Mr. CULLOM. I ask the Senate to resume the consideration of the Hawaiian bill.

Mr. CLARK of Wyoming. I understand an amendment is pending offered by the Senator from Colorado [Mr. TELLER].

The PRESIDING OFFICER (Mr. HANSON) in the chair.

The pending amendment is the one offered by the Senator from Colorado.

Mr. CULLOM. I think the Senator from Alabama [Mr. MORGAN] has the floor if he desires to occupy it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to strike out all of section 88 down to and including the word "court" in line 5, on page 44, and to insert in lieu thereof the following:

That there shall be established in Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said district court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in circuit court of the United States, and shall be held in the Territory in a similar manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to be presented to a circuit court of the United States as if they were from a circuit court, and all writs of errors and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. MORGAN. Has the amendment which has just been read been printed?

Mr. TELLER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Certainly.

Mr. TELLER. I think the extension of the laws over Hawaii will extend the jurisdiction of the courts. If some Senators have doubt about it, I desire to add at the close of my amendment:

And the laws of the United States relating to juries and jury trials shall be applicable to said district court.

That is the court we are discussing.

Mr. CULLOM. With the United States judge.

Mr. TELLER. The United States judge.

Mr. PLATT of Connecticut. It is called a district court.

Mr. TELLER. It is called a district court.

The PRESIDING OFFICER. The modification proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to modify the amendment by adding at the end thereof the following:

And the laws of the United States relating to juries and jury trials shall be applicable to said district court.

The PRESIDING OFFICER. The amendment will be modified as indicated by the Senator from Colorado.

Mr. MORGAN. I do not find a printed copy of the amendment of the Senator from Colorado. I should like it to be before me to consider it with my remarks.

Mr. CULLOM. It has been printed, I think.

Mr. MORGAN. Mr. President, in the effort here to cut down the term of office—for that is the only question that is in the matter, I believe—possibly the salary of the judge who is to execute the laws of the United States in Hawaii, I think the Senator from Colorado has dug a pit on the constitutional question and has fallen into it. I understand that it is the purpose of the amendment of the Senator from Colorado to give this district court in the island of Hawaii all the powers of the circuit court and of the district courts of the United States, which would include all civil and criminal jurisdiction of every kind.

The bill does not provide, however, that the judge of this district court shall have the powers and privileges that belong to the judges of the district courts of the United States. They are not properly judges of such courts as proper judges are, but they are transferred upon the judge who oftentimes exercises them at chambers, in vacation, and at various places.

The part which relates to the powers of the judge is not embraced in this act; it is only the court. A judge construing this statute would be obliged to say, "I do not find any authority to exercise all of the powers that are conferred by the statutes of the United States upon a judge sitting in chambers or a judge who grants interlocutory orders of any kind; I find none of those powers." Obviously they can not be conferred upon this judge when he occupies a position that has been designated here to be conferred over a legislative court. For instance, that judge could not sit in the district court of California. If by any chance at all any district court of California, Oregon, or elsewhere should not have a presiding officer and it was necessary under the rules of law, which are so plain above, to bring a case to the court, it is clear that this judge could not do it. He is not a judge of a district court of the United States so far as the amendment of the Senator is concerned. He is the legislative judge of a court created for the Territory and holding functions not under the Constitution of the United States, but under the laws of the United States.
political offices. No man would think of going down to the Executive Mansion here to apply for a position in Hawaii after this act is passed unless he was a well-established Republican. A Demo
crat has no chance. The bill as we have got it now legislates out of office in Hawaii every Democrat who has got an aspiration to any such place. and I believe that is one of the leading pur
poses of this change. I believe that Senators on this floor are determined that no political opposition shall be given to the jud
ical appointments in Hawaii as well as other establishments.

The object is to get the control of the patronage, to use it for the
purposes of power. Well, I oppose that.

I am willing enough to have it in all the Executive Departments,
because we have got to have something. We can not make the world exactly right and exactly clean in one half hour. I am willing, or
at least I consent to it, as to the Executive Departments; but when you
come to the judicial establishment, Mr. President, I say it is a
very dangerous practice to put the disposal of the lives and
property of the citizens of the United States in the hands of a man beca
use he happens to be a Republican or happens to be a Democrat,
when there is another man in an opposing party better qualified and
whom the people have a more earnest wish that he should keep the office.

Mr. PLATT of Alabama.

Mr. PLATT of Florida. The Senate from Alabama yield to the Senator from Connecticut.

The PRESIDENT pro tempore. Does the Senate from Alabama yield to the Senator from Connecticut?

Mr. MORGAN. Certainly.

Mr. TELLER. I yield to the Senator from Connecticut.

Mr. PLATT of Florida. The Senate has it.

The SECRETARY. After the words “circuit court,” in line 12 of the amendment, add the following:

And said judge shall have and exercise all the powers conferred by the law of the United States upon the judges of district and circuit courts of the United States.

The PRESIDENT pro tempore. Mr. President?

Mr. MORGAN. That amendment, Mr. President, plainly viol
ates the Constitution of the United States. The Senators have ad
mitted that it is necessary to the completion of their amend
ments. If that amendment is adopted, you are running the court
on one wheel. You are exercising the judicial functions that a
man as a judge may perform there on the bench and you take away from him those functions that he may perform in chambers. The amendment is all right except unconstitut
ional, and it makes the whole provision unconstitutional for
this reason.

Mr. PLATT of Connecticut. Mr. President

Mr. MORGAN. If you will allow me a second--it makes it unconstitutional for this reason, that in our effort to confer upon
the judges of the United States circuit courts of the United States, circuit courts in California. You can not do it, be
cause no man can sit in a district court or circuit court of the
Federal court in California. If he is unqualified for that place and appointed under the Constitution of the United States, and there is no pretense that this is under the Con
stitution of the United States. I yield to the Senator from Con
necticut.

Mr. PLATT of Connecticut. I do not think the amendment is
necessary, but I thought it would meet the criticism which the
Senator from Alabama was making, and therefore I was quite
willing to offer it. I think it is true that the Territorial judges, as
they are called, the judges of Territorial courts, when United
States judges have been put therein, have been put therein without any special authority, exercised the powers and functions of
district judges of the United States. Senators who have lived in Ter
ritories know better than I, but I think that is true.

Mr. MORGAN. Well, Mr. President, if this amendment be
allowed, the Territorial judges will be given the whole powers since it was amended, includes the powers of a judge of a district or circuit
court of the United States within its purview it is evidently unconsti
tutional, for it undertakes to confer upon a legislative judge
those powers which belong under the Constitution, and can only
belong under the Constitution, to a judge appointed by the Presi
dent of the United States in virtue of the Constitution as a Fed
eral judge. Now, here is an appellate court in the District of

Mr. CLARK of Wyoming. Will the Senator yield to me?
The PRESIDENT pro tempore. Will the Senator from Alabama yield to the Senator from Wyoming?

Mr. MORGAN. I should like very much indeed to be permitted to state my case before I am interrupted.

Mr. CLARK of Wyoming. Mr. President—

Mr. TELLER. Does the Senator mean to say that I want this judge to sit in a California court?

Mr. MORGAN. No; I do not suppose you would want him to do it.

Mr. TELLER. That is the very purpose I have, that he shall not attempt it. I know he has not any right to do it. I know you cannot give any right to one man in that Territory, under the conditions we propose, to go to California and sit. I do not want him to go there.

Mr. MORGAN. When the language is too broad, for the language that I am there.

Mr. TELLER. No; in my judgment it does not carry him there.

Mr. MORGAN. Well; that is a difference of opinion between the Senator and myself that I hope can be reconciled without any possible difficulty.

Mr. TELLER. I do not want the Senator to assume that I am endeavoring to do such an absurd thing.

Mr. MORGAN. No; the Senator has an amendment here—

Mr. TELLER. I am willing to give this man just the jurisdiction to have just one hundred of them, and they have exercised it for a hundred years. I will show when the Senator gets through that that is true.

Mr. MORGAN. If you will give me a chance to get through, then you can go ahead; there is no trouble about that. The Senate will not sit in any courts except in its own, but it is in its amendment. You have got it all in the amendment, every bit of it, for the amendment as it stands now attempts to confer upon this district judge in Hawaii all of the powers, rights, and privileges of a district judge of the United States. Well, it is one of the powers that is exercised in any district court of appeals, if you please. He can sit in the circuit court, if you please, when the occasion arises; or he can go and occupy the bench when there is a vacancy, or when there is a necessity for it under the laws of the United States. A district judge of the United States, I beg the Senator, who is the conferring the district judge of the Territory all the powers of a district judge of the United States, says: "I do not mean that he shall do that thing; I am against his doing that thing." Then, if you are against it, you must qualify it by saying: "All the powers are conferred upon the judge of the circuit court, except that he shall not sit on a circuit bench or an appellate bench in another district court in any State of this Union."

Mr. CLARK of Wyoming. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. MORGAN. Yes, sir—

Mr. CLARK of Wyoming. I hope the Senator will not consider me discourteous, because I am very much interested in this discussion; but I should like to ask him what he considers the powers of the Territorial judges as they have been heretofore appointed by the President of the United States in the various Territories in relation to this very question that he is discussing.

Mr. MORGAN. I do not think that any Territorial judge who now holds a commission has any right to go and hold a district court in any State.
the powers that the Constitution confers upon them, the executive and the legislative. But when we come to the judicial department we give it no show; we do not allow it to exercise its proper constitutional functions and legitimate influence upon that country.

The difficulty which has attended this subject for many, many years has been well illustrated in the difference which these statutes show, where Congress has conferred one jurisdiction upon the Territorial courts in a certain Territory, and turned around in the same or next the section, conferring a different jurisdiction upon a court of the same sort in a different Territory. There are a great many instances of this; and perhaps it is not uncommon for it to happen in some cases—but the instances that are cited in the Revised Statutes are enough to show anybody who will look the subject over that it is impossible to get any real system out of it.

All of these appointments have been made heretofore for the proper convenience of the legal system, and this is the present state of the situation in the particular Territory. So one has one law and another has another law upon this subject. That has been because Congress has departed from the rule that ought to have been established in the outset, of establishing district courts in the Territories. Because it has not done so heretofore, but has conferred a chart of jurisdiction in a short jurisdiction as to the term of office upon the local courts, we are in the trouble we now find ourselves. The Hawaiian Commission sought advice, information, and instruction from the laws of the United States and looked through all the different Territorial acts and examined the cases relating to these courts especially, to find if there was any one we could adopt. I want to call attention to one particular case, found in section 1913 of the Revised Statutes, which reads:

The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus, and all writs of habeas corpus are also grantable by the judges of the United States in the District of Columbia.

There was general legislation conferring upon all of these courts of the different Territories—that is, of every Territory of the United States—the power to grant writs of habeas corpus on the fact that the territorial courts in the District of Columbia might grant them, with an exception as to Idaho and Montana.

How we are to contend that there has been any regularity of legislation or any system adopted by the Congress of the United States is really rather difficult. In the matter of granting writs of habeas corpus two of the Territories are not permitted to grant writs of habeas corpus in the same manner as they are granted by judges of the district courts of the United States.

Our legislation on this subject has been entirely fragmentary and irregular, and I believe that in this bill there is the first effort which has ever yet been made to give to the judicial department of a Territory and of the United States—all of them—full and just authority.

I must, Mr. President, and certainly there is no objection to be found in the Constitution of the United States, why we should not take this course; and if there is no objection, there is no objection; I think I have sufficiently shown, and the report of the committee has sufficiently shown, that the necessity for such legislation is present, and not yet seen that any argument has been produced which shows that the Congress of the United States has not got the power to locate a district court of the United States in a Territory.

Mr. TELLER. Mr. President—

MR. MORGAN. There is another point about this which I desire to state, and then I will hold in one second, if the Senator will allow me to go on.

Mr. TELLER. Certainly.

Mr. MORGAN. I want to call attention to this matter for a moment.

There is a provision of this act by which the jurisdiction of the district court of the United States in a Territory may be extended over a county in Texas. That is a strange provision. I will admit that it is given in this statute, Congress seemed to have concluded that it had jurisdiction and control of more than the territorial courts, and that the organization of the Territorial courts, and they have conferred upon them more power than has ever been conferred upon any other class of courts. That is my objection to the whole system. I want the power divided. I want the Government of the United States to have its judicial system in the Territories, as well as the local government, and not take the judicial powers from the Government of the United States and confer them, along with local jurisdiction, upon these courts.

I think I am right about it; but Congress has heretofore legis-
event I do not know where the jurisdiction will be, unless we confer it upon the circuit court, which the commission does not want done. It seems to me we have got, then, to accept this court.

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. TELLER. I will allow him to say what he wishes.

Mr. CULLOM. There is a special reason why the commission did not desire it done, and that is, because we found, on very careful inquiry, that the courts, as they now exist in Hawaii, have more work than they can perform. The supreme court is in Hawaii and struggling to catch up with its business; and the circuit court, to which this new additional court would be very much embarrassed by the situation.

Mr. TELLER. I want to say that was my reason for not insisting on striking it out.

The PRESIDENT pro tempore. The amendment as finally modified will be tabled from Colorado now will be read.

The SECRETARY. On page 43, section 88, it is proposed to strike out all of the section down to and including the word “court,” in line 3, on page 44, and to insert in lieu thereof the following:

That there shall be established in said Territory a district court of the United States, to consist of three judges, and to be called the district court. The President of the United States, by and with the advice and consent of the Senate, shall appoint the district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for four years unless sooner removed by the President. Said court shall have, in addition to the ordinary duties of district courts, the power and authority over all cases cognizable in a circuit court of the United States. The powers of said court shall be such as are vested in the circuit court of the United States for the Territory of Hawaii. Appeals from said district court shall be had and allowed to the circuit court of appeals of the United States for the Territory of Hawaii, and approved appeals are allowed to circuit courts of the United States for the Territory of Hawaii.

Mr. CULLOM. Before the vote is taken, I want to make a suggestion which I hope will be agreed to. We have all expressed a desire to avoid making this a political court in any sense. I myself know, and so does every other man who has been in Hawaii, that there are very few very best judges there we can secure, and the question of the character and ability of the judge will be determined somewhat by the tenure. I should therefore like very much that by consent the word “four” should be stricken out of the amendment where the term is fixed at four years, and I agree to that. I think it important that the term should be for that length of time.

The PRESIDENT pro tempore. The amendment as finally modified will be tabled from Colorado.

Mr. CULLOM. I will make the motion, if a motion be in order.

The PRESIDENT pro tempore. The amendment as finally modified will be tabled from Colorado.

The SECRETARY. In line 7, in the printed amendment, before the word “years,” it is proposed to strike out “four” and insert “six.”

Mr. TELLER. I will not object to that.

Mr. CULLOM. I think, with that provision, we shall have a court which will select the very best judges there we can secure, and the question of the character and ability of the judge will be determined somewhat by the tenure. I should therefore like very much that by consent the word “four” should be stricken out of the amendment where the term is fixed at four years, and I agree to that. I think it important that the term should be for that length of time.

Mr. PETTIGREW. I am very much opposed to that amendment. If we have good judges, they can be reappointed; and if we have bad ones, six years is too long a term. The matter is completely in the hands of the President of the United States.

Mr. CULLOM. The Senator knows the judges can be removed.

Mr. PETTIGREW. No; they are never removed.

Mr. CULLOM. Of course, if we have bad judges, we can remove them.

Mr. PETTIGREW. We had men who never saw a law book in their lives who came out to serve as chief justices of the Territory of Dakota; and we could not get them removed. We had a case in Malheur once from Maine sent out as a judge. [Laughter.]

Mr. BACON. The Senate has always been generous to the district judge and does not apply to the Territorial judges.

Mr. CULLOM. To the United States district judge.

Mr. BACON. I understand.

Mr. CULLOM. I hope the amendment will be adopted.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Illinois [Mr. CULLOM] to the amendment of the Senator from Colorado [Mr. TELLER].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Colorado [Mr. CULLOM] as it has been amended.

The amendment as amended was agreed to.

Mr. CLARK of Wyoming. Mr. President, we have had four days’ discussion on law and constitutional law. I now offer an amendment based on equity and good conscience, an amendment that ought to be adopted, an amendment that I sincerely hope will be adopted.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment, which will be read.

The SECRETARY. It is proposed to amend section 101 by adding thereto the following:

And the sum of $200,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to the late Queen of the Hawaiian Islands, for all right, claim or interest she may have or claim for to the said crown lands herein mentioned, the same to be paid by the Secretary of the Treasury upon the execution of proper deeds of relinquishment by said Liliuokalani; And provided further, That said sum of $200,000 to be paid to any interested persons, and if there be any Crown lands, as is limited to some extent between the one hundred and one thousand dollars per annum, those lands shall be paid to the United States from the revenue of said lands in five equal annual payments.

Mr. CLARK of Wyoming. Mr. President, I do not care to discuss this matter. It seems to me that section 101 is one of the most magnificent and outraging pieces of legislation that was ever sought to be perpetrated by the American Congress. I can not believe that the men who formulated this bill contemplated what section 101 does. Unless there is a desire on the part of the Senate for information I will make no remark whatever upon the proposed amendment. If it shall fail I have one upon the desk of the clerks which I will urge instead.

Mr. BACON. Let me ask the Senator from Wyoming a question. What is the value of the Crown lands?

Mr. CLARK of Wyoming. The value of these lands it is difficult to say. Several thousand dollars an acre. At the time of the overthrow of the monarchy, I say to the Senator from Georgia, the annual rental therefrom was $100,000, or about that, and since that time, by the ending of leases that were then in effect and the renewal of leases upon land which was held to somewhere between one hundred and one thousand dollars per annum, those lands were confiscated absolutely.

Mr. TELLER. By whom?

Mr. CLARK of Wyoming. By the republic of Hawaii, at the overthrow of the monarchy, and were thrown into the general land system of the government.

Mr. TELLER. May I ask the Senator a question? Was it recognized that they were private property before that?

Mr. CLARK of Wyoming. It was recognized that the revenues of the Crown were to go to the Crown for the expenses of the reigning sovereign.

Mr. TELLER. And he disposed of it as he saw fit?

Mr. CLARK of Wyoming. He disposed of that revenue as he saw fit. It is an amendment which in good conscience and equity ought to be passed.

Mr. BATE. What has become of the $200,000 of rentals per annum?

Mr. CLARK of Wyoming. It has gone into the coffers of the present government of Hawaii and is there now; and this amendment is simply a recognition of those Crown lands to the ex-Queen, who by virtue of her right as reigning sovereign before the revolution was entitled to all the revenues from the land, shall be paid $200,000 in lieu of all claims upon the Crown lands, whatever they may be, now or hereafter.

Mr. BATE. Does the Senator agree to that?

Mr. CLARK of Wyoming. I can not say to the Senator whether she consents or not. If she does not, it will be inequitable.

Mr. BATE. This bill takes the land from her and puts it in the hands of the Hawaiian government.

Mr. CLARK of Wyoming. Section 101 absolutely cuts off by legislative action any claim she might have before the world or in any court.

Mr. BATE. There is no question that she had title to it before.

Mr. CLARK of Wyoming. There is no question on earth that she had title to it before.

Mr. CULLOM. She had no title.

Mr. CLARK of Wyoming. I beg the Senator’s pardon; she did have title.

Mr. BATE. I ask that the amendment may again be read.

Mr. CULLOM. I hope the amendment will be adopted.

Mr. BATE. I ask that the amendment may again be read.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again reads the amendment.

Mr. BATE. Then I understand from this amendment that the money comes out of the proceeds of that land. It is not to be paid out of any other proceeds.

Mr. CLARK of Wyoming. The Treasury of the United States is to be reimbursed from the revenues of the lands which are now under lease.

Mr. BATE. The Senator from Wyoming is a member of the Foreign Relations Committee, is he not?

Mr. CLARK of Wyoming. Yes.

Mr. BATE. I am unfamiliar with this matter, because I am not connected with the committee in any way, and I can only learn these facts as they are presented now in considering the bill. Do I understand the Senator to say that the Crown lands undoubtedly belonged to the Queen?
Mr. CLARK of Wyoming. There is no question on earth about it; that is, under the monarchy.

Mr. BATE. Then the recent government seized those lands?

Mr. CLARK of Wyoming. They took them all.

Mr. BATE. And they also took the rentals annually of those lands and appropriated them to themselves?

Mr. CLARK of Wyoming. Yes, sir.

Mr. BATE. And this woman has got none of the rentals and none of the lands?

Mr. CLARK of Wyoming. She has none of the lands and none of the rentals.

Mr. BATE. The United States Government proposes to take all those lands into its own possession and keep them as property belonging to the United States?

Mr. CLARK of Wyoming. Yes; that is the proposition exactly.

Mr. BATE. And offers to her $350,000 for them as a bonus, I suppose.

Mr. CLARK of Wyoming. Well—

Mr. BATE. As compensation, then. But she has not been consulted about that matter.

Mr. CLARK of Wyoming. Not that I know of, by the Government. If she is willing to take it, as the amendment proposes, that ends all claims she has upon the Government of the United States or upon the Territory. All in regard to this matter. Mr. BATE. It seems to me, upon that kind of a showing, it is not very creditable to this Government that it should be done.

Mr. CLARK of Wyoming. It is not creditable to the Government the way it is now.

Mr. KYLIE. All the Senator from Wyoming allow me? Were these lands the personal property of the Queen?

Mr. CLARK of Wyoming. They were not the personal property of the Queen in the sense that she could alienate them. They were the personal property of the Queen or the reigning sovereign in the sense that the revenues of these lands went to the reigning sovereign.

Mr. KYLIE. The annual income from these lands was set aside by the monarchy for the support of the Queen. Was not that all?

Mr. CLARK of Wyoming. Yes.

Mr. KYLIE. In Great Britain?

Mr. CLARK of Wyoming. Yes, sir; that is right.

Mr. KYLIE. But they were not her personal property at all?

Mr. CLARK of Wyoming. Not in the sense that she could give any deed in fee simple.

Mr. KYLIE. She had no other right to them than any other woman who might have been upon the throne as queen.

Mr. CLARK of Wyoming. The Senator is right.

Mr. KYLIE. It was not her property at all, as I understand.

Mr. PETTIGREW. What is the income derived from these lands?

Mr. CLARK of Wyoming. I can not give the exact figures, but the income at present is between one hundred and one hundred and fifty thousand dollars per annum.

Mr. PETTIGREW. What was it at the time the Queen was deposed?

Mr. CLARK of Wyoming. Fifty thousand dollars.

Mr. PETTIGREW. She was deposed in 1893?

Mr. CLARK of Wyoming. Yes, sir.

Mr. PETTIGREW. She is still living?

Mr. CLARK of Wyoming. Yes, sir.

Mr. PETTIGREW. It seems to me we can not afford to pass this bill without providing for the Queen, inasmuch as we deposed the Queen. Nobody else did it. The United States did it. We landed our troops there.

Mr. CLARK of Wyoming. The Senator is perfectly right.

Mr. PETTIGREW. We took her government away. No other forces did it than the forces of the United States. Then we made a treaty with the puppets we set up for title to that country. Therefore, it seems to me, it would be shameless to pass this bill without making provision for the Queen.

Mr. JONES of Arkansas. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Arkansas?

Mr. CLARK of Wyoming. I will have the floor.

The PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. CLARK of Wyoming. I yield to the Senator from Arkansas.

Mr. JONES of Arkansas. One difficulty about this, it occurs to me, is that this provision in the bill seems to be a recognition in the Queen of the ownership of these lands. It is on that ground that we propounded as a one-sided trade, without her consent, and to give her $350,000. So if she does not take it, she can come back and say that we have recognized that she owns these lands, she is entitled to the million and a half or two millions and a half that they are worth. Now, if these lands belonged to the Queen, that is one thing. If they belonged to the crown, it is another thing.

Mr. CLARK of Wyoming. I should like to ask the Senator to state the difference, as he understands it, between belonging to the Queen and belonging to the crown.

Mr. KYLIE. There is a great difference.

Mr. CLARK of Wyoming. There is a great difference.

Mr. JONES of Arkansas. One belongs to the office; the other belongs to the person. The office was organized by the government that existed there, and this was the means of supporting the office which those people had organized and continued until they had set apart to maintain that office was not needed to maintain an office that did not exist.

Mr. CLARK of Wyoming. May I ask the Senator a question? Is he aware of the fact that the reigning sovereign of the country by his will or by his act of his death, by his own death, may leave a heir or his successor?

Mr. JONES of Arkansas. That made no difference. It did not give the person the ownership of property which belonged to the office. That cuts no figure whatever in it. The Queen of the Sandwich Islands is no more the owner of the Crown lands than the President of the United States is the owner of the Executive Mansion during his term.

Mr. MORGAN. Or of the public lands.

Mr. JONES of Arkansas. Or of the public lands of the United States. The public lands of the United States belong to the people, the body of the people, the whole people. Whatever they may set aside for, they belong to the body of the people, the whole people. The sovereign of the United States would not be the owner if we had a sovereign. The President is not the owner when we have a President.

Mr. KYLIE. The whole ought to be cautious about taking a step of this kind. While I am opposed generally to the whole of this legislation, and believe it is a mistake from the beginning, and agree fully with the Senator from South Dakota [Mr. PETTIGREW] about the action of our government in overthrowing that government, still I think we had better look a little carefully before we attempt to do a thing of this kind in a case of this kind.

Mr. CLARK of Wyoming. Mr. President, I do not care at this late hour to take any time on this question; but I believe that a great wrong has been done.

Mr. JONES of Arkansas. I believe that.

Mr. CLARK of Wyoming. We all know that revolutions, if successful, are just; they are legal; and the successful power has the right to do what it pleases. It is not often that I agree with the Senator from South Dakota on political questions, but there is no man who is more sincere. He is a gentleman, he is a man out in a corner of the cloister, who will not acknowledge that the revolution in Hawaii was made possible only by the arms of the United States of America. Now, can we not afford to be at least equitable and just and honest in this matter? We took those islands; they had to go somewhere. I do not wish to change hands of those lands, but I think that of all the domain over which the American flag flies to-day the Sandwich Islands are the fairest and give promise of the most in the future.

But, Mr. President, there was a great wrong perpetrated. It may be right for us to take advantage of the time of the revolution which displaced the monarchy and displaced the Queen there was not a thing that was not disestablished and confiscated—not only the Crown lands, to the revenue of which she was entitled, but everything in her household from the blue china on the shelf to the silver in the kitchen.

Mr. KYLIE. I have no objection to setting apart something for the Queen. That is not my objection at all, but I take exactly the position occupied by the Senator from Arkansas [Mr. JONES], that she has no right whatever to the Crown lands.

Mr. CLARK of Wyoming. That is not right?

Mr. KYLIE. No, I put it upon a different ground.

Mr. CLARK of Wyoming. I put it upon the ground of equity and good conscience, that a great Government like this taking possession of those islands can afford to be generous and just and equitable; in a large measure it has done it, because I come into the equity side of the court. We took all these lands, and the minute this bill passes we get a hundred or a hundred and fifty thousand per annum.

Mr. PLATT of Connecticut. For the benefit of the people of the United States.

Mr. CLARK of Wyoming. That is all right. It may be for the benefit of the people, but can the Senator from Connecticut say that in equity and good conscience something ought not to be done for the government that has been revolutionized?

Mr. PLATT of Connecticut. I would not object to that. I think whether we shall donate something to the Queen is one question. The question whether we should recognize her title to the lands and admit that we have been to blame about that revolution is an entirely different thing. I am not disposed to do that.

Mr. CLARK of Wyoming. My amendment does not meet the remarks of the Senator from Connecticut. It simply provides that we shall pay her $350,000 upon her relinquishment of all claims that she may have or claim to have upon those lands. That is all.
I was not aware of the enormity of section 101 of the bill when it came out of the committee of which I have the honor to be a member; but it not only says that she shall not now have any right, but that she shall be forever debarred from all claim of right in any court or in any tribunal that may now exist or may hereafter be established. I am sure this city loan has been lost, and I should like to have a vote on the amendment, and upon that vote will depend whether or not I will call up another amendment I have submitted.

Mr. CULLOM. Mr. President, I have never been able to see it, let alone satisfy myself entirely whether or not the late Queen of the Hawaiian Islands had any interest after she was overthrown which would give her a right to recover anything from the United States, but I suppose that if she had she would not undertake to get it by a direct appropriation by Congress. I presume that she would have to use the courts of the United States, and if she had any title and interest in the Crown lands, so called, would render such a verdict as would be just to her. I still think that that is the right course and that it is not a good thing to come in here with a demand to appropriate $250,000 for her without knowing whether she is entitled to half that much or twice that much. Everybody knows that if we adopt the amendment it will not be two years before she will come for another installment, more or less.

Mr. CLARK of Wyoming. If the Senate will read the amendment he will see that she could not. She is barred absolutely.

Mr. CULLOM. If she is barred absolutely, she perhaps would not take the money unless she thought it was all she was entitled to or more. She had no title to those lands at all, but she had a sort of right to them year by year, under the old system that existed for years back.

Mr. JONES of Arkansas. Will the Senator from Illinois permit me to interrupt him?

Mr. CULLOM. Certainly.

Mr. JONES of Arkansas. The provision of this amendment to this bill which is the subject of debate is that which authorizes the United States to pay $250,000 for the right of ownership in the personal lands of the late Queen of Hawaii, and the Senator for Wyoming has just read the provision by way of comparison what the Senate did in the case of the late Queen of Brazil, to show that it is not a right to a claim of title, but a right to protection of the United States. I know that I do not do not want to abuse the Queen. She was overthrown. She substantially abdicated, as a matter of fact, voluntarily, by her own act. But I am not going to discuss that. The question is now what we ought to do, whether anything, for her now that she has become a private citizen. I had it in mind when you read your bill a few days ago, which would run to stop Senators and Representatives and other people from finding fault eternally with what the Government does after it has been done for years and years, especially when in the judgment of the people of the United States we did right.

Mr. BACON. I did not.

Mr. CULLOM. A great majority of the Senate did, as I remember.

Mr. BACON. I did not.

Mr. CULLOM. But whether they did or not, after it is finished, after we have accepted the islands, it seems to me there ought to be some time in our history when we will talk about something else and stop abusing the people or the Congress or the country for accepting the islands or the manner of their acceptance. There ought to come a time when we would run to stop Senators and Representatives and other people from finding fault eternally with what the Government does after it has been done for years and years, especially when in the judgment of the people of the United States we did right.

Mr. TELLER. What section is this?

Mr. CLARK of Wyoming. Section 101.

Mr. TELLER. I should like to ask the Senator a question. Why did the committee see fit to put in section 101 and cut off any right she might have? Why do they not let her go to the courts, if she has any chance?

Mr. CULLOM. That was my idea; that she should go to the courts.

Mr. TELLER. Strike out section 101.

Mr. CULLOM. The Senator from Alabama [Mr. Morgan] and one or two others explained that section the other day, and I should be glad to have the Senator from Alabama explain it again for the satisfaction of the Senate. I confess that I have always felt that it was not right to insert it, because it deprives the Queen of the right to go before the courts, after she has any interest in the land, and that is to find out what it is through the courts of the country.

Mr. PETTIGREW. Mr. President, in January, 1933, there was a friendly government existing in the Hawaiian Islands, possessing the property of the country, preserving order, life, and property. About that time 13 men, some of whom were citizens of Hawaii, some of them citizens of the United States, and some subjects of Germany, met in an office in Honolulu and conspired together to overthrow the friendly government. These revolutionists set one of their number to the United States minister and told him what their plans and purposes were and made an arrangement with him by which the marines of the United States on the war ship Boston in the harbor of Honolulu were to land and protect the conspirators and help to overthrow this friendly government. The marines did land. These men addressed a letter to our minister, asking him to land the marines and troops to protect life and property, and they fixed the hour at 5 o'clock in the afternoon.

After they had made the landing of the troops and had said that for their landing, these 13 men sent one of their number to our minister asking him to defer the landing until the next day. If there was danger to life and property, why did they want to defer the landing until the next day? There was no danger to life and property. They were perfectly safe. They marched not to any point in the city where they could protect life and property, not to the American consul's office or the resident minister's office, not to the heart of the business section of the city of Honolulu, but to Arion Hall, a small hall where the marines are always kept under arms. The marines in the meantime had been drawn up in line with their Gatling gun within 75 yards of the scene.

The Senator from Illinois [Mr. CULLOM] said the Queen abdicated; that she surrendered her government. What are the facts? Immediately upon reading this proclamation, without any armed protect them except the marines of the United States, they went to the American minister and secured a recognition of the government instituted by the 13 men, and sustained by nothing unless it was the marines of the United States. The marines had assumed a threatening attitude. The committee also sent an emissary to the Queen. Here is what she said. Here is her letter upon this subject:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional government of Hawaii by the present Government, and hereby establish a provisional government of and for this kingdom.

I, Liliuokalani, the rightful and legitimate sovereign of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the provisional government, now do, under this threat, by the force of the Government of the United States shall, upon the facts being presented to it, undo the action of its representatives and reinstate me in the throne which I claim as the constitutional sovereign of the Hawaiian Islands.

Done at Honolulu this 17th day of January, 1893.

L. L. D. 1893.

LILIUKALANI. R. SAMUEL PARKER. WM. H. CORNWELL. JNO. F. COLBURN.

S. C. PARKER. WM. H. CORNWELL. JNO. F. COLBURN.

The Interior. The Governor of the United States of Hawaii.

ATTORNEY-GENERAL.
Mr. President, we had landed 180 armed men with Gatling guns. Our minister had said that he would sustain this provisoional government of thirteen men backed by no force at all; and the Queen, the Senator from Illinois says, surrendered her government.

Mr. LINDSEY. He says "voluntarily."

Mr. President, I heard it referred to the superior force of the United States until the United States could pass upon the question and settle the contention upon the basis of justice.

Now what induced her to this? These men, shrewd and capable men, who owned the sugar plantations, had gone and persuaded the Queen not to fight the United States and thus save bloodshed. Years before this an English admiral had sailed into the bay of Honolulu and with his armed force demanded the resignation of the badge of the charge of the government. The then king surrendered under a protest similar to this one formulated by Queen Liliuokalani and submitted the question to the English Government; and to the honor and credit of the English Government, they restored the kingdom and repudiated the acts of their king.

No wonder the Queen believed that this great Republic, that had been in the habit of doing right, would be more certain to do what was right than the Kingdom of Great Britain. Therefore she submitted under this protest this question to us. These men had before made up their minds what was to be done; Stevens did not recognize this provisoional government until after the Queen had surrendered and turned over to them the arsenal, the government buildings, the guns, and arms. It turns out that their statement was absolutely false; that Mr. Stevens recognized this provisoional government, although they were not only 180 Gatling guns, but she also had two or three Maxim or Gatling guns; but that she simply surrendered it without the question could be submitted to us.

What did we do? We put up our flag over the buildings, and for sixty days the Stars and Stripes floated over the government head- quarters, and there were no persons visiting them, except their followers, gathered together a considerable force, hired able-bodied men, no matter of what nationality, passing through that port on their way to Australia or elsewhere, and gathered together a force of 400 armed men. In the meantime, with our flag flying over the buildings, the people were left to themselves, and did not eat any of the food they could find, disarmed everybody, passed a law by which they made it a criminal offense to import a gun of any sort, and through these proceedings thoroughly consolidated their power. With 400 armed men, when our flag was taken down, they were able to maintain themselves against the inhabitants of that country.

They ran along for a year, or two or three years, and finally these usurpers declared that they would adopt a constitution. They never had adopted any. There never had been any government except the self-constituted government of these 13 men. By that time they had increased their number, and there were 100 of them. There were those, however, who had agreed to meet in the first instance, as the liter Thurston, for example, the most eloquent fellow among them all, the man who wanted to aid other people to overturn the monarchy. He was not seen whenever there was any meeting through which he might be classed as a traitor. So they increased their number by voluntary accumulation until they had 10. The 19 men constituted the government, and they ran it along for over a year, for a year and a half, and then concluded they would adopt a constitution, and thus they organized the re- public of Hawa and called themselves the name which they had given to the islands, and that government which existed in those islands up to the time we took possession.

We refused to take possession for several years, and so matters ran on until the Spanish war broke out. Then we passed a joint resolution by which we annexed the islands to the United States, that treaty, however, previous to that time with about 19 men, and that treaty provided that the islands should be annexed to the United States. We could not ratify the treaty because a two-thirds vote could not be obtained in this body to ratify it. After trying for weeks they finally succeeded in passing through both Houses a joint resolution of annexation. I do not know whether that ever agreed to by the people of the islands. If they had, would they have voted for it? They had 19 men; it never was agreed to by the people of Hawaii; and if a vote had ever been taken of the legal and lawful voters of that country any resolution to annex the islands to the United States would have been defeated 3 to 1.

My concern is not to advance the interests of the people of the United States. We had made a treaty in 1856 by which we agreed to admit sugar from those islands free of duty. We were charging 2 cents a pound upon all the sugar that came from every other country in the world, and 2 cents a pound was equivalent to whatever the price of sugar. It was worth 80 or 85 cents a month and board themselves, and it paid an enormous profit. So they came here and railroaded through this reciprocity treaty, as they called it, in 1875. The sugar interests flourished. New plantations were opened up. The remitted duties amounted to millions of dollars.

In 1860 we passed a law admitting sugar into the United States free of duty from everywhere, and, therefore, they had to sell their sugar in this country or wherever they could in the markets of the world without the advantage of the duty which we had there. In 1870 they got the same from us. They paid the same duty, and their bonus was gone. But we had enacted a law by which we paid 2 cents a pound bounty on sugar, maple sugar, beet sugar, and sugar from Louisiana, and therefore the sugar planters, who found their industry waning and their profits slipping away, conceived the idea of a movement so as not to lose their bounty. If they were a part of the United States they would be entitled to the 2 cents a pound bounty; and this is the reason why the movement was set on foot to annex those islands to our country. This is the reason why those 13 men interested in the sugar industry, a part of them citizens of Hawaii, a part of them citizens of the United States, entered into the enterprise to overturn a friendly government and annex the islands to this country. Shortly following the effort at annexation we reenacted a duty upon sugar, so that the advantage returned to them. We have reenacted this duty upon sugar. Each year we remit in duties now more than $10,000,000, and that money comes out of the pockets of the people of the United States. Ten million dollars a year for the privilege of having the name of governing this portion of the Pacific! It comes out of the pockets of the people of the United States. Ten million dollars a year for the privilege of having the name of governing this portion of the Pacific! It was the same in every country in the world where the European has gone. In other words, the European, the American, does not go to the Tropics to raise children, to have a family, and therefore the disproportion between the males and the females for every Anglo-Saxon settlement in the world is considerable. In some places there are probably 6,000 Europeans, English and Americans, and less than 1,000 of them are females. So it is in Hong Kong; so it is in every tropical country throughout the world; so it is in Hawaii, and so it will always be in Hawaii. Why, that was the paradise of the Pacific, that Americans would go there and raise families, and that we would soon build an American State. Mr. President,
It is stated here, Mr. President, that this amendment is proposed without the knowledge or consent of the Queen. On the other hand, it is stated that she has employed her attorneys and proposes to go into the courts and enforce her claim as a legal obligation. How untimely, then, it would be for the Senate to pass some sort of recognition of some legal right on her behalf. The attorneys who begin that suit would be glad that such a recognition should be given to her claim by this body.

Mr. Gallinger, that makes three... [omitted text]

Mr. Gallinger, that makes three halves; and we have annexed Asias by the thousands. We have annexed 37,000 contract laborers and 25,000 or 30,000 Asians who are not contract laborers, and now we try to flatter ourselves over the delusion that we are going to make a territory in the Pacific and ultimately admit it as a State into this Union. Is this the material out of which an American State is made, with less than 1,300 men who are Americans, with a population of Asians whose males and females are in the proportion of 10 to 1, for under their system of importing labor the contract provides that a woman only shall be brought for each 10 men. So where they bring in 10,000 men, they bring in 1,000 women, and the women who go to the Pacific possess the elements of which you can construct an American State? It is all nonsense; it can not be done. We must hold them as a subject colony. We must hold them as a part of an empire. We must undertake to maintain under our flag two forms of government.

For that reason, Mr. President, I would allow the Hawaiian people again, if they choose to do it, to set up a republic of their own and maintain it as best they can. They have no right to become a part of our system. I would impose duties against their products the same as against other foreign products. It is cheaper for the Islanders to maintain their own flag in the world, the form of Government under which they live. I believe that everybody throughout the world is capable of a form of government best suited to them, and that they should not be made to adopt any other system than the one they are entitled to; but I do not believe that every people wherever you may find them are capable of maintaining our form of Government.

Therefore I am opposed to this expansion. I am opposed to the acquisition of these islands. I am opposed to imposing Government upon an unwilling people who do not understand and comprehend our institutions. I do not believe our flag should go to any land where our Constitution cannot go. It should go where men are capable of comprehending that Constitution and are able to maintain free institutions, where men live free and love and adore the principles of the Declaration of Independence.

Therefore I am opposed to this bill. I am opposed to any effort that we may make to furnish a government for a people who can not live under our institutions.

Mr. Clerk of Wyoming. I hope the Senator will vote for the amendment.

Mr. Quaries. Mr. President, I understand when the Senator from South Dakota rose to discuss this question that he was in favor of this amendment, but his argument is very persuasive against it. If we have made such a wretched bargain in obtaining the British Isles for the cost of 200,000 dollars, and have alienated the billions of the distinguished Senator will prove like ashes in our hands, why should we pay a bonus now of $250,000 on the trade?

The argument of my learned friend proves too much. His argument would be in favor not of paying this solace to a deposed Queen, but of paying a solace to the deposed Queen. We find emblems of monarchy back in her hands; and she would have the Senate on this amendment consider that major question.

Our distinguished friend has an assortment of skeletons which he brings periodically before this body. I thought we had seen them all and had become familiar with the gruesome gory of the skeletons. But it has brought up now to harass the imagination of this body when it is simply considering at the end of this bill a question not germane to the suggestions of the distinguished Senator, but simply whether we shall from a supposed equity pay as a consolation to the deposed Queen, who has no semblance of legal right, the sum of $200,000.
But it was stated, possibly while the Senator from West Virginia was not in the Chamber, that at the time of the deposition of the Queen, every particle of her personal property, even to her tableware and kitchen furniture, was taken from her; that she was absolutely and finally turned out without a cent. Mr. SCOTT. I am much obliged to the Senator.

Mr. MORGAN. That statement is not correct.

Mr. BACON. I am only saying that that is the statement of the Senator from Wyoming [Mr. CLARK]. I have no knowledge of what actually happened, but I want to make the matter in an entirely different position before the Senate from what it properly be otherwise. It does not recognize any legal claim, and nothing is said therein upon which any claim can be based in the future if we should fail to pass the amendment or if we should pass it.

Mr. CLARK of Wyoming. But, Mr. President, I think it is one of the most unfortunate that this amendment has been proposed to take bill. I cannot think the object that the Senator from Wyoming had in view was to raise again in the Senate the question of whether this Government has dealt unfairly with the Queen. We had that discussion years ago, and it is entirely out of place, as it seems to me, to refer the fact that the Queen had no interest in the land.

I do not think, from hearing all that has been said, that there is any occasion now for this Government to appropriate $500,000 for the Queen of the Sandwich Islands. I do not see upon what ground it is based, except upon the ground that we took away from her her lands. Mr. President, the revolution in the Sandwich Islands is an accomplished fact, and was an accomplished fact years ago. The Queen had no interest in the lands, except as that Queen she derived a revenue from them for the support of the royal household. Under every law of this country and under every law of the country when a government changes, the interest of the former monarch is vested in the government, in any of the lands passes to the new government. The right to these lands is in the people of Hawaii to-day, and not in the former Queen, at least, under any amendment, we propose to take from the people of Hawaii that which rightfully belongs to them—$500,000 of the revenues to be derived from their lands—and appropriate it to the uses of the Queen. That is all there is about it.

I think, Mr. President, that the United States ought to hesitate, and hesitate long, before it does such a thing. At least a proposition of this sort ought to come before the Senate as an independent proposition, be referred to a committee, reported upon, and discussed; so that if anything of this character is to be done it should be done with our eyes open.

The Secretary. I am so far as I know, I do not know of any others.

Mr. KYLER. Were there not a great many others?

Mr. CLARK of Wyoming. There may have been.

Mr. KYLER. Then it might be right to include them in all the bills.

Mr. CLARK of Wyoming. I do not think there were any others—there were no others.

Mr. PLATT of Connecticut. Mr. President—

Mr. President. The Senate will call the question of the adoption of the amendment.

Mr. CLARK of Wyoming. Certainly.

Mr. PLATT of Connecticut. Is it the truth that all this property which is said to have been confiscated was afterwards turned over to the princes by the government of Hawaii?

Mr. CLARK of Wyoming. No; that is not true.

Mr. PLATT of Connecticut. I do not understand.

Mr. CLARK of Wyoming. It was part of it, but the most of it was sold at auction or in some other way, and went into the coffers of the government.

So it seems, Mr. President, not only an act of justice as the Senator from Connecticut very well says, legislatively there is no claim, but also equitably, and under all the laws that ought to govern a body of this kind, something ought to be done to correct what was done, at least with our conscience, if not with our concurrence.

The President pro tempore. The amendment as modified will now come up for consideration.

The Secretary. It is proposed to add to section 101 the following:

And the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid Liliuokalani, late Queen of the Hawaiian Islands, in full and final settlement of any and every claim she may now have or may have had in said Crown lands or the revenues from such lands paid by the government of Hawaii, in satisfaction of any and all claims which may now or have been had against the United States and against the Hawaiian government on any account whatsoever. And provided further, That said sum of $500,000 shall, in said sum, and shall be repaid to the United States from the revenues of said lands and shall be appropriated to the United States from the revenues of said lands, and shall be repaid to the United States from the revenues of said lands.

Mr. MORGAN. That proviso ought not to be in there.

Mr. CULLOM. No.

Mr. MORGAN. When those lands were taken over by the republic they were leased and they were converted into the public domain, and are now subject to homestead entry. Under the authority of Congress proceeding to take them up. It will leave the lien of the government on the lands. If the government of Hawaii, instead of letting those lands go into private ownership, must keep them and lease them for a long time, indefinitely, according to this bill.

The Secretary. It is proposed to add to section 102 the following:

And the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid Liliuokalani, late Queen of the Hawaiian Islands, in full and final settlement of any and every claim she may now have or may have had in said Crown lands or the revenues from such lands paid by the government of Hawaii, in satisfaction of any and all claims which may now or have been had against the United States and against the Hawaiian government on any account whatsoever. And provided further, That said sum of $500,000 shall, in said sum, and shall be repaid to the United States from the revenues of said lands, and shall be repaid to the United States from the revenues of said lands.
control of the Hawaiian government, so as to compel the lands to be leased from this time forward forever. The land cannot be devoted to homestead settlement at all.

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

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

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

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

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

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

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

Mr. MORGAN. Yes.

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

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

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

Mr. MORGAN. Certainly.

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

Mr. MORGAN. It ought to be the subject of a separate bill. The committee and the commission were afraid that the Government of the United States might have thrust upon it a liability or incumbrance claimed by Liliuokalani, and therefore cut it off so far as this Government is concerned, without touching her right, whatever that might be. The only provision of the bill on the subject is that this Government does not assume, and will not assume, any claim of trust or obligation resting upon that public domain that we got from the Hawaiians; which was a just, proper, and necessary proviso.

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

Mr. CLARK of Wyoming. Mr. President.

Mr. MORGAN. The President pro tempore. The hour of 4 o'clock has arrived; and, under the unanimous-consent agreement made yesterday, the amendments and the bill are now to be voted upon without debate.

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

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

Mr. CULUM. The proviso to what?

The President pro tempore. The proviso to the amendment offered by the Senator from Wyoming (Mr. CLARK).

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

The President pro tempore. It is the proviso which was offered by the Senator from Wyoming (Mr. CLARK) to his amendment.

Mr. CLAY. I understand.

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

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

The motion was agreed to.

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

The President pro tempore. The amendment will be stated.

The Secretary. It is proposed to insert as a new section, to precede the last section of the bill, the following:

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

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

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

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

The President pro tempore. Debate is not in order.

Mr. CHILTON. It is not in order?

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

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

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

Mr. CULUM. It was pending.

Mr. MORGAN. No, sir; it was not then offered in the Senate, the President pro tempore. Under the peculiar wording of the unanimous-consent agreement, the Chair would hardly feel authorized to rule that the amendment could not be offered now.

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

The President pro tempore. As the agreement appears in the Record it does not say “and amendments then pending,” but says “to-morrow at 4 o'clock the Senate will proceed to vote upon the amendment to the bill.”

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

Mr. CULUM. And without debate.

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

Mr. MORGAN. Well, Mr. President.

The President pro tempore. The question is on the amendment submitted by the Senator from Connecticut (Mr. PLATT).

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

The yeas and nays were ordered.

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

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

Mr. HOAR. That is not in order.

The President pro tempore. The question is on the amendment of the Senator from Alabama (Mr. PETTUS) to the amendment of the Senator from Connecticut (Mr. PLATT).

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

Mr. HOAR. Mr. President, I rise to a point of order. I came in when the Chair was announcing his ruling. Did the Chair announce that he should hold that no new amendment is in order? The President pro tempore. The Chair did not.

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

The President pro tempore. The agreement is in peculiar wording. It is not as usual in unanimous-consent agreements,
look like interfering with the business of the Senate, I do not propose to give any further assent to the taking of a vote upon any bill in which I am interested at any time.

Mr. HOAR. My vote is to be taken at 4 o'clock on the amendment occupied by the taking of any new amendment, by offering new amendments?

Mr. STEWART. The Chair that the vote shall then be taken on the amendments and the bill implies that nothing can be done but voting after 4 o'clock. No new motions can be made.

Mr. FORAKER. The Chair, it the amendment of the Senator from Connecticut [Mr. PLATT] is in order, every other amendment would still be in order without limit.

Mr. CULLOM. It seems to me not exactly right that we should have new propositions advanced now that have had no time to consider and no time to discuss. I understand when I was giving consent yesterday that the hour of 4 o'clock was reached to-day, we would have been advised of all the proposed amendments and would have been given an opportunity to discuss them.

Mr. CULLOM. It was certainly meant that no amendment should be offered after 4 o'clock.

The PRESIDENT pro tempore. The Chair has not ruled that amendments are in order, but the inference from his putting the question on the amendment offered by the Senator from Connecticut [Mr. PLATT] was that the amendment was not in order.

Mr. PLATT of Connecticut. Mr. President, of course debate is not in order. I wish simply to say, by unanimous consent, that I have had that amendment before me for the last two days, trying to get an opportunity to offer it. I supposed certainly that the Chair would refer it to the desk, that it would not be having votes upon them. I knew that the amendment could not be debated. I want to debate it, but I know that I can not under the agreement. I thought, however, I could have the privilege of offering the amendment and then of having a vote upon it.

Mr. HOAR. I very much desire to debate that amendment, and to debate it at length. It is the doctrine upon which I myself took the very grave responsibility of voting for the Hawaiian treaty. I do not want to be led into what seems to be a repudiation of that principle by an amendment offered which can be dealt with by the Senate without debate, and after we had agreed that that should be taken at 4 o'clock. I must enter my protest against it.

Mr. CULLOM. I hope the Chair will rule.

The PRESIDENT pro tempore. No point of order has yet been made that the amendment is not in order.

Mr. MORGAN. I made the point of order, Mr. President, distinctly that that amendment was not in order because it had been offered after 4 o'clock.

Mr. CULLOM. That is correct. The Senate did.

The PRESