the uncertainty of the law as to what the laws are that apply to that island? Shall we raise up spectres of doubtful jurisdiction, questions that start with the increasing power over property, that will bring every step of progressive legislation in the islands, and finally decide the question of the laws that apply to the territory and the country in which they live are settled to a certainty?

Mr. HITT was recognized.

Mr. POWERS rose.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. HITT. I will yield to the gentleman from Vermont.

Mr. POWERS. I wish to inquire whether under this bill the people of Hawaii are citizens of the United States.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. POWERS. I ask that his time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont that the time of the gentleman from Massachusetts be extended five minutes?

Mr. HITT. The gentleman from Massachusetts does not ask for the time, and I ask to be recognized in my own right.

Mr. KNOX. I want to answer the question of the gentleman from Massachusetts.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOX. They are citizens.

Mr. POWERS. Inasmuch as you declare that the people of the islands of the United States, can you not obviate the objection proposed by the gentleman from Missouri by simply adding a further provision after declaring them citizens of the United States, that they shall be entitled to all the rights, immunities, and privileges guaranteed by the Constitution of the United States?

Mr. KNOX. Oh, yes; but there are other questions that arise besides those of citizenship. Those are not the only questions.

Mr. POWERS. I understand my friend from Missouri claims that we can not legislate the Constitution into Hawaiian, and I very much doubt the proposition.

Mr. KNOX. Well, I respect the doubt of the gentleman from Vermont, and I say that we do not propose to raise the question.

Mr. POWERS. I recognize the right of Congress to declare that the immunities, and privileges guaranteed by the Constitution of the United States, are citizens of the United States.

Mr. KNOX. They are citizens of the United States by this bill, and the Constitution and laws are extended as far as they are applicable to these islands. Now, one further consideration.

Mr. DE ARMOND. Will the gentleman from Massachusetts yield for a question?

Mr. KNOX. I will.

Mr. DE ARMOND. I wish to ask the gentleman what parts of the Constitution he regards as locally applicable to Hawaii and what parts he regards as not locally applicable?

Mr. KNOX. It is perfectly apparent, Mr. Chairman, that I cannot answer that question in one hour, two hours, or three hours. The Constitution and body of the law that is locally applicable to the Territory of Hawaii are extended to the islands by this bill.

Mr. DE ARMOND. One question further. Can the gentleman indicate any provision of the Constitution not locally applicable to Hawaii?

Mr. KNOX. The provision as to electing Presidential electors as to determining the succession, and very many constitutional questions can be cited.

Mr. DE ARMOND. Let me ask another question. Can he mention any provision applicable to the Territories of Arizona and New Mexico, in the matter of a Territory?

Mr. KNOX. I should suppose that there were many provisions applicable to a great maritime republic like Hawaii that would not be applicable to Arizona or New Mexico. For instance, the provision of Article IV of the Constitution, if I have the number of the pages, of the Constitution of the United States courts shall extend to all questions of maritime and admiralty jurisdiction. That would not be claimed as applicable to an inland Territory like Arizona, but would be exactly applicable to the Territory of Hawaii.
Mr. DE ARMOND. Will the gentleman yield for one more question?

Mr. KNOX. Certainly.

Mr. DE ARMOND. Can the gentleman point to the provision in the Constitution which gives authority to extend it in pieces or parts to any Territory, or any part of a Territory?

Mr. NOX. I think I can.

Mr. DE ARMOND. I would like to have the gentleman do it.

Mr. KNOX. I will cite the gentleman to the Revised Statutes, Title XXXIII, Chapter I, section 1891, which says:

The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized territories or every Territory hereafter organized as elsewhere in the United States.

Now, either all the Congresses that have sat in this Hall from 1850, when the Territory of New Mexico was organized, have been guilty of that, or else the Constitution of its own force, but must be extended by an act of Congress, or else that declaration of the Revised Statutes is mere empty babble and boys’ play.

The question being taken on the amendment offered by Mr. De Armond, there were—ages 63, noes 77.

Mr. RICHARDSON. I call for tellers.

Tellers were ordered; and Mr. De Armond and Mr. Knox were appointed.

The House again divided, and the tellers reported—ages 78, noes 87.

So the amendment was rejected.

Mr. McRAE. I move to amend by striking out the proviso beginning with the word “Provided,” in line 2, page 53, and ending with the word “Hawaii;” in the fifth line, same page.

The Clerk read the words proposed to be struck out, as follows: Provided. That sections 1850 and 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Mr. McRAE. Mr. Chairman, I do not see any reason why the sections numbered in this proviso which apply to other Territories of the United States should not apply to Hawaii. The first of the sections cited—section 1850 of the Revised Statutes—is as follows:

All laws passed by the legislative assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and if disapproved shall be null and of no effect.

The other and more important section referred to in this proviso is as follows:

Sec. 1850. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the Territory, of a greater value than $500; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in such real estate shall not be impaired by the provisions of this section.

Now, sir, I cannot understand why these laws, which are applicable to other Territories, should not be applicable to Hawaii.

If the gentleman from Massachusetts [Mr. Knox] can give any good reason for exempting Hawaii from the operation of these provisions, I shall be pleased to listen, because it seems to me that the high and noble character and aims expressed in performing the highest class of charitable work.

Mr. KNOX. Mr. Chairman, there are at the present time in Hawaii a number of charitable institutions now possessing larger amounts of real estate than section 1890 permits to be held by a religious or charitable institution in the Territories heretofore established, and upon which it is evident that there is no disaffection—these institutions in Hawaii are now doing a very great and noble charitable work.

It was thought not wise to extend to those institutions the provisions which the gentleman has read, either as to property which they have now or that to which they may hereafter acquire. Very careful examination was made in regard to all these institutions. I have a list of them here, which it would take some time to read; but according to the universal testimony the character and aims of these institutions are such that they have in the highest class of charitable work.

Mr. McRAE. Mr. Chairman, it is against the theory and policy of this Government to permit large landed estates to be held by religious or charitable institutions, and as this has been our policy with regard to all the old United States, I think our new possessions should not be excepted from this rule.

Mr. KNOX. The gentleman will allow me to suggest what I think is possibly an answer to his objection. When we have formed Territories heretofore, they have always been sparsely settled, and has been benefited by religious and charitable institutions, and as this has been our policy with regard to all the old United States, I think our new possessions should not be excepted from this rule.

Mr. McRAE. The provisions which have been extended to other Territories should be applied to Hawaii.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. McRaes] has expired.

Mr. KNOX. Mr. Chairman, I think that the sooner the people of Hawaii learn that the religious or charitable institutions now existing there, however laudable and worthy they may be, must submit to any and all the regulations of their government and that the old conditions can not continue the better it will be for them. I do not agree that as a matter of Government policy we should continue to permit any associations of the character contemplated to acquire unlimited amounts of real estate that go untaxed. The true rule is to have no such institutions in the United States and no more real estate than is necessary for the actual use of them.

Now, this section, from which this exemption is sought, protects all vested rights up to this time; but it permits them to go on acquiring real estate indefinitely and large sums of money without selling, all free from all taxes, and the sooner we stop it the better.

So I hope that the gentleman in charge of the bill will accept the amendment, but if he does not, that the House will vote for the amendment and let this Territory stand exactly on the same footing as other Territories.

Mr. NEWLANDS. Mr. Chairman.

The CHAIRMAN. The gentleman from Nevada.

Mr. HAMILTON. I can make a statement which will make plain to the gentleman from Nevada [Mr. Newlands], was I recognized?

The CHAIRMAN. No member of the committee appearing to desire the floor, the Chair recognized the gentleman from Nevada [Mr. Newlands].

Mr. NEWLANDS. I yield, then, to the gentleman from Michigan for a comment.

Mr. HAMILTON. Perhaps I can be of assistance to the gentleman in throwing some light upon the subject. There are several institutions which are of charitable or educational nature, among which should be first named the Lunaril I Home. This trust was created in 1891. It was the wish of the late Harriet L. Whitney, the widow of Mr. Whitney, to establish a home for indigent Hawaiians. Under the provisions of his will the Lunaril Home was established and has been in operation for about fifteen years.

By this trust, which consisted mainly of tracts of land in various parts of the islands, which at the time were not of very great value, and he directed that when the property became of the value of $25,000, the home should be established, his views being that if his property was sufficient to establish the home, the property would be of sufficient value to establish the trust. The value of the lands, however, increased very much, and now the home, which was established at a cost of over $30,000, has been maintained for a number of years, and the funds derived from the proceeds of the sale of the land amount to over $200,000, which are invested in securities subject to approval by the judges of the supreme court.

This institution has proved of great benefit to the aged and dependent Hawaiians.

Second. The Princess Puanahi Bishop devised her property, containing a large number of lands, for the establishment of industrial schools for the education of Hawaiian boys and girls, also making provision for certain charities. Later, and after her death, her husband, the Hon. Charles R. Bishop, made large provisions by various deeds of trust for the establishment of a museum, also for aiding the various charitable organizations in the islands. The property devised by Mr. Bishop for these charitable and scientific purposes is now worth more than $1,000,000 and will probably increase in value. These institutions, maintained by these provisions made by these friends of the Hawaiian race, are of the greatest value to those people.

Third. The Young Men’s Christian Association of Honolulu owns property in excess of $10,000 in value and is an undenominational organization exercising a great influence for good in that community.

Fourth. Efforts are being made in Honolulu to establish a home for incurables. The public hospital in Honolulu, known as the Queen’s Hospital, can not receive persons afflicted with consumption or other similar incurable diseases, and the need for a home is great.

Consumption is not very prevalent among the natives of the country, but many people come to that climate hoping to recover their health. Many of these people have limited means, and some of them have no more than sufficient to enable them to reach the islands, and the responsibility has reached a stage where it is deemed necessary that a home should be provided for them.

Funds or endowment sufficient to provide an income to maintain such an institution would have to be more than $30,000.

The inharmonious, isolated situation of the islands is such that the
responsibility for the care of the helpless is perhaps more pressing than in many other communities, and it certainly would seem to be unwise to provide for the same by the organizations established for such purpose without a restricted in the amount of the means which may be provided for their maintenance.

Mr. McRAE. Just a word.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McRAE. I am as much in favor—

The CHAIRMAN. The gentleman from Nevada [Mr. NEWLANDS] is recognized.

Mr. ROBINSON of Indiana. I ask that the gentleman’s time be extended five minutes.

The CHAIRMAN. The gentleman from Indiana asks that the time of the gentleman from Michigan be extended five minutes.

Mr. ROBINSON of Indiana. The time of the gentleman from Indiana has expired.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McRAE. It will only take a moment to say what I want to say. I am as much in favor of missionary work and charitable institutions as anyone can be. I believe firmly in the Christian religion, but I want it kept separate from governmental affairs.

The CHAIRMAN. The Chair will say that he understood that it was the time of the gentleman from Michigan which was extended.

Mr. McRAE. I understood the gentleman to yield to me.

Mr. HAMILTON. I have no time to yield, as I understand.

The CHAIRMAN. Then the gentleman from Nevada [Mr. NEWLANDS] is recognized.

Mr. McRAE. I hope I may be permitted to finish my sentence.

Mr. NEWLANDS. I yield to the gentleman from Arkansas one minute.

Mr. McRAE. I thought the gentleman from Michigan had five minutes given to him by the committee, and that he yielded to me.

Mr. HAMILTON. Very well. Let the gentleman from Arkansas conclude.

The CHAIRMAN. It is not in order for gentlemen under the five-minute rule to yield time.

Mr. ROBINSON of Indiana. What becomes of my request for unanimous consent that was granted?

The CHAIRMAN. The Chair understood the request of the gentleman from Indiana to be that the time of the gentleman from Michigan [Mr. HAMILTON] be extended.

Mr. ROBINSON of Indiana. No; the gentleman from Arkansas.

The CHAIRMAN. That was the error of the Chair, then. For the purpose of bringing the matter back to its proper place.

Mr. CANNON. Will the gentleman from Michigan allow me to ask him a question?

The CHAIRMAN. The gentleman from Nevada [Mr. NEWLANDS] is now recognized and has the floor.

Mr. NEWLANDS. I will yield one minute to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. I desire to state that while I am in favor of religious and charitable institutions, and while I am a firm believer in the Christian religion and all proper missionary work, I do not believe it is right for those who entertain the same opinions to tax those who do not agree with us for the support of such institutions, or to exempt large estates held by them to be relieved from all taxes. If you want to teach the people of Hawaii the fundamental principles of government, you must divorce religion and government. Missionaries must understand that their work should be confined to spiritual matters and not to acquiring large estates and hold them free of taxes for the support of the government.

The statement of the gentleman from Michigan shows large accumulations of money, running up into the millions already. The consequence is that while people make to-day against the questionable methods of some missionaries who went to the country for the alleged purpose of benefiting them spiritually, but who took advantage of their ignorance to get title to their lands. Many of those people claim that they have been robbed by a system of advantageous, and now you propose to exempt the estates thus acquired from taxes and thus enable these people to accumulate great fortunes without any limitation. If they own more property than is absolutely necessary for use as churches and charitable institutions, the excess should be taxed; but such concerns should not own more.

Mr. NEWLANDS. Mr. Chairman, I concur with the gentleman from Arkansas [Mr. McRAE] in his amendment, the purpose of which, as I understand it, is to prevent these charitable and religious organizations of the United States from acquiring such large tracts of land as is shown in the statement of $380,000. That limitation is the one which is now contained in the general law of the United States regarding Territories, which this Territorial act seeks to repeal so far as Hawaii is concerned.

Mr. SNODGRASS. Will the gentleman yield for a question?

Mr. NEWLANDS. Let me finish this sentence, please.
semislave labor. There the lands have been drifting into large holdings. We should in this very bill limit the number of acres which any corporation shall hold, and if any existing corporations have lands in excess of the limit, we should by some proviso, extending over a period, compel the disposition of those lands by sale, so that this land monopoly may be broken up, otherwise we will have—

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWLANDS. I ask two minutes more.

Mr. CANNON. Now, if that law were enforced in a State, or in the District of Columbia, such an institution as the Louise Home, founded by Mr. Corcoran, could not exist, and at once all the proclivities of the public mind, the currents of public sentiment, and the existing vested rights, would be in favor of ceasing to the United States; and so of many others all over the States and in the gentleman's own State of Nevada. Now, in the Sandwich Islands, as I understand and was informed when I was there for a few days three or four years ago, they have a number of very worthy and respectable societies that speak much for the head and hearts of the people who formerly had possessions there, who left testa-

Mr. CANNON. I would be glad in my time to have the attention of the gentleman, in the shape of a question and a remark at the same time. I am quite in harmony with him as to his general views; but here is a statute that absolutely prohibits a charitable organization from having more than $30,000 worth in a Territory.

Mr. NEWLANDS. The gentleman from Nevada asks that his time be extended two minutes more. Is there objection? [After a pause] The Chair hears none.

Mr. CANNON. Otherwise we will have in the Hawaiian Islands an oligarchy stronger than the one that has existed there in the past, with an absolute monopoly of the lands in the hands of a few, and an abject, servile population, incapable of resisting oppression, and anarchy, unless under the influence of some superior power. It does not accord to me that in our initial legislation, intended to meet the conditions of these islands, where the present tendency toward land monopoly is great and where the tendency will be greater as the value of these lands rise, as the trade with this country increases, we ought to make a provision here and elsewhere to extend this wise provision of the general law applying to all Territories hitherto admitted into the Union to Hawaii, coupling it with such a provision as will protect existing vested rights.

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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 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 it. 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 businessmen are not undeveloped, nor are they undeveloped, so to speak. Not 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 that exist much the same in all respects as institutions of our older States.

Now, Mr. Chairman, there is more necessity for 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. So the Constitution is not suitable for them to which my friends and lodgment there.

Those people suffer in many ways from diseases and plagues, making it 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 purpose of administering to the wants and relieving the sufferings of the afflicted having a much larger capital than $50,000? 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 motion to recommit the bill was rejected.

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 returned, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment of Mr. McRAE was rejected.

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

The CHAIRMAN. The amendment now pending is the amendment proposed 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.

The CHAIRMAN. The gentleman from Mississippi.

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.

If it were not for 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 existing in any other States. It is, the gentleman has said, upon the thoroughfare when discussed by the Orient first made 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 fell 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 corporations. Not only is it a fact that many States have, but that the act of God does not apply to the Hawaiian Islands. Our business men have not developed, so to speak. Not 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 that exist much the same in all respects as institutions of our older States.

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 feature, namely, for the section 1890 of the Revised Statutes section of 1891, which makes section 1890 applicable to "all the Territories hereafter to be created." So that if you make 1890 inapplicable 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 raise, and it seems to me that if it is unnecessary to raise, 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 question about existing institutions, and then making 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 inoperative 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 allowed to own, hold, or possess any lands, real or personal, within the Territory of Hawaii, and in case any such corporation or association shall have purchased or acquired any such lands, real or personal, it shall be the duty of the Territory 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 to the use of the State or Territory of Hawaii, and no 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 section 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 to the use of the State or Territory of Hawaii, and no 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 shall be confiscated. I think its terms are sufficiently protected so that it ought to be adopted, and allow this section to go there with the others, so as to prevent other institutions, which may be there now, or which go there hereafter, and any law that the laws of the United States go there, the property so held above the limit would be confiscated.

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 motion to recommit the bill was rejected.

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

The committee divided; and there were—ayes 22, noes 34.

Mr. SNODGRASS. I ask for tellers.
The CHAIRMAN. The Chair will state that the gentleman from Tennessee [Mr. Richardson] sent to the bill an amendment, which is not on this side of the House. The amendment which will be read, for the information of the committee, the Clerk will read it.

The Clerk reads as follows:

"Strike out, in line 24, section 5, the words except as herein otherwise provided and insert the same words after the words United States, in line 28 of the same section, and insert a comma after the word Constitution, in line 30 of the same section."

Mr. BARTLETT. Mr. Chairman, that was intended to meet this situation. The gentleman from Tennessee and a number of others on this side of the House contend that the provision—

The CHAIRMAN. The Chair will state that the gentleman from Georgia that on the motion of the gentleman from Massachusetts, debate on this section has been closed.

Mr. BARTLETT. On what?

Mr. WILLIAMS of Mississippi. On the amendment?

The CHAIRMAN. On the section.

Mr. KNOX. Do you consider this anything more than a mere verbal amendment?

Mr. BARTLETT. Yes, sir; I do.

Mr. KNOX. A matter of substance?

Mr. BARTLETT. I think so.

Mr. KNOX. And that by inadvertence or by accident it was not presented?

Mr. BARTLETT. The gentleman from Tennessee [Mr. Richardson] wrote it and sent it to the desk for the purpose of presenting it, and while the discussion was going on he went out, and will be back in a moment. I know he intends to present it, and he sent it to the desk for the purpose of having it pending. I ask permission to finish my statement.

Mr. KNOX. I do not like to object to anything that went out by a misunderstanding.

Mr. BARTLETT. I cannot say it went out by a misunderstanding.

The CHAIRMAN. The section might be passed over until the return of the gentleman from Tennessee.

Mr. KNOX. Pass it until he returns. I will agree to that.

The CHAIRMAN. The gentleman from Massachusetts asks that this section be read for the present. Is there objection?

[After a pause. The Chair bears none.]

CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, proceedings, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed; and those in favor of the government of the Territory of Hawaii, or of any public or private corporation organized or existing in the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such offenses are inconsistent with this act or shall be repealed or changed by law. All criminal and penal proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the corresponding courts of the Territory of Hawaii; all process issued and sentences imposed before this act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii.

Mr. KNOX. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk reads as follows:

On page 58, section 10, line 23, add the following:

"The provisions of this section shall not apply to merchant seamen."

Mr. ROBINSON of Indiana rose.

Mr. KNOX. Yield to the gentleman from Indiana.

The CHAIRMAN. The gentleman from Indiana.

Mr. ROBINSON. I offer an amendment to the amendment.

Mr. ROBINSON of Indiana. I move this as a substitute.

The CHAIRMAN. The gentleman from Arkansas offers an amendment to the amendment, which will be reported to the committee.

Mr. McRAE. Following the language of the gentleman from Massachusetts.

The Clerk reads as follows:

That the act approved February 26, 1898, "to prohibit the importation and transportation of aliens and persons subject to contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended and made applicable to the Territory of Hawaii.

Mr. KNOX. That is already provided by the bill, our entire immigration laws.

Mr. McRAE. I think there is some doubt about that. I do not think you will lose anything by expressly and positively extending the bill.

Mr. KNOX. We might then go on and extend all the laws separately.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. ROBINSON of Indiana. I propose this as a substitute for the amendment.

The CHAIRMAN. The Chair will say that as the bill being considered by the committee is itself an amendment, it is not in order to consider any other amendment than that proposed by the gentleman from Massachusetts until that amendment is disposed of.

Mr. NORTON of Ohio. Then would it be in order to move to strike out the last word of the gentleman's amendment, because that would be an amendment?

Mr. ROBINSON of Indiana. Have I not the floor? I present this amendment.

The CHAIRMAN. The gentleman presents a substitute, which will be read in the time of the gentleman from Indiana.

The Clerk reads as follows:

"Strike out all of section 10, on page 58, and insert:

"CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, proceedings, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed; and those in favor of the government of the Territory of Hawaii, or of any public or private corporation organized or existing in the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such offenses are inconsistent with this act or shall be repealed or changed by law. All criminal and penal proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the corresponding courts of the Territory of Hawaii; all process issued and sentences imposed before this act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii.

Mr. ROBINSON of Indiana. Mr. Chairman, the substitute proposed for the amendment is the provision adopted by the Senate after a most careful consideration. I took the time to go to individual Senators—Senator Nelson, Senator Pettigrew, and others, and all agree that it wipes out effectually this contract labor in Hawaii. It was suggested to me by those Senators that this would be the proper and the best provision to pass upon this subject. I believe the committee that I will accept this. The only difference between this and the main portion of the provision of the gentleman from Massachusetts is the words "obligations or contracts," which are eliminated from the first line, and then the Senate's last section, which is wiping out the labor contract, is appended. That is the only difference.

Mr. McRAE. I did not understand it from the reading of it.

I would like to hear some explanation from the gentleman.

Mr. ROBINSON of Indiana. It is the Senate's provision, drawn by Senator Pettigrew.

Mr. McRAE. It does not make any difference whom it was drawn by; it is not clear to me.

Mr. ROBINSON of Indiana. It says:

That all contracts made since April 12, 1888, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and that no such contracts shall be made or entered into in any way; and it shall be the duty of the United States marshals to at once notify such persons so held of the termination of their contracts.

Mr. McRAE. What we want and what the law gives us in this country is to prohibit the shipowners from bringing these people into the United States.
The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. NORTON of Ohio. Mr. Chairman, I note in the amendment offered by the gentleman from Massachusetts one very important consideration, namely, the wish of the coloured race held in bondage of American slavery.

An amendment has been proposed by the necessary majority of the States, thus becoming a part and portion of the framework of our Government. If the Statesman of that period had been as wise and as brilliant as his successors of today they would simply have passed an act of Congress, and the same result would have been attained, according to the arguments that have been presented on the Republican side of this Chamber on various questions of constitutional matters under discussion. [Laughter on the Democratic side.]

Now, while every other class of citizens, and those in foreign lands as well, are also by statute given the constitutional protection of our civil constitution, and the rights of the colored race held in bondage of American slavery from time immemorial they have been subjected to imprisonment, branding, and other inhuman and unjust tortures at the hands of brutal masters and shipowners.

The argument which the proviso seeks to retain in full force and effect is section 4590 of the Revised Statute, which says:

If any seaman who shall have signed a contract to perform a voyage shall at any port or place desert, or shall absent himself from such vessel without leave, the master, or officer commanding in the absence of the master, shall be lawful for any seaman or any other person to arrest him, and if it appears that he has signed a contract within the intent and meaning of this title, that the voyage provided for is not finished or altered, or the contract otherwise dissolved, and that such seaman has deserted, or absented himself, and the master shall commit him to the house of correction or common jail of the city, town, or county, it shall be the duty of the master to proceed on his voyage, or if the master shall commit such seaman to the house, the master shall pay all the cost of such commitment and demurrage, and the wages due such seaman.

And the next section, No. 4590, goes on and says that even before a voyage has commenced, or before a master, or owner, or officer commanding in the absence of the master, shall have signed a contract, the seaman may arrest him, without the formality of a warrant, for any seaman or any other person to arrest him, if it appears that he has signed a contract within the intent and meaning of this title, that the voyage provided for is not finished or altered, or the contract otherwise dissolved, and that such seaman has deserted, or absented himself, and the master shall commit him to the house of correction or common jail of the city, town, or county, it shall be the duty of the master to proceed on his voyage, or if the master shall commit such seaman to the house, the master shall pay all the cost of such commitment and demurrage, and the wages due such seaman.

The thirteenth amendment to our Constitution says:

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Does not this proviso violate the spirit of individual liberty and freedom of choice inherent in our American institutions? Does it not contravene the plain letter of this constitutional amendment? We battled with England because of her arrogant claim and exercise of the right, to enslave our people and impressing our seamen into her service. If evidence brought before investigating commissions is to be believed, the owners and masters of merchant vessels to-day have not abandoned the practice of impressing or "shanghaing" seamen to fill up their crews, nor have they ceased using armed vessels and the seizure of neutral vessels and helpless, victims of their master's pleasure, and this proviso continues that in "inovery servitude." You may call it what you will, it is slavery still. To compel one man to render personal service to another in private business affairs is slavery. If you can compel the seaman to wear a chain, you can and you will soon apply to them the miner, the farmer, the mechanic. The proviso opens the way to the actual legalized industrial slavery of every workman in the land.

The argument of military or naval service is not analogous to industrial employment. Service for the country is service rendered for the nation and every patriotic citizen to perform when necessary; but in private business circumstances arise, and while a suit for damages might be good and hold for the nonperformance of contract, to require one to remain at employment against his will at the personal pleasure of his master is a violation of the Constitution and as it stands now.

There is danger in placing this in chains in any man's power. With the ascension of power there is almost universally the tendency or desire toward an arbitrary and tyrannical use of it. There is soon a hatred and defiance of all restraint and criticism and an effort to crush out all opposition. Any number of Republican arguments prove this. Especially the laboring people, that the Republican party is in sympathy with, are without any expression, every act of that party, such as, is in the interest of syndicated capital and the extension of the powers of the trusts. Scarcely four years ago William McKinley stood upon the vineyard of Canton and glorified the Constitution; less than two years ago he signed the spoils of that country; but so rapid has the intoxication of power worked that to-day the Constitution is a byword and a playing on, the words and the Army and the Navy at his command are standing ready to defy the whole world—Exchanged. [Applause.]

The Republican party has trampled upon the Constitution, not once nor twice, but again and again. In the early days, when there were statesmen and patriots in that party, the Constitution as the magna charta of our liberty was revered, and it was

[Continued.]

[Applause.]
trepzon to tamper with it, but with the accession of power came consequent development of disregard of the Constitution as well as moral decadence of the leaders of the party. With that party the power was, and is, gone. It is aimed at, is success and continuance in power for the opposite. To get a foothold, get the Treasury and destroy the people by legalized robbery, at the sacrifice of all principle, morality, and justice. This is seen in their course on the Philippine question, with the currency act, conflicts with the farmers, and the tendency to continue in the proviso now under discussion, and indicated in the proposed ship-subsidy scheme.

Everywhere and at all times they hasten to bow down before special interests and trusts, crying: "We hear thy mandates and obey." The tendency of the people to do so is getting stronger. They go out to Idaho, and labor is throtted. At the command of the Standard Oil Company the President sends his troops there, and martial law is supreme in a county where not a single act of insurrection or any violation of the laws has been committed by miners there at work. Wholesale arrests are made without warrants or process of law; men guilty of no crime are imprisoned in filthy bunks and "bull pens," and kept there for months half fed, without medical care, with insufficient clothing, and not given a trial or hearing. A single instance will illustrate hundreds of cases: A number of miners had decided to quit work under the conditions prevailing. They were summoned to a hall, surrounded by Federal soldiers, and the lieutenant in charge said to them, "I will now order you to be driven out of the mine. If you do not obey, you shall be permitted to leave this hall until the men decide to go to work." This a thing that may prevail in Pennsylvania, in Ohio, in Michigan, in any State or Territory in the Union, if trust rules be allowed to go unchecked. The people of the United States are the nation by the exposure of conditions prevalent in Idaho became so great that the trusts saw that something must be done, so they circulated a petition in Shoshone County, asking the President to retain the troops there; that public safety demanded it; in no manner could the mining district be left in peace. The people who refused to sign the petition should leave the county. Is not that freedom and personal liberty with a vengeance?

Labor should be king. It is labor that with every swing of tongs and sledge of the past century has built up the present achievement. Labor is that which makes the valleys and plains to blossom as the rose; that builds railroads and gathers the burdens they bear to teeming ports, and fills the ships leaving our shores with heavy laden holds. It is labor that clears our forests, digs our canals, and tills our fields. Labor gives voice to countless factories, and under its power the hills and mountains join in echoing song of new life and advanced prosperity. This being so, labor should share in the reward, and the nation built and developed on a grand and magnificent scale by labor should not be allowed to sink into slavery and degradation and the coming of a labor to a part in its uplift, and a promise of a peaceful, constant, and happy dwelling place within its borders. [Ap- plause.]

The lack of this effort to continue involuntary servitude of American seamen has in contemplation the downfall of organized labor and the speedy reduction of labor to serfdom or to a "mild form of feudal customs," as one of their champions puts the phrase. The Standard Oil Company is back of the Federal grans in Idaho, holding labor in involuntary servitude. In Ohio, and I quote from an article published in the Forum, of Elyria, Ohio:

**STANDARD OIL COMPANY AND SUNDAY WORK.**

The Standard Oil Company last week issued an order for its pumpers to work on Sunday. The order is highly favored. Some of them refused to obey the order, and when they went to work Monday morning they were discharged.

There they are striving to subjugate the workmen by compelling them to surrender their religious convictions and their manhood. This same company is prompting the support in this Chamber of the provision in the subsidy bill, the so-called "Hanna-Payne" subsidy bill. I am told that I am opposing the main object of this Government by opposing this proviso. If my interpretation of section 429 of the act, if I read it aright, it ought to be opposed and legislated out of existence. I oppose all manner of slavery today, as I did yesterday, as I will to-morrow, as I always have opposed it. In this bill we are making new laws for new territory, and am in favor of weeding out and destroying every vestige of such flagrant violation of the thirteenth constitutional amendment as this proviso seeks to perpetuate. [Applause.]

I am in favor of extending the limits of the commerce of the United States. I want to see the white sails and smoke stacks of our merchant marine going to every port in the whole world. I welcome any measure that will add to the number of American registered vessels and give employment to American seamen, and to such a bill, one that will add all this and at the same time benefit the agricultural and labor interests of my country, I will give all the energy and ability I may possess to secure its passage. But the Hanna-Payne Iniquity is not such a bill. It is a simple scheme to rob the Treasury for the benefit of the Standard Oil Company and its syndicated companions.

Those who are arguing in its favor talk as though shipbuilding would die. Just as with the present law or without it, we shall build or not build. To convince one that there is not half a dozen shipyards in the whole country; and yet there are over a score along the Atlantic coast, there are several on the Pacific seaboard, and along the Great Lakes you will find more than a dozen, where ocean-going steamships are built. Of 600 large shipyards of my own State steel steamships and others of over 6,000 tons burden each have been and are being constructed. Then, too, in addition to the carrying capacity of these steamships, they are built to carry a full cargo. Now, only a single vessel of the carrying capacity equal to many ocean steamers. It has not needed a Government subsidy as incentive for this immense shipbuilding, and it may be safely predicted that, as the demands of trade require, the larger achievements along this line will result, and through private enterprise.

Based upon the economic absurdity that a nation is made more prosperous by taxing the great mass of the people for the enrichment of the few—legalized robbery—the Hanna-Payne ship-subsidy bill proposes to levy a tax upon the people of $8,000,000, to be given by the cunningly worded provisions of the bill solely and exclusively to a few favored corporations, the controlling stockholders in which are the directors of the Standard Oil Company. It is an outrageous piece of class legislation, supported with unequal influence and financed by a set of men whose every line of conduct has been open to administration and a busy and most powerful lobby. The party lays being dilligently applied and all the powers of the syndicates and combines are being employed in its behalf.

Nonetheless, I am in agreement with the former Congress because of the opposition of Speaker Reed, it cannot be denied that every true servant of the people will be found arrayed against it.

The bill professes "to promote commerce and increase the foreign trade of the United States." To say nothing of the disservice to the former, the "increase of commerce" means little to the country, the provisions of the bill do not bear out the glowing promise of its title. By its provisions relating to tonnage, speed, and number of trips, all sailing vessels and "tramp" steamers, so-called, are discriminated against to the extent of almost 100 per cent. And in this class of vessels that keep freight rates down, and by their being shut out from competition rates will increase and both producer and consumer suffer. It is certain that the millions to be taken from the people by the continuation of war taxes and high tariff will be utilized to that end. And the probability is that any considerable portion of it would go back to the American people, either through lower rates or increased wage to the laboring man. While the bill apparently specifies in one paragraph that "one-fourth of the crew shall be Americans," in the next comes the proviso, "unless the stated proportion of an American crew can not be reasonably obtained."

At the taking of the last census there were employed 114,736 persons in "crews of all operating craft" in the United States; de- claring, "instead of the one-fourth, one-third of the crew shall be Americans," which is the next law in the books. This is not in the interest of American seamen. It is not in the interest of agriculture, for the granting of subsidy to water transportation and the consequent increase of freight rates on exports, which reduces the price paid to the farmers on every bushel of wheat, corn, and other grain raised by them, and what but loss to the farmers can result from such a course. The bill is designed and framed in the special interest of a ship owning syndicate, and the principal beneficiary, under the peculiar wording of the bill, is the International Navigation Company, a company in which the Standard Oil people hold the controlling interest.

By the terms of the bill this company would receive annually for ten years, without increasing a particle its present employees, business, or carrying capacity, the enormous sum of $1,570,781.92. In addition to this the Government now pays to this company continuity of subsidies, amounting to $5,000,000 a year, which is the forced passage of the subsidy bill the company now has other ships contracted for; so that if the bill does become a law this one company will soon be receiving a yearly subsidy of $5,070,781, to be paid by the people of the United States as a gratuity— a gratuity so far as the people are concerned. But this company will be expected to turn over a share of its millions to the treasurer of the Republican campaign corruption fund. [Applause.]

No wonder there is no prospect of the repeal or amendment of the water transportation tax law; no wonder that pensions are cut down and claims delayed and rejected without just cause; no wonder that internal improvements are stopped and rivers and harbors neglected.
when such mercenary schemes as are presented and receive recognition and adoption by the Republican majority in this Congress.

Mr. Chairman, the proviso under discussion is the production of the syndicate back of the subsidy scheme. They contemplate the transportation and extension of arbitrary power so that they can hold in subjection and servitude, even to the uttermost parts of the earth, those who may once come under their control. They seek the further use and extension of Federal bayonets, so that not alone in China, but in the cities, in Chicago, in Cleveland, in Pittsburg, in Philadelphia, New York, and everywhere and anywhere they please American labor can be crushed by American bullets. [Applause.]

[Mr. GROVENOR] not to leave the floor, but stand at his place here and now and defend American seamens against the slavery continued by this proviso.

I denounce the schemes contemplated by the servants of syndicates here. I denounce this proviso, and I beg every man on this side of this House to recall a poet, a lover of his country, a friend of justice, and a friend of labor on the Republican side, I beg him to join with us and vote to strike out with just indignation this glaring wrong to American seamens. [Applause.]

Each one of us here has sworn that we will support the Constitution of the United States. It is absolutely binding upon us all. Framed, interpreted, and applied for over a century, becoming the very Government itself, the Constitution should be the object of our reverence and the support of all others obeying its articles and keep within its limitations, and yet it is deliberately proposed here to violate this fundamental law of our land. I plead with you to-day for justice to the American seaman. I call upon all of us to stand by him, and for the rights of all as against special privileges to a few. Corrupt influences and means in times past have brought about temporary triumph of evil, but—

Though the heel of the strong oppressor
May grind the weak in the dust,
And the voices of fame with one acclaim
May strike a wrong that ever was true,
Let those who applaud take warning
And keep this motto in sight:
Involuntary is every question
Until it is settled right.

[Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. KNOX].

The question was taken; and on a division (demanded by Mr. KNOX) there were 49 ayes and 37 noes.

So the amendment was rejected.

Mr. ROBINSON of Indiana. Now, Mr. Chairman, I move to add to the last section the substitute I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana moves an amendment which the Clerk will report.

The Clerk read as follows:

Add to the last section the following:

"That all contracts made since August 12, 1898, by which persons are held for twenty years or more under servitude, and all such contracts and all engagements, so made and entered into, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the courts, at once to notify such persons so held of the termination of their contracts."

MR. HITT. Mr. Chairman, the subject which is provided for by the proposed amendment is one that the bill presented to this House by the commissioners contemplated, in other language, which I will read, in which is inserted in the Hawaiian Islands by the fifth section of this bill and the original commissioners' bill:

"All contracts for a term of service of any subject of China, Japan, or any oriental country in the United States shall be declared void."

That is in the statutes of the United States which were extended over the Hawaiian Islands by the bill of this committee and by the original bill.

MR. ROBINSON of Indiana. That was not considered by the other House of Congress as sacrificing the rights of the contract labor in Hawaii. Outside of the two words "obligation" and "contract," which are embodied in the amendment of the chairman of the Committee on Territories, this is deemed a supplemental section to his amendment which strikes this system down effectually and has already met the indorsement and approval of the other body.

The question being taken, the amendment was agreed to; there being, on a division called for by Mr. ROBINSON of Indiana—ayes 45, noes 43.

Mr. McRAE. I now offer the amendment which was read a moment ago.

The CHAIRMAN. The amendment of the gentleman from Arkansas [Mr. McRAE] will be read.

The Clerk read as follows:

In the following section 11:

"That the act approved February 20, 1880, to prohibit the importation and introduction into the United States of aliens under contract or agreement to perform labor in the United States, and the District of Columbia, and the acts amendatory thereof and supplemental thereto, be, and the same hereby, extended to and made applicable to the Territory of Hawaii."

Mr. KNOX. I have repeatedly stated that by express provision of the act referred to in the gentleman's amendment, as all other acts of the United States relating to alien labor or contract labor, are extended to Hawaii. If we once start to specify different laws of the United States as being extended by this bill we can never complete it.

Mr. McRAE. I am satisfied, Mr. Chairman, that the gentleman from Massachusetts [Mr. KNOX] desires to accomplish exactly what I do; but I am afraid that the resolution which annexed Hawaii and which continued in force the Hawaiian laws, the last section of that Act undertakes to deal with the labor contracts, will still leave this question in doubt. The power to exclude contract laborers and the power to prohibit the steamship owners from carrying them there is what is needed and is provided for in the amendment as it stands.

It is a short paragraph, and it can do no harm, and may do much good. I do not want to take any risk about it. I know that this very language was passed by the House in the last Congress without a division, but the House now wants to adopt it.

There have been brought into Hawaii within the last year over 30,000 laborers under contract, in violation of our law. Unless you make it perfectly plain that we intend to prevent alien contract labor, it will be brought in, to the great detriment of the honest laborers of this country. Those who dominate these islands want such labor, and the provisions of section 10, which only permits suits on such contracts, will not break up the system.

Mr. KNOX. The objection made to the bill which was before us in the last Congress was the plainness of this bill, and that the provision in question should be included in the general bill. I am sure the gentleman will remember that that objection was made.

Mr. McRAE. There was no substantial objection here. The bill passed this House, and went to the Senate, where it was buried in some way. I think, in view of this fact, that this paragraph ought to be put in this bill in plain unmistakable language and demand the heaviest punishment against those who violate it. To allow suits without making the acts criminal will do but little if any good toward preventing such contracts.

The question being taken on the amendment of Mr. McRAE, it was agreed to; there being—ayes 38, noes 48.

The Clerk read as follows:

OATH OF OFFICE.

Sect. 19. That every member of the legislature and all officers of the Territory of Hawaii shall take the following oath or affirmation: I solemnly swear (or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the legislature, or as an officer of the Territory of Hawaii (as the case may be).

Mr. KNOX. I desire to offer an amendment—simply verbal.

The Clerk read as follows:

After the word "officer," in line 18, section 19, page 60, and after the word "officer," in line 24 of the same section, insert the words "of the Government."

The amendment was agreed to.

The Clerk read as follows:

PUNISHMENT FOR PERSONS NOT MEMBERS.

Sect. 23. That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of contemptuous behavior in its presence or that of any committee thereof.

Mr. ROBINSON of Indiana. I move to amend by inserting after the word "thereof," in line 4, page 63, the language which I send to the desk.

The Clerk read as follows:

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or refuse, neglect, or delay to attend such house, on his way going to or returning therefrom; or refuse, neglect, or delay to do any act which he is ordered or required to attend such house, on his way going to or returning therefrom; or refuse, neglect, or delay to perform any act which shall be required of him, or which is required by law to be performed by each member of such house; or refuse, neglect, or delay to perform any act which shall be required of him, or which is required by law to be performed by each member of such house.

But the person charged with the offense shall be informed, in writing, of the nature of the charge against him, and have an opportunity to present evidence and be heard in his own defense.

Mr. ROBINSON of Indiana. This provision was passed by the Senate in the form in which I have offered it. It relates to the authority of each house of the legislature over the proceedings of.
prevent the saloon, the gathering place and loaing resort where, in our new dependencies already great proach upon the American people has been incurred, and I think it would be wise to have this prohibition in the act of Congress, and leave it to the local legislatures.

Mr. KNOX. Mr. Chairman, I have but a word to say upon this amendment. I heartily agree with the purpose of the gentleman as to saloons wherever it may properly be carried out. I simply object to the express provisions of December 1, Title XXIII, on the general subject relating to Territories—

The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

For more than fifty years the legislatures of our Territories that we have organized have had the power to deal with questions of municipal and local interests in their legislatures.

Now we have created, and we do create by this bill, a legislature of large cities as in the cities of Massachusetts, with a veto power conferred upon the governor; and I think that the only safe way for Congress is to abide by the uniform practice of the past, and keep the matter of the regulation of the sale and manufacture of intoxicating liquors in Massachusetts. I only desire the amendment offered by my colleague from Massachusetts will not prevail. It seems to me that the regulation of the liquor traffic is a matter for the Hawaiian legislature to act upon.

The control of all liquor legislation in the past in the matter of enforcement has been left to the Territories themselves; and in dealing with our new possessions which are to be admitted as Territories I think we ought to give them as much latitude as we can. We are pledged to do this, and I think that every member of the committee to which I have referred will be in favor of this amendment.

It seems to me this is an exercise of the police power and we should go very slowly. I am not a drinking man myself, and as I view this question are certainly not prejudiced in favor of the liquor interests. I believe in adopting the wisest course of action, and if this amendment should be added I do not think the law will ever be enforced.

The sentiment of the people of this country is not for prohibition, and, in my judgment, never will be.

Where the prohibitory law exists its enforcement is a farce. Drinking places in the State of Maine, which has a prohibitory law, are just as numerous as any other large cities in the cities of Massachusetts, where the local option system is in operation. Do not let us be hypocrites on this question.

If my colleague thinks it is wise to prohibit the sale of liquor, let us start right here in the city of Washington. We act as the city council of this city, and we have the power to put prohibition into force; and if there are men in this House who feel that prohibition is wise legislation and that the liquor traffic can be suppressed, let us commence right here in this city.

Yes, let us commence right here in the Capitol, where liquor is sold in both the Senate and House restaurants. I think we ought to be consistent, and I certainly am in favor of the position taken by Mr. KNOX, of Massachusetts, the chairman of the Committee on Hawaiian Affairs, who says this matter ought to be left to the local legislature.

Let us enact laws that will harmonize with the views as well as the best government of our new possessions, and not introduce American government by inserting provisions that to me seem certainly unwise and bound to cause irritation if put into force.

Mr. LITTLEFIELD. Debate on the amendment is exhausted.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that debate on this amendment is exhausted.

Mr. LITTLEFIELD. Debate on the amendment exhausted.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to address the committee for five minutes. Is there objection? [A Member. — Alaska had a prohibitory law.]

Mr. LITTLEFIELD. I will not waste any time in talking about the prohibition law of the State of Maine to-day. I will say that the gentleman can put his finger on a spot or place in the State of Maine where liquor is sold openly. Now, I make that statement, and I am from that State. What I mean and what I wish to say in talking about the enforcement of the prohibitory law in Maine is that the people in Maine, four to one, are satisfied with the prohibitory law in Maine and believe in it. Then these open saloons, which are your attention would be directed to its sale if you were not looking for it—in the State of Maine anywhere. Now, I come from that State, and I know what I am talking about.

Mr. FITZGERALD of Massachusetts. Will the gentleman wait a question?

Mr. LITTLEFIELD. Name a place where there is an open saloon in the State of Maine.

Mr. FITZGERALD of Massachusetts. I think the gentleman is misinformed.

Mr. LITTLEFIELD. Name a place in which I will not agree with you.

Mr. FITZGERALD of Massachusetts. I challenge the gentleman to deny the fact that liquor can be obtained at almost any hotel in the city of Portland.

Mr. LITTLEFIELD. Where there is no open bar.

Mr. FITZGERALD of Massachusetts. The bars are open enough in the hotels if my friend will investigate the matter.

Mr. LITTLEFIELD. Now, you can not bother me with that. I am talking about a specific place, and I am talking about it, and I say I challenge any man in this House or anywhere else to dispute the proposition that there is not a place in the State of Maine where liquor is sold openly. I make that statement.

Mr. FITZGERALD of Massachusetts. I wish to say, and state it emphatically, that I deny that proposition. It is sold in the apothecary stores and the hotels in Portland and every other large city in Maine. I have seen it sold repeatedly myself. It is a fact that liquor is sold in these places, and I challenge the gentleman to deny it.

Mr. LITTLEFIELD. Name the place.

Mr. FITZGERALD of Massachusetts. I say in every hotel, and I will name the Falmouth Hotel in Portland as one inasmuch as they sold liquor there. They sold liquor, and they have a specific answer.

Mr. LITTLEFIELD. I say that there is no open saloon in the State of Maine.

Mr. FITZGERALD of Massachusetts. I said nothing about an open saloon. I say that liquor is sold there regardless of the law.

Mr. LITTLEFIELD. I have not said that it was not sold. [Laughter.] Pay attention to what I say. I say that there is no open saloon in the State of Maine where liquor is sold.

Mr. FITZGERALD of Massachusetts. That only shows the hypocrisy there. It is sold behind the door.

Mr. LITTLEFIELD. This amendment is directed upon the saloon in Hawaii. I want to ask the chairman of the committee if it is not true that sixteen countries have, by treaty convention, agreed to prohibit the sale of distilled liquors to the native tribes of Africa, and if it is not true that the Hawaiians in Hawaii are of substantially the same character as the native tribes of Africa? [Cries of "Oh, no, no!"]

I understood that they were. They are all one tribe?

Mr. KNOX. No, no tribe there at all.

Mr. LITTLEFIELD. Is there any great difference in character between the people in Hawaii and the tropical people in Africa? Mr. HAMILTON. A vast difference.

Mr. LITTLEFIELD. Every proclamation in Hawaii has to be published in five different languages. This is the kind of people you are legislating for. I say it is the policy of the civilized countries to prohibit the sale of intoxicating liquors, and sixteen of the great nations have agreed to that position in connection with the people of South Africa, and the United States is one of them.

Mr. KNOX. The gentleman does not wish to misstate anything. All proclamations and legal papers of every kind are to be made in the English language.

Mr. HAMILTON. They are by this bill, but they are now published in five languages. I have that from the attorney-general of Hawaii. I say it is the policy of the civilized world to prohibit the sale of distilled liquors at least to the native tribes in Africa.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. I ask unanimous consent that I may have three minutes to conclude my remarks.

Mr. KNOX. Lt. Col. LITTLEFIELD. The gentleman from Maine asks that his time be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Now, I submit that this amendment is in line with that policy. I want to call attention just for a minute to the effect of the bill.

A Member. — Alaska had a prohibitory law.

Mr. LITTLEFIELD. Yes; Alaska had a prohibitory law until it was repealed by the House a year ago. This bill creates for Hawaii three kinds of people who are citizens. Thirty-nine thousand native Hawaiians, about 17,000 Portuguese, and about 8,000
Anglo-Saxons. Now, the Anglo-Saxons are the people that are responsible for the development of Hawaii. The moment this bill is passed and becomes a law they can be voted down three to one by the number of these propositions in the general considerations. If the Anglo-Saxons had the entire control, personally I should be willing to leave this proposition with them; but they have not the control, and they can be ousted by the Hawaiians and Portuguese.

Mr. KNOX. But it is the Anglo-Saxons who do the most of the drinking.

Mr. LITTLEFIELD. That may be. If the Anglo-Saxons do it, I would prohibit it, as far as they are concerned, in this Territory. I am ready to stand on the proposition that the United States is prepared to declare as its policy that it is against the sale of intoxicating liquors in saloons. With these suggestions I am ready to vote on the amendment.

Mr. FINLEY rose. The Chair hears none.

Mr. FINLEY. Mr. Chairman, as a matter of principle and conviction I would vote for the amendment offered by the gentleman from South Carolina asks unanimous consent that he may have two minutes. Is there objection [After a pause.] The Chair hears none.

Mr. BERRY. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to address the committee for five minutes. Is there objection [After a pause.] The Chair hears none.

Mr. BERRY. Mr. Chairman, coming from a State that manufactures a very fine old beverage [laughter], I do not feel that it is necessary in legislating for the Hawaiian Islands that we should limit the use of that product, even to the fanatical State of Maine, from which we once had a Maine liquor law. My objection is that where you have prohibitory legislation, such as they had in the State of Maine, the liquor is always worse and more of it is drunk than in a State where the people have the right to drink with the authority of law. [Laughter.]

I recollect the days of the early in the State of Massachusetts, where there was a prohibitory law, and I stepped into a very quiet little place where you could get a drink for 15 cents, but you paid only for a sandwich or an egg; you did not buy the liquor. I went in there for the purpose of satisfying my thirst, and I was there about to take his drink when I insisted — as it is a Kentucky custom to do it alone — that he drink with me, which he promptly declined, considering that his acquaintance with me was not sufficient to permit him to do so. So he took his egg and I took my egg. Each of us took a drink of whisky, and I found it very common whisky.

Now, if you go into the State of Kentucky, where the moral sentiment of the community is about as good, I presume, as in Maine, especially in the logging country, you are always sure of getting a good drink. Why, because there is no reason for giving you anything any other kind. But when the Ohio River they begin to adulterate it and compound it, and by the time it gets up to Maine it has been adulterated three or four times between the place of production and the place of consumption. That, I presume, is the reason why gentlemen from Maine are inclined to go around the world. I do not think it is the duty of Congress to regulate the character of the liquor that people drink, or how much they shall drink or when they shall drink. Why, when I was a boy we used to get on six cars and start from my town, carrying a cargo marked "Wiedenmeyer's Beer," which was being sent across the continent, bound for the Philippines. Sir, we are now shipping the very finest quality of malt liquor to the Philippine Islands and to Hawaii for the benefit of those people. We would attend to that business ourselves.

The question being taken on agreeing to the amendment, there were—ayes 66, noes 57.

Mr. HILL. I call for tellers.

Tellers were ordered, and Mr. Knox and Mr. Gillett of Massachusetts were chosen. The House again divided; and the tellers reported — ayes 66, noes 60.

So the amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting, after the word "association," in line 23, page 70, the words: "Provided, That no corporation, domestic or foreign, shall acquire or hold real estate in Hawaii in excess of 1,000 acres, and that real estate acquired or mortgaged in the application of the land law which requires the territory to sell the real estate holdings of religious and charitable organizations to a value of $50,000. The excess value of the land in the hands of individuals or corporations, the mass of the population being attached to the soil in a semi-service capacity without right to a foot of land upon which they stand.

Mr. KNOX. I reserve a point of order on that amendment, that it is out of order.

The CHAIRMAN. The point of order will be reserved.

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to limit a tendency toward land monopoly in the islands of Hawaii. A few moments ago we had this question under discussion, that the Elizabethon law which relieves the territory of Hawaii from the operation of the general law regarding the Territories, a provision which limits the real-estate holdings of religious and charitable organizations to a value of $50,000. The House was of the opinion that the conditions in Hawaii do not necessitate the application of the law, which amends the law to the Territory of Hawaii from the operation of the general law regarding the Territories, a provision which limits the real-estate holdings of religious and charitable organizations to a value of $50,000. The House was of the opinion that the conditions in Hawaii do not necessitate the application of the law, which amends the law to the Territory of Hawaii from the operation of the general law regarding the Territories, a provision which limits the real-estate holdings of religious and charitable organizations to a value of $50,000. The excess value of the land in the hands of individuals or corporations, the mass of the population being attached to the soil in a semi-service capacity without right to a foot of land upon which they stand.

This amendment respects vested rights. It does not propose to take away any of the lands in large holdings either in the hands of individuals or corporations, the mass of the population being attached to the soil in a semi-service capacity without right to a foot of land upon which they stand.

This amendment respects vested rights. It does not propose to take away any of the lands in large holdings either in the hands of individuals or corporations, the mass of the population being attached to the soil in a semi-service capacity without right to a foot of land upon which they stand. The general custom there is to organize a corporation for the purpose of running a sugar plantation. That corporation acquires a large tract of land, introduces extensive irrigation works, constructs a railway, and has developed all the lands in large holdings either in the hands of individuals or corporations, the mass of the population being attached to the soil in a semi-service capacity without right to a foot of land upon which they stand. The general custom there is to organize a corporation for the purpose of running a sugar plantation. That corporation acquires a large tract of land, introduces extensive irrigation works, constructs a railway, and has developed all the lands in large holdings either in the hands of individuals or corporations, the mass of the population being attached to the soil in a semi-service capacity without right to a foot of land upon which they stand.
the character of the cultivation, the nationality of the labor employed, and the rate of wages paid, whether daily, weekly, or semimonthly. In this way we can amass here information which would serve a fruitful purpose hereafter, in legislation relating to these islands.

Mr. GROSEVENOR. Does this amendment propose to limit the amount of land which can be held by an individual?

Mr. NEWLANDS. This amendment does not, because it is an amendment to a section which relates to the organization of corporations, and if it included individuals it might be subject to a point of order. It provides that no corporation shall own exceeding 1,000 acres of land.

As I have stated already, my purpose is to furnish the basis for comprehensive action on this subject by the committee of conference. I do not think that here, in the short time afforded us for the consideration of this bill, we can map out and shape a measure that will meet every requirement.

In my remarks in reference to religious and church organizations, I pointed out the fact that the island of Puerto Rico is an island a hundred miles long and 40 miles wide, with a population of 900,000 people, the most thickly populated area in any civilized country. Now, shall we legislate with reference to these islands in such a way as to promote small holdings by people who have an interest in the soil, or shall we by inaction let these countries drift into conditions of land monopoly, which will only result as such systems have always resulted in conditions of unrest and disturbance leading to revolution? As I stated before, almost every war of any great extent, almost every revolution, has had its foundation in a revolt against the monopoly of land, whether that monopoly was held by the feudal barons or whether it was held by the nobility or by the church. Numerous revolts all over this continent and all over the European continent have taken place against the large holdings of the religious organizations, and it seems to me that it is wisdom now to put in this bill at the starting point comprehensive legislation upon this subject.
The question being taken, the Chairman announced that the names appeared to have it rifED.

The committee divided; and there were—a yes 50, noes 58. Mr. NEWLANDS. Tellers, Mr. Chairman. Tellers were ordered.

Mr. GIBERT. Have the amendment reported, please.

The CHAIRMAN. Without objection, the amendment will be again reported to the committee.

The amendment was again reported.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENLY] and the gentleman from Nevada [Mr. NEWLANDS] will act as tellers.

The committee again divided; and the tellers—ayes 70, noes 67.

So the amendment was agreed to.

The Clerk read as follows:

TOWN, CITY, AND COUNTY GOVERNMENT.

SEC. 58. That the legislature may create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof.

Mr. McDOWELL. Mr. Chairman, in section 58, line 17, I move to strike out the word "may" and insert the word "shall." This would then read as the section reads in the Senate bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 74, line 17, strike out the word "may" and insert the word "shall."

The CHAIRMAN. The question was taken; and the Chairman announced that the names appeared to have it.

Mr. McDOWELL. Division.

The committee divided; and there were—ayes 50; noes 59.

So the amendment was rejected.

The Clerk read as follows:

Fifth. Prior to such registration there shall be paid a poll tax of $1 for the current year, due by him to the government.

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out the first three lines on page 74.

Mr. WHITE. Mr. Chairman, there is absolutely no qualification as to that section, and it is a special section having reference to voters. The custom, as I understand, in most of the States, requires a poll tax on each male inhabitant from the time that he is 21 years of age until he reaches the age of 50, and then from that time on no more. There is no limitation provided in this section.

It matters not how old the man may be, how decrepit, how honorable, how well educated, this would deprive him of the right of the franchise in his old age, even after serving his country well, of the right to vote unless he paid this poll tax of a dollar a year.

This is a matter that can be very easily acted upon by the local legislature, and I do not think, unless there was some qualification in that, that the amendment should be made, that no man would be permitted to register and vote unless he has previously paid a poll tax from the time he is 21 years until he dies.

I do not think there is a necessity, therefore, that such legislation should be required by the local legislature, that the tax will be stricken out and leave that part to be managed by the local legislature. However, if this Republican Congress, through its committee, desires to incorporate this and other sections of the Mississippi election law in this statute for the government of the Hawaiians, I wish to say that I shall feel it my duty to vote against the bill.

Mr. KNOX. Mr. Chairman, I will say in reply that while there were a number of Hawaiians before the committee, no objection whatever was made to this provision. Under the law of Hawaii, there are other things that is considered as a personal tax than what we call a poll tax—for the support of education—making in all personal tax of about $5. We struck out every provision except the mere head tax of a dollar, and inserted it here. It will carry the same weight as the House also to the fact that it does not provide for back taxes that may be due, but that it simply provides for the payment of the tax for the current year.

It was thought it would be a very wholesome provision in reference to the suffrage of Hawaii; and I am sure it will not be objected to by our friends or by the large class of citizens whom our friend so well represents.

The question was taken; and the amendment was rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish to offer an amendment.

The Clerk read as follows:

In line 1, page 74, after the word "registration" and before the word "have," insert "and at least nine months prior to the election."

Mr. WILLIAMS of Mississippi. Mr. Chairman, in explanation of that amendment, I merely wish to say that it is the uniform practice of all States that have had poll-tax provisions that if the poll tax be paid upon the day of election or the day before
the election, or even a few weeks or any short time prior to the election, politicians will use the privilege of paying the poll tax to influence voters; in other words, parties or candidates for office will pay the poll tax of a great number of voters upon condition, express or implied, that the votes are to be cast for their party or for themselves. Wherever a poll-tax provision existed without any limitation as to the time at which it shall be paid prior to the election that has been the case.

Mr. PARKER of New Jersey. May I ask the gentleman a question?

Mr. WILLIAMS of Mississippi. The provision of this bill is that the poll tax shall be “paid prior to registration,” and the present Hawaiian law fixes the registration about four months prior to the election. But of course that law might be changed at any moment. Moreover, four months is not a long enough time. If you fix it at nine months—a period sufficiently short—then it will be essential to require that no tax shall be paid by any voter, for the simple reason that the man who is willing to give his vote in consideration of payment of his poll tax is not a man that can be trusted for nine months. He may be bought by the voter after that.

We have a provision like that in Mississippi—that is, for the payment of the poll tax of the previous year, and the consequence is that nobody has ever paid the poll tax of anybody else with the hope of buying a vote, or indeed for any purpose.

Mr. PARKER of New Jersey. What is the election to be held? How would you make it applicable to elections in the current year?

Mr. WILLIAMS of Mississippi. It is the poll tax due nine months before. It makes the poll tax due nine months before the registration, but you are to use no tax paid by the time that you are taken as a candidate. If you are taken, the poll tax for the current year is not assessed until nine months previous to the election.

Mr. SAXTON. Can you state in May, for instance.

Mr. WILLIAMS of Mississippi. My amendment does not make the poll tax for the current year the test for him, but he shall pay the poll tax of the previous year in the present period. If taken, he shall pay the poll tax of the previous year in the present period. It has been changed to the registration, should be disfranchised. I suggest to the gentleman from Mississippi that the poll tax of the current year is not assessed unless the poll tax of the previous year is paid. Our taxes are assessed in the current year, and the poll tax of the previous year is paid, and if he has not paid it, he is disfranchised.

Mr. NOX. Then the other language in the section will have to be stricken out, as it refers to the payment of the poll tax for the current year, whereas the poll tax of the previous year is paid before the time of registration, there being no better condition; he may have been deprived by sickness or misfortune in the past year from paying his poll tax.

Now, if for the very year that he is assessed the poll tax he pays it, I do not think it is just that he should be deprived of his vote.

Mr. WILLIAMS of Mississippi. Well, Mr. Chairman, I wish to modify my amendment. I will strike out the word “current” in line 1 of page 1, and substitute the word “previous.” I did not notice the word “current” in the section. That will cure the trouble.

Mr. NOX. Now, Mr. Chairman, I call for a vote.

Mr. UNDERWOOD. Mr. Chairman, I wish to be recognized on the amendment. I think this is an important amendment and another one that should be passed. It gives the right to vote to people who have virtually made a constitution for Hawaii as long as it remains under territorial form of government, unless altered by Congress. I think it should be the effort of the Congress of the United States, whenever it is possible to do, to raise the citizenship of this country to the same level as that of the other States in which it is in Hawaii, New York, or Alabama. I think that only those persons should be entitled to vote who have shown themselves qualified to exercise the right of citizenship; and I believe that when a man is unable or unwilling to pay $1 to support the government, in his own personal protection, he is not qualified to properly exercise the elective franchise.

But you do not throw that protection around the citizens who are entitled to the ballot if you merely put it up as a premium for some one to come in and purchase their votes by paying their registration fee. You should place it in such a way that the voter will vote with his money, and it is equally to the citizen because he appreciates the value and privileges of the American citizen, the privilege of voting as an American citizen, the privilege of being one of the governing body of his country. I say that if you limit this, if you merely put it before registration, the Hawaiian law may do the same thing because registration down to a week before the election, when those who have money will be able to pay the registration fees and thus obtain votes.

Now, in this constitution (for it is practically a constitution we are about to adopt for Hawaii) I say we ought to protect the elective franchise to that extent and adopt the amendment offered by the gentleman from Mississippi, and at least put it nine months in advance, so as to give the voter time to pay the poll tax.

The argument which my friend from Massachusetts makes, that the voter may be sick on that day or prevented by some reason from paying his registration nine months in advance, has no force, for the same rule may apply to four months or a week in advance. Not being obliged to pay it on any particular day, but it has full opportunity. But I say, as the matter stands now, you have not properly guarded the bill against the corruption of the voter, and you should do it when you have the opportunity.

Mr. GROSVENOR. Mr. Chairman, if I had my way about that, I would strike that. I do not think there is no greater outrage upon the institutions of the American people than to say that a man unable, in the language of the gentleman from Alabama, to pay a dollar shall not be permitted to vote for the men who are to be his legislators during the succeeding year. Though, on a small scale, it is still, in effect, a direct money power operating against the voter if he happens to be a poor man. [Applause.] But, Mr. Chairman, in the wisdom of this committee, this bill has been so framed that the individual voter who desires to vote must pay this tax upon the first official notice to him or he can not vote. Let us see how well this machinery works in comparison with that.

The voter comes to the proper place to register. He wants to vote—that is an indication of it. Then it is suggested to him, if he is a poor man, he will not be able to vote. He will not vote for the first time—it comes to his knowledge, or at least to his recollection, that he owes a dollar to the State or to the Government. Now, is it not enough if he pays that dollar and there, in order to avail himself of his right to vote? Is this a statement? I would rather have a thousand scattering bribed votes than a condition where there are no votes and the election is made by a caucus.

Now, Mr. Chairman, what is the proposition here? How many of us remember to pay promptly the day that they fall due all the little obligations that we owe to society? But the belief in it; it burdens many people. But certainly if people discharge their duty in paying this tax at a time as far in advance of the election as when the registration is taken, that surely ought to be sufficient. We ought not to permit such an amendment as this to go into the bill.

Mr. LINNEY. I would like to occupy a minute or two.

Mr. NOX. I trust the gentleman will remember that we are to vote at 4 o'clock.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. LINNEY. I do not want to speak further.

The CHAIRMAN. That would not be in order.

Mr. LINNEY. I hope the gentleman from Massachusetts will allow me two minutes.

Mr. NOX. Very well; I yield the gentleman two minutes.

Mr. LINNEY. I was opposed to the tax in this amendment. I believe in manhood suffrage. I believe that criminals who disqualify a citizen from the exercise of the right to vote, but misfortune or even negligence should not do so. If I read history aright, Sheridan, one of the greatest characters in all history, had his blanket folded, his gun by his side, the day before his death, from off the cot on which he lay, tax on it. Yes, Sheridan, of whom it has been said:

Nature made but one such man,
And broke the die in molding Sheridan.

The day before yesterday I had the honor of addressing an audience of 2,000 people in the State of North Carolina upon the proposition to put in our constitution a provision somewhat like this. And I put to the sheriff the question, “How many white men in Moore County (one of the richest counties in the State) have not paid their poll tax up to this date?” He replied: “Seven hundred.”

Mr. KLUTZ. I ask the gentleman whether that provision in
the constitutional amendment does not apply to the preceding year, nor the following year. Is that not so?

Mr. LINNEY. But it affects this year also, the year 1899, because the poll tax required to be paid is the tax due on the 1st day of March prior to the election and in the hands of the sheriff for collection.

Mr. KLUTTZ. Is it not so?

Mr. LINNEY. Let that be as it may—

Mr. KLUTTZ. Is not that so? I ask an answer.

Mr. LINNEY. That was the preceding year. The preceding year means the year for which the taxes were collectible prior to the election. But substantially it applies to this year (1899 taxes) if such a provision as that now under consideration here were enforced in North Carolina. 700 white men of that county would be disfranchised because of their misfortune. I am willing that crime and ignorance be paid for and that the poll tax be paid at $1. Therefore, Mr. Chairman, I shall vote against this amendment; and I hope that the Republican side of this House will not vote to adopt it, because—mark my prediction—in any State where such a provision may be adopted the result will be the disfranchising of thousands of the best class of men. If a man is poor and ignorant, the ballot in his hands is an educator. Take that from him, and he will never shake off either the poverty or ignorance that degrades him. No country can afford to withhold from the poor and ignorant the only power that can elevate them.

Mr. KNOX. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question being taken, the Chairman announced that the necessary number appeared to approve the amendment.

Mr. WILLIAMS of Mississippi demanded a division.

The committee divided; and there were—aye 55, noes 82.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have another amendment to offer.

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

The Clerk read as follows:

In line 3, page 74, after the word "government," add "and the registration shall be held at least six months before the election."

Mr. WILLIAMS of Mississippi. Mr. Chairman, the amendment is simply this: To add, after the word "government," in line 3, this language:

And the registration shall be held at least six months before the election.

I offer the amendment in that form in order to obviate certain objections that I have to the principle on which it is done in Mississippi, which sends seven Congressmen here with a total Congressional vote in the entire State of less than 25,000.

Mr. WILLIAMS of Mississippi. We are now fixing the suffrage qualifications for Hawaii. If you are going to leave it to Hawaii to determine who are the citizens of the United States, if you are going to leave it to them to determine who shall be disfranchised, if you allow them to make the poll tax the same for persons of color as for white citizens, we will take the result of that and run the risk of Kanaka rule in the islands of Hawaii, to run the risk of those Kanakas overthrowing and overturning the white people in those islands, then let him leave the entire matter of the suffrage to the people of Hawaii. I am afraid everybody out there voters, as you have done in other Territories.

Now, I for one do not believe in that. I for one opposed the admission of Hawaii, and did not want its destinies committed to my charge; but since it is here, I want white civilization in Hawaii, and I do not want Kanaka rule. So much in answer to the gentleman's question.

Mr. ROBINSON of Indiana. I would suggest to the gentleman from Mississippi, however—

Mr. OLMSTED. Do you want that sort of a law in this Territory that was permitted to us to make laws in the Territories? Because the law as it is, that is to say, the admission of Hawaii, which has already given Hawaii the Mississippi constitution, with this difference, and this difference only, that in Mississippi, after we had adopted these clauses, we broadened the suffrage by another one, and you have not.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have, perhaps, less respect for the ad hominem argument than almost any man, but I have heard this argument that the same suffrage that is not applicable in Hawaii. We have heard much of the missionary work and the District Compact, and the difficulty is that if those in power there were clothed with more privileges, with more chances to take advantage of the rank and file of the people, it would prove disastrous to the people.

All of those who are here representing Hawaii are united as to the wisdom of these provisions which are presented by the committee. A condition prevails there that does not exist in this country, and I think if the situation was understood that the rank and file of the people are better protected by adopting the committee section.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. Moody of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 229, which proposed to amend the act of the Legislature of the Territory of Oregon, to which substitute sundry amendments had been agreed upon, and at the hour of 4 o'clock, in obedience to the order of the House, the committee rose, and the bill is reported to the House.

Mr. BARTHOLDT. On the Speaker. For what purpose does the gentleman rise?

Mr. BARTHOLDT. To a parliamentary inquiry. Will it be in order to ask a separate vote upon one amendment adopted in Committee of the Whole?

The SPEAKER. The gentleman was very much disappointed that the Chair was not prepared with his speech, but the question was put, and the Chair is prepared to put the question in order.

Mr. KNOX. Mr. Speaker—Mr. RICHARDSON, Mr. Speaker, I give way to the gentleman from Massachusetts.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the Chairman of the committee present certain resolutions or amendments that I have in his hand, and request that they may be considered as pending the further consideration of this bill.

Mr. HILL. I object, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, I desire to make a request for unanimous consent in the interest of good legislation.

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. RICHARDSON. There has been no partisan debate, no time unnecessarily consumed, and it is not a partisan question, and I ask unanimous consent that the bill be returned to the Committee of the Whole House on the state of the Union and its consideration resumed there, and its consideration be concluded in the Committee of the Whole, and then be reported to the House.

Mr. HILL. I do not quite understand the request of the gentleman from Tennessee.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the bill be returned to the Committee of the Whole and consideration be continued therein, the bill to be then reported to the House. More than 30 sections of this bill have not been touched. Many of them are very important. A number of gentlemen have amendments which they stand ready to offer, the consideration and amendments that ought to be considered, and every gentleman who desires to offer an amendment to some of these thirty-how sections ought to be permitted to do it. We have plenty of time; we can resume the consideration and conclude this consideration of this bill in the Committee of the Whole, and it ought to be done.

The SPEAKER. The Chair will state the request. The gentleman from Tennessee asks unanimous consent that the House resolve itself again into the Committee of the Whole House on the state of the Union, to finish the consideration of the amendments in the Committee of the Whole, and, when finished, to report it back to the House. The Chair assumes that the existing order will then be operative.

Mr. RICHARDSON. Yes; that the vote shall then be taken in the House.

The SPEAKER. Is there objection?

Mr. KNOX. I shall make no objection on my part.

Mr. HILL. Mr. Speaker, withholding objection for a moment, I do not understand that the gentleman from Tennessee is precisely in order to make a request; he shall all rise simultaneously into Committee of the Whole for one hour.

Mr. RICHARDSON. Oh, no.

Mr. HILL. If it is understood that we are to finish the reading of the bill, I have no objection.

The SPEAKER. The request of the gentleman from Tennessee. Is there objection? [After a pause.] The Chair hears none. Accordingly the House will resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 229, and the gentleman from Massachusetts, Mr. Moody, will take the chair. [Applause]

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union.
Mr. KNOX. Section 29 has reference to the registration, and reads as follows:

For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five boards of registration, one for the portion of the island of Oahu known as the western half, and Hakawako; one for that portion of the island of Hawaii known as Kaau, Kona, and Kohala; one from Lowahe to Lowahe; one for the island of Molokai; and one for the islands of Oahu and Niihau. One person shall be appointed by the President to be the chairman of each of these boards, to act with the officers of the registration, and to be the chief executive officer of the district in which he resides.

That I trust I may make myself intelligible. [Laughter.]

Then follows this language:

Such boards shall consist of three members each, who shall be appointed by the President on the recommendation of the Governor.

That we have changed, substituting the gentleman for the President.

Mr. RICHARDSON. The point I wish to get at is this: This clause provides for the appointment of a board to consist of three members each, to be appointed by the Governor. It does not provide that this board shall be composed of or made up of members of the same political party. I take it for granted that we are going to have politics there, just as we have in the various States and Territories of our Union.

Yesterday we had a very learned discussion here, and my friend from Iowa—I am sorry I do not see him in his seat at present—perhaps he is listening to me, however—my friend from Iowa insisted that in no State or country subject to the jurisdiction of the United States would he ever consent that there should be a board with powers such as are conferred upon this board. He said that all boards must be composed of men of the same political party. The House is divided in its opinion—this is made up of members of the two great political parties.

I call attention to this provision in a nonpartisan spirit. I think it ought to be amended and that representation on the board ought to be accorded to both of the great political parties. I submit this compromise to the gentleman from Massachusetts.

Mr. KNOX. I agree fully that all registration boards and all boards in charge of the conduct of elections ought to be nonpartisan; each party should be represented. Under the old provision these registrars were appointed with the consent of the Hawaiian people. We were free to do as we liked. The trouble about any amendment to this provision now is that there are no political parties in Hawaii, so far as I know.

Mr. RICHARDSON. How long does the gentleman think that state of felicity will continue?

Mr. KNOX. If the gentleman would go and organize a Democratic party there, I have no objection to permitting such a provision. We have no Republicans there yet, so far as I know.

Mr. RICHARDSON. We are not legislating for to-day merely; we are legislating perhaps for a long period. It has occurred to me that this board ought to embrace not more than two members of either party. I do not know that there is going to be a Republican party or a Democratic party out there; I am not saying that. But in the interest of good legislation and fair elections, this board ought to be nonpartisan.

Mr. KNOX. If the gentleman will use his distinguished ability to get a congressman to carry out his view, we on this side will support it unanimously.

[Here the hammer fell.]

Mr. BOREING obtained the floor. Mr. KNOX. The gentleman from Iowa will offer an amendment.

Mr. LACEY. That is just what I am going to do. I desire to offer an amendment to line 12, to insert after the word "each."—

The CHAIRMAN. The gentleman from Kentucky [Mr. BORING] has been recognized.

Mr. BOREING. Mr. Chairman, I very heartily agree with the gentleman from Tennessee [Mr. RICHARDSON]. I am very glad to know that he is so thoughtful and so fair-minded. I trust we shall incorporate his views into this law, and that it may be living up to, and may be a precedent for the future.

Mr. RICHARDSON. I will offer an amendment, unless the gentleman from Iowa [Mr. BOREING] desires to offer another amendment.

Mr. LACEY. I desire to offer this amendment: To insert, after the word "each," in line 12, page 75, the words "not more than two of whom shall be of the same political party."

The amendment of Mr. Lacey was agreed to.

Mr. ROBINSON of Indiana. I desire to ask the gentleman from Massachusetts [Mr. KNOX] if he knows of any reason why designating the sheriff as "high sheriff"? My conference with the people there have resulted in the belief that there is no reason for this designation, even though it is "English, you know."

Mr. KNOX. I agree with the gentleman from Indiana that so far as I understand, the sheriff in the Territory of Hawaii is a deputy sheriff and deputy sheriff; but in Hawaii the custom has prevailed of having the head executive officer of each island called the sheriff, and in order to make a distinction we have called the principal officer the high sheriff.

Mr. ROBINSON. I understand the gentlemen [Mr. KNOX and Mr. LACEY] have never had an officer designated as "high sheriff" heretofore. The designation has been "marshal."
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 the holding of a special election before the first general election the governor may permit after the term prescribed by law, or to become public 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. The amendment 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 granted here under this bill, sales, transfers, sales, and leases under the Hawaiian law 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 bill as far as the Hawaiian law is concerned.
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 40 acres. My proposed amendment limits it, in all instances, not to exceed 50 acres, but it provides that these lands shall be taken up under the Hawaiian law and that persons who are now occupying the land shall have a preferential right. This will sell the amendment is said the people have gone into Hawaii from the homestead regions in the West.
Out there you can locate a homestead on an unsurveyed lands and get a preferential right to it. 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 chance at it.
I think it is in 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 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 go to the Committee of the Whole. These men who have improved the land are only 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 gotten 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 in on the 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 "sooner," are they not?
Mr. MONDELL. They are "sooner." I have seen them.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.
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 line 15, of column 1, page 82.
Mr. WILLIAMS of Mississippi. I asked the question because I thought it a clerical error.

Mr. KNOX. Not at all. It is material. I can get the information in a few minutes. It refers to the deposit of public money in the savings bank.

The Clerk, proceeding with the reading of the bill, reads as follows:

Scc. 60. That the governor shall nominate and, by and with the advice and consent of the Senate, appoint the attorney-general, the attorney of the Circuit Court of the First Judicial District, the attorney of the Second Judicial District, the attorney of the Third Judicial District, the attorney of the Fourth Judicial District, the attorney of the Fifth Judicial District, the attorney of the Sixth Judicial District, the attorney of the Seventh Judicial District, the attorney of the Eighth Judicial District, the attorney of the Ninth Judicial District, the attorney of the Tenth Judicial District, the attorney of the Eleventh Judicial District, the attorney of the Twelfth Judicial District, the attorney of the Thirteenth Judicial District, the attorney of the Fourteenth Judicial District, the attorney of the Fifteenth Judicial District, the attorney of the Sixteenth Judicial District, the attorney of the Seventeenth Judicial District, the attorney of the Eighteenth Judicial District, the attorney 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attorney of the One Hundred-Seven-
These are the changes which have suggested, first, in regard to making the judiciary independent, and second, making the laws relating to the tenure of office uniform with our laws.

Mr. MONDELL. Does the gentleman's amendment provide that these officers shall be citizens?

Mr. SHAFROTH. I have put it in the language of the Senate bill. I am perfectly willing that they should be citizens, if the gentleman desires it. I adopted the same language that I found in the section of the Senate bill. The amendment offered is the exact language of the Senate bill. I came here, it is true, as requested very many times to do something, I understand, was reported unanimously by the committee. I did not want to change any words relative to it.

Mr. MONDELL. Well, Mr. Chairman, I move to amend the amendment offered by the gentleman from Colorado.

Mr. SHAFROTH. I will accept the amendment.

Mr. KNOX. Mr. Chairman, I would say to the gentleman from Colorado that this provision received great consideration from the committee and very much more consideration than—if I may be permitted to speak of what has taken place at the other end of the Capitol—it did in the Senate. As the bill originally came from the commission appointed by the President, the provision was that the judges of the supreme court, as well as of the circuit courts, should be appointed by the governor, and that was supported upon the ground that the governor of these islands, 2,000 miles away from the shores of the United States, a man presumed to be acquainted with the members of the bar from whom the judges ought to be appointed, would be more fitted than another to decide who was best fitted to administer properly the law of the Territory.

Now, to meet the objection that was made against the appointment of the supreme court judges by the governor, and for an independent judiciary, the provision was made that the judges of the supreme court should be appointed by the President. The supreme court of the Territory of Hawaii is not subject to courts in all cases in which the governor or any other citizen could be involved in Hawaiian litigation but what the questions arising could be saved by a bill of exceptions, to go to the supreme court, judges of which are appointed by the President, as the gentleman desires, for decision.

Now, Mr. Chairman, what are the circuit judges? The supreme court of Hawaii is the supreme court of judicature of general jurisdiction, with power to hear appeals in civil cases, in equity, and in admiralty, and in all questions of maritime jurisdiction. There are five circuits in the island. Over these preside five circuit judges. They are simply nisi prius courts, which sit with juries and decide cases. To these circuit judges may come appeals from the district courts, which are simply justices' courts, with a limited jurisdiction of $300. If these cases may go to the circuit courts. They are not courts of last resort; all their proceedings may be reviewed by the supreme court on appeal or upon exceptions. They are local courts in every sense of the word, and they sit with local juries, which are drawn from the inhabitants of the island. Hence, I understood that these judges could be better selected by the governor, who is acquainted with the bar of the island, than by the President.

Mr. TERRY. Why do you give these judges so much larger terms than are given to judges in any other Territory of the United States?

Mr. KNOX. I was not now discussing the question of terms—Mr. TERRY. That is involved here, however.

Mr. KNOX. I was not discussing that question. I will say, however, that our committee will propose an amendment as to the terms of these judges.

Mr. SHAFROTH. One question upon the point on which you are now: Is it not a fact that these circuit courts are courts of general jurisdiction; that the appellate or supreme court is only a court of appeal, and, consequently, every question that may be presented to it must first arise in the circuit courts?

Mr. TERRY. Mr. Chairman, the question is whether the supreme court are questions arising on nisi prius trials. There are other questions, of course, such as questions in equity, matters of injunction, etc., that go in the first instance to the supreme court.

Mr. SHAFROTH. I understand that these are courts of general jurisdiction.

Mr. KNOX. So they are.

Mr. SHAFROTH. And that the supreme court is the court of appeals.

Now, the point I wanted to make was simply this: That every court of general jurisdiction has had it at some time questions involving the court or the policy of the governor.

The CHAIRMAN. The gentleman's time has expired.

Mr. KNOX. I ask a moment, with the indulgence of the committee. The gentleman from Colorado has had great experience in connection with Territorial governments and their operations—much greater than I have had—perhaps greater than that of any other member of the committee. I ask him whether, in the organization of any of our Territories hereafter, this power has been given to the President.

Mr. SHAFROTH. Oh, yes; in all instances.

Mr. KNOX. As to other judges than those of the supreme judges?

Mr. SHAFROTH. The supreme judges are the trial judges.

Mr. KNOX. That is not the question. Has the President appointed any judges in any of our Territories except judges of the supreme court?

Mr. SHAFROTH. There are no other judges in our Territories except probate judges elected by the people.

Mr. KNOX. Here we have our circuit judges, who are judges of probate, all such men as I desire to select then.

Mr. SHAFROTH. That might be; and if elected by the people, they would be an independent judiciary.

[Here the hammer fell.]

The CHAIRMAN. Mr. Chair asks the attention of the gentleman from Colorado for a moment. He proposed an amendment to strike out a certain part of this section which has not yet been read. Without objection, the remainder of the section will be read; and then the motion of the gentleman will be in order.

There was no objection.

The Clerk reads as follows:

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for. But the names of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the judges of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

Mr. SHAFROTH. That is the part of the bill to which my amendment is offered.

The CHAIRMAN. Debate is exhausted on this amendment. The question is on agreeing to the amendment.

Mr. ROBINSON of Indiana. I move to amend by striking out the last clause.

The CHAIRMAN. That would not be in order.

Mr. CANNON. I want to appeal to the gentleman from Massachusetts [Mr. Knox] to move that the committee rise. Let the bill be finished to-morrow.

Mr. KNOX. If the gentleman will allow this section to be read through, I will not ask the indulgence of the committee any longer this afternoon.

Mr. MONDELL. Mr. Chairman:

The CHAIRMAN. For what purpose does the gentleman from Wyoming [Mr. MONDELL] rise?

Mr. MONDELL. I desire unanimous consent to discuss the pending question for three minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the House for three minutes. Is there objection? The Chair hears none.

Mr. MONDELL. Mr. Chairman, I hope that the amendment of the gentleman from Colorado will be adopted. The provision of the bill which he proposes to amend is a departure from our practice in the Territories. I believe there are even stronger reasons why the judges in Hawaii should be appointed by the President than have existed with regard to the Territories heretofore formed.

The greatest danger in the new Territory, Mr. Chairman, is the danger of centralization of power, and this amendment is for the purpose of obviating, to that extent, that danger. I believe that whoever is appointed governor of the new Territory will think this Congress be relieved of the duty and responsibility of appointing judges.

If we will have a better government there, a more satisfactory government, if we follow the rule which we have followed from the foundation of the Government, leaving the judicial appointments in the hands of the President.

Mr. KNOX. I ask a vote.

The CHAIRMAN. The motion is upon agreeing to the amendment offered by the gentleman from Colorado [Mr. SHAFROTH].

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

Mr. PARKER of New Jersey and Mr. FLETCHER demanded a division.

The CHAIRMAN. Did any gentleman demand a division?

Mr. PARKER of New Jersey. I demanded a division. The committee divided; and there were—ayes 86, noes 27.

Mr. KNOX. Mr. Chairman, as many members of the House have interposed their objections, I do not feel like asking the House to remain longer in session. I would say in regard to this section 73 that the gentleman from Nebraska [Mr. NEWLANDS] has an amendment which he desires to offer to-morrow. I will therefore ask unanimous consent that the section may be considered as still pending.
Mr. RICHARDSON. Will the gentleman from Massachusetts tell us the nature of the engagements of members this evening?
Mr. KNOX. I think the gentleman is informed as to that.
Mr. MCHAIE. I do not want to lose the right to offer an amendment to this section.
Mr. KNOX. I have just asked unanimous consent that this section may be considered as pending in the morning.
The CHAIRMAN. The section will be pending unless the bill is still further read.
Mr. KNOX. I move that the committee do now rise.
Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. HEPBURN. Under the order that the bill be recommitted to the committee to finish the reading of it, is it competent for the gentleman to make the motion that he has now made?
The CHAIRMAN. Does the gentleman from Iowa make the point of order against the motion?
Mr. HEPBURN. I make the point of order.
Mr. RICHARDSON. What is the point of order?
Mr. HEPBURN. The point of order is that under the order of the House it is not competent for the committee to rise until the reading of this bill is finished.
Mr. RICHARDSON. There was no such limitation as that in my request.
Mr. HEPBURN. It was made at the request of the gentleman.
Mr. RICHARDSON. Not at all.
Mr. HEPBURN. And I think the Speaker so explained it.
Mr. RICHARDSON. No; I think not.
Mr. HEPBURN. There was a proposition made to recommit the bill for one hour. That was disagreed to. Then the gentleman asked that it might be recommitted to finish the reading of the bill.
Mr. RICHARDSON. That is right. You can finish it this week or next. We certainly fixed no limit.
Mr. HEPBURN. I think that if the Chair will read the colloquies that were had and the request that was made he will come to the conclusion that it was the purpose of the House to require the finishing of the reading of the bill at this session.
Mr. WILLIAMS of Mississippi. That is what we ought to do.
Mr. MADDOX. The gentleman from Connecticut [Mr. HILL] asked that question, and said he would not object if that was the case, but that he would object if we were to close it in an hour.
The CHAIRMAN. The Clerk will report the agreement made.
The Clerk reads as follows:

The SPEAKER. The Chair will state the request. The gentleman from Tennessee asks unanimous consent that the House resolve itself again into the Committee of the Whole House on the state of the Union to finish the consideration of the bill, and then, when finished, to report it back to the House. The Chair assumes that the existing order will then be operative.
Mr. RICHARDSON. Yes; that the vote shall then be taken in the House.
The SPEAKER. Is there objection?
Mr. NO. I shall make no objection on my part.
Mr. HILL. Mr. Speaker, withholding objection for a moment, I do not understand that the request made by the gentleman from Tennessee is precisely as the Speaker puts it, but that we shall resolve ourselves into Committee of the Whole for one hour.
Mr. RICHARDSON. Oh, do.
Mr. HILL. If it is understood that we are to finish the reading of the bill, I have no objection.
The SPEAKER. That is the request of the gentleman from Tennessee. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON. That was the agreement, to finish the reading of the bill, but no time was set within which it was to be finished.
Mr. STEELE. It was to go into the committee and finish the bill.
Mr. KNOX. With reference to the point made by the gentleman from Iowa [Mr. HEPBURN], I understand that under the order made, at the request of the gentleman from Tennessee [Mr. RICHARDSON], the Committee of the Whole House on the state of the Union are virtually directed to resume consideration of this bill until it is finished, but I do not understand that that in any way prevents the committee at any time rising, and that when the House meets again this is the unfinished business, upon which it is in order, under the general order previously adopted, that the House shall go into Committee of the Whole to consider it.

I myself would be very glad to sit and finish this bill to-night, but I do not feel like asking gentlemen who have signified their desire to go away to sit longer. I am willing to sit and finish the bill, but unless there is a general agreement to that I do not wish to insist upon it.
Mr. WILLIAMS of Mississippi. Let us finish it.
Mr. KNOX. But I do expect that this bill will be in order for to-morrow as unfinished business under the unanimous-consent agreement which we made this afternoon virtually carrying out the previous special order, which was not otherwise modified, that we shall go into Committee of the Whole to-morrow and finish this bill.

The CHAIRMAN. The point of order raised by the gentleman from Iowa [Mr. HEPBURN] is that the committee is bound to continue in session until it complies fully with the order of the House, which is to finish the consideration of the bill, and when finished to report it back to the House. The Chair is of the opinion that that order of the House to the committee is to finish the consideration of the bill in accordance with the rules applicable to this body; and in accordance with those rules the committee may at any time, upon motion and the will of the majority, rise, and at some other time resume consideration of the bill.
For that reason the Chair overrules the point of order and will put the motion of the gentleman from Massachusetts [Mr. KNOX] to the committee.
The motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 222) to provide a government for the Territory of Hawaii, and had come to no resolution thereon.
Mr. KNOX. Mr. Speaker, I desire to make a parliamentary inquiry, merely for the purpose of furnishing information to the House. It is the understanding of those in charge of the bill, under the order adopted this afternoon by unanimous consent, recommitting this bill to the Committee of the Whole House on the state of the Union, to consider it until finished, in connection with the order of the House previously made under which we were acting, that this will be in order to-morrow, under these two orders, as unfinished business.
The SPEAKER. That would be the understanding of the Chair—that this will be a continuing order until disposed of.
Mr. STEELE. But that will not deprive us of the privilege of raising the question of consideration to-morrow morning.
Mr. GROSVENOR. The whole question is this: Suppose the House, to go into Committee of the Whole, in the first place, is it necessary to have a vote to-morrow to go into Committee of the Whole, or do we go into the Committee of the Whole under the order?
The SPEAKER. The Chair thinks the usual motion to go into Committee of the Whole will be necessary.
Mr. GROSVENOR. A vote will be necessary, then. Very well; the House can refuse to go into Committee of the Whole.
The SPEAKER. That is the privilege of the House.
Mr. KNOX. Mr. Speaker, I have been asked by members on both sides of the House to request a reprint of this bill, as no copies are now to be had and there has been a dearth in the House this afternoon.
The SPEAKER. The gentleman from Massachusetts asks unanimous consent for a reprint of the bill S. 222. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.
The Clerk, proceeding with the reading of the bill, read as follows:

"All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such office become vacant, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided."

Mr. ROBINSON of Indiana. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Amend by striking out lines 8, 9, 10, 11, 12, and 13, on page 58, and insert: "All persons holding office in the Hawaiian Islands at the time that this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such office become vacant, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.""

Mr. ROBINSON of Indiana. The only purpose of the amendment is to provide that the officers shall hold until the expiration of the first term of the senate, and, as I think, is in better language and less open to misinterpretation than the language of the bill.

Mr. KNOX. I think that is already covered by the language of the bill.

Mr. ROBINSON of Indiana. But the chairman of the committee will see that the language used in the section might be open to some misinterpretation, and it is only to prevent that that this amendment is proposed. It has been submitted to the members of the committees on the other side and is satisfactory to them.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

"Amend section 89 by adding: "The duty of the surveyor to report annually to the Department of Labor and to the governor of Hawaii and legislature, the area in acres of all holdings not less than ten acres in extent, whether by grant, lease, or other conveyance, agricultural lands, including all lands used for the cultivation of sugar, rice, coffee or other crops, the number of laborers employed in each holding, the laborers employed on said holdings shall be employed by the contractor, employer, or agent, and the weekly or monthly wages paid to such laborers, and such other information as the Department of Labor may prescribe."

And it shall be the duty of the surveyor to call on all such holders of agricultural lands for such written statements as may be prescribed by the Department of Labor. Failure to make such a statement by any person or corporation shall subject the contractor, employer, or agent to the penalties prescribed by law for the failure to answer any written inquiries of the officers of the United States."

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to get statistical information relating to the agricultural lands in Hawaii and the labor employed upon those lands. The population of those islands consists of 60,000 Asians, 40,000 Kanakas, 15,000 Portuguese, and about 5,000 other whites. We can readily understand that if the entire legislation of those islands drifts into the hands of the landed class, we shall have there a republic in name only.

I take it, the purpose and aim of our legislation is to increase the immigration of persons to those islands; and our duty is to obtain such statistical materials upon this subject as will enable us to legislate upon it intelligently hereafter. At present the labor there is mainly the labor of Asians. There is no reason why white labor should not be employed in those islands. The Filipinos and the Italians are excellent laborers in a climate of that kind.

We have had a large experience with both these classes of laborers upon the Pacific coast, and we have found them exceedingly efficient. Most of these people who come to this country are poorly educated, but their children enter this free-school system acquire an education and become intelligent citizens, exercising the duties of citizenship consistently with the spirit of our institutions. Now, it seems to me that if we can encourage that kind of immigration and discourage Asiatic immigration, that it will be a long way in the lines of making the Hawaiian government a republic in spirit and essence as well as in form.

Of course we do not want to interfere with vested rights there. New comers must come into this country consistently with the conduct of business there. But the purpose of this amendment is to secure this statistical information which will enable the legislature of Hawaii to act, and if it does not act wisely, will enable Congress itself to act on this subject.

Mr. WHEELER of Kentucky. Allow me to say to my friend from Nevada that if I correctly caught the reading of this amendment, I do not think that under it the government of Hawaii would be enabled to collect the penalty prescribed. Unless we shall have the defined violation of law and prescribe the mode of collecting the penalty, I think the surveyor might simply ignore this provision and there could be no recourse to the courts.

Mr. NEWLANDS. The amendment provides that the Department of Labor shall prescribe the form of statement required from those holding agricultural lands; and it is made the duty of the surveyor to exact such a statement; and any failure or refusal on the part of a holder of agricultural lands to make such a
statement subjects him to a penalty of $100, to be collected in the courts of Hawaii by the government of Hawaii.

Mr. WHEELER of Kentucky. In my humble opinion, in order to enforce the penalty you must make it a misdemeanor or a crime to refuse to furnish this information. To say simply that a failure to return the prescribed statement shall subject the person failing to a certain penalty is so indefinite that no court would support a declaration founded upon such a provision. You must specifically define as an offense the act which the law undertakes to punish.

Mr. NEWLANDS. I shall be very glad to accept any amendment which the gentleman from Kentucky [Mr. WHEELER] may frame in order to make this provision more effective. All I want is to have some provision of this kind incorporated in the bill. I have no doubt the committee of conference, if we give them a basis of action, will shape the provision properly. Of course our amendments hastily offered here are sometimes quite crude.

Mr. KNOX. I desire to say that if I have understood correctly the amendment and its purpose, it is in the direction of securing very valuable and necessary information; and I think I may say on behalf of the committee that we have no objection whatever to its being adopted.

Mr. ELLIS. The gentleman from Nevada [Mr. NEWLANDS] will allow me to say that the machinery of the government now in operation in Hawaii provides for the accomplishment of the very purpose which he aims at. Anyone who cares to examine into the matter will find a synopsis of such statistics in the report of the commission and a supplemental report. But this provision will do no harm.

Mr. NEWLANDS. As I understand, it can do no harm; and in addition we shall have under its terms a report to the Department of Labor, which would be published, so that Congress will be able to inform itself as to its action.

The question being taken on the amendment of Mr. NEWLANDS, it was adopted.

The Clerk read as follows:

CHAPTER IV.
THE JUDICIARY.

Sec. 81. That the judicial power of the Territory shall be vested in one supreme court and such inferior courts as shall be established by the legislature of Hawaii.

Mr. ROBINSON of Indiana. I desire to call the attention of the chairman of the committee [Mr. KNOX] to the first section, which provides that the judicial power of the Territory shall be vested in a supreme court, but there is a failure to mention the five circuit courts, which are the present establishment, and the language which follows is not sufficiently clear. If the gentleman concurs with me, I shall send to the desk an amendment to insert the words "circuit courts".

Mr. KNOX. The general provision of law puts the Territorial judicial power into one supreme court and such inferior courts as shall be established by the legislature of Hawaii.

Mr. ROBINSON of Indiana. Do not suppose the circuit courts would be styled inferior courts.

Mr. KNOX. Oh, yes; they have not final jurisdiction. Those courts will be established by the legislature of Hawaii.

Mr. ROBINSON of Indiana. I do not understand that a circuit court which has general jurisdiction is an inferior court under the decisions.

Mr. KNOX. This is not a United States circuit court.

Mr. ROBINSON of Indiana. That is true.

Mr. KNOX. We allow the establishment of circuit courts when we see the necessity of such courts.

Mr. ROBINSON of Indiana. It is thought by some that the paragraph should read:

That the judicial power of the Territory shall be vested in one supreme court and five circuit courts.

With the gentleman's consent, I will send the amendment up.

Mr. KNOX. If we would like to put the judicial power of the Territory into the hands of the circuit courts, the judicial power is put into the hands of the supreme court, and then the legislature will have the power to establish inferior courts. I think this is the language which is used with reference to every Territory.

Mr. ROBINSON of Indiana. But there are now five circuit courts.

Mr. KNOX. It is expected we shall have more than five within the present year.

Mr. ROBINSON of Indiana. Do you say that there is a desire to increase the number?

Mr. KNOX. It will be necessary, probably. That is the general impression.

Mr. ROBINSON of Indiana. The fear is that they will reduce the number.

Mr. KNOX. Oh, no.

Mr. ROBINSON of Indiana. Then upon the statement of the gentleman I will not offer the amendment.

Mr. BELL. I wish to suggest to the committee that we strike out the words "circuit court," and substitute for the gentleman from Indiana [Mr. ROBINSON] in giving the distinction between superior and inferior courts has the correct idea.

There is a long line of decisions to the effect that no court of general jurisdiction can be said to be inferior, and they make the distinction between a court of limited jurisdiction and a court of general jurisdiction.

Mr. KNOX. There is no objection to the amendment suggested by the gentleman.

Mr. BELL. I move to strike out the word "inferior."

Mr. KNOX. There is no objection to that.

Mr. LANE. Substitute the word "other."

Mr. KNOX. Yes; strike out the word "inferior" and substitute the word "other."

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

The Clerk read as follows:

In section 81, line 18, strike out the word "inferior" and substitute the word "other."

Mr. BRICK. I would like to be heard upon that. If you say, "such other courts," that would give the power in the legislature to provide for other appellate courts. It might provide for that and might be so construed. It is not the intention that the legislation may provide for any other appellate court than a supreme court; so that if you strike out the distinctive qualification of inferior courts, then it should read "such other circuit courts and inferior courts" as the legislature may establish.

Mr. ROBINSON of Indiana. I agree with the gentleman that the words "circuit courts" ought to be in there. Is that the gentleman's contention?

Mr. BRICK. Yes.

Mr. ROBINSON of Indiana. Then I hope the gentleman from Colorado [Mr. BANZ] will so frame his amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. ROBINSON] will so frame his amendment as to cover that proposition.

Mr. BELL. I have no objection. My only object was to remove what was subject to misconception.

Mr. DENNY. Why not say "such other circuit courts?"

Mr. ROBINSON of Indiana. Substitute "other circuit courts and such inferior courts."

Mr. BELL. Very well.

The CHAIRMAN. The Chair understands the gentleman to withdraw the amendment, and the gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "such," in line 17, insert the words "other circuit courts and such inferior courts."

So that it will read:

That the judicial power of the Territory shall be vested in one supreme court and in such other circuit courts and inferior courts as the legislature may from time to time establish.

The amendment was agreed to.

The Clerk read as follows:

SUPREME COURT.

Sec. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President of the United States for cause. That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law.

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

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

The Clerk read as follows:

In page 98, section 82, line 25, after the word "and," insert the words "not less than three."
The Clerk read as follows:

**DISQUALIFICATION BY RELATIONSHIP, PENDENCY, INTEREST, OR PREVIOUS JUDGMENT**

Sec. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interest, or is a party to the cause, or is a witness or servant of either party; and, in the case of a witness, or servant of either party, or if the judge or juror have, either directly or through such relative, any pecuniary interest in the cause.

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

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

The Clerk read as follows:

Preface: Section 84, line 21, add the following after the word "interest": "No judge or juror shall sit in an appeal or new trial in any case in which he may have given a previous judgment in the same case." The amendment as ordered to.

Mr. ROBINSON of Indiana. I desire to call the attention of the chairman of the committee to the next section to be read, providing for impeachments. In view of the fact that the House by a pronounced vote has provided that the President shall appoint the judges, I will ask the gentleman to give his attention to that paragraph, and will ask whether it should not be stricken out.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

**IMPEACHMENT**

Sec. 85. That the judges of the circuit court of the Territory shall be liable to impeachment by the house of representatives upon being convicted by any act or neglect of duty in their official capacity, or for moral turpitude punishable by law as an offense and committed while in office, inimical for the due performance of official duty, or maladministration.

The senate shall be a court with full and sole authority to hear and determine all impeachments of the judges.

The chief justice of the supreme court shall be ex officio president of the senate in all cases of impeachment.

For the purpose of impeachment the senators shall, respectively, be sworn true and impartially to try and determine the charge in question according to law and the evidence.

The judgment of the senate, in case of the conviction of the person impeached, shall be removed from office; and on conviction, the person convicted shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

Mr. KNOX. I think, as the circuit judges are to be appointed by the President, that they should not be subject to impeachment by the local legislature.

Mr. ROBINSON of Indiana. I would very much sooner trust it to the President than to the Territorial organization of the legislature, and it would not do to bring them into conflict upon that line.

Mr. COX. That is all, right, if you want to take it out; but you will have a judge, if he runs with the President, that is in for all time.

Mr. ROBINSON of Indiana. This was provided so the appointment could not be made by the governor of the Territory, and it would be a check.

Mr. KNOX. I cannot hear a word, Mr. Chairman.

Mr. BELL. I want to ask the chairman of the committee how you get rid of the circuit judge?

Mr. KNOX. He is appointed by the governor.

Mr. BELL. He is appointed by the President; not the district judge.

Mr. KNOX. You mean the United States district judge. We have not come to that.

Mr. BELL. This is the judge of the Territory. After the governor makes his appointment, can he withdraw him?

Mr. ROBINSON of Indiana. The circuit judges are not appointed by the President.

Mr. BELL. How can you get rid of them?

Mr. KNOX. The President can remove them.

Mr. ROBINSON of Indiana. It would not do to bring in conflict the legislature and the President.

The CHAIRMAN. The question is on agreeing to the amendment which the gentleman from Massachusetts?

The question was on agreeing to the amendment was agreed to.

The Clerk read as follows:

**DELEGATE TO CONGRESS**

Sec. 86. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such Delegate shall possess the qualifications necessary for membership of the house of representatives of the United States, and his manner of holding elections shall be fixed by law. The person having the highest number of votes shall be deemed elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

Mr. HILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

**TERRITORIAL COMMISSIONER**

In lieu of a Territorial Delegate, the governor nominates and, and by and with the advice and consent of the senate of the said Territory of Hawaii, appoints a commissioner of said Territory, to reside at the capital of the said Territory, who shall have the power of said Territory, in the execution of its duties under the laws of the United States, as far as the same shall be applicable to the said Territory; and shall have the power of the President of the United States, in the execution of its functions under the laws of the United States, as far as the same shall be applicable to the said Territory. The commissioner shall be elected by the people of said Territory; his term of office shall be two years; his salary shall be $5,000 per annum, which, with his actual expenses, shall be paid by the United States.

Mr. HILL. Mr. Chairman, I voted for the annexation of Hawaii. During that discussion a very remarkable speech was made by the gentleman from Missouri [Mr. CLARK] upon the annexation of Hawaii. I want to read a portion of that speech:

If we annex Hawaii and you, Mr. Speaker, should preside here twenty years hence, it may be that you will have a polyclitic House, and it will be your painful duty to recognize "the gentleman from Patagonia," "the gentleman from Cuba," "the gentleman from Santo Domingo," "the gentleman from Korea," "the gentleman from Hongkong." And so on. I will not quote further from that remarkable speech, but the quotation which I have now read, when it was uttered, made an impression upon me that it seemed to me that the presentation of this bill, for a Delegate from a Territory with the small population of Hawaii, has made that speech partially fulfilled prophecy. Now, I object to a Delegate from Hawaii being admitted to the Congress of the United States. I object to it because the adjournment of the last session of Congress, the 4th of March, after the most careful and intelligent inquiry, I have found to find a citizen of the United States who believes in a political union with any of these insolent possessors. I confess I do not understand the right of the Congress to impose this rule on us at this time. Therefore I move to strike it out; and I want to call the attention of the House to the successive steps that have been taken which have brought us to this position.

It seems to me that in bringing in these Hawaiian people when annexation was asked for with the United States that it was to be a Territory of the United States; and when the measure was presented by the distinguished chairmen of the Committee on Foreign Affairs, standing in the aisle near where he is now sitting, how many of the House expressed any opinion that annexation was asked by a gentleman on the other side of the House, "What form of government do you think will be recommended for the Hawaiian Islands?" And the gentleman made the reply, "I am not prepared to answer that question." And I am not giving the House any hint as to how a Delegate from Hawaii should be made a county of the State of California with such understanding and with such qualifications as the annexation of Hawaii. To-day a full-fledged Territorial Delegate in the American Congress.

Mr. FITZGERALD of Massachusetts. I would like to ask the gentleman a question.

Mr. HILL. I have not five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Now, I claim the people of Hawaii themselves did not expect, neither do they now, neither did they want nor do they want now, practically universal suffrage.

Mr. MONDELL. I would like to ask the gentleman where he got his information that they do not desire it?

Mr. HILL. The Hawaiian republic was organized as a protest against Kanaka rule. I have the facts here before me.

Mr. MONDELL. What has that to do with this?

Mr. HILL. If the United States shall recognizing the fact that Liliokalani was deposed from the throne, and in order to control the Territory those who were looked upon as citizens of Hawaii at that time were compelled to enforce a restricted suffrage. They did not possess the property qualification under which that was done; but I am in favor of giving to these islands, and opposed to voting to give a Kanaka representative a seat in the House of Representatives or a Kanaka representation in the House of Representatives of the American Congress.

Now, I have said they were not in favor of it themselves. Their own action is the best comment on this bill. Their manner of controlling this was by making a property qualification. The report of the Committee on Territories in the Fifty-fifth Congress says:

The amendment recommended in section 34, which prescribes the qualifications of members of the senate, strikes out the property qualification therein provided and makes the qualification that of an elector for members of the senate, which by section 34, is the ownership of real estate of the value of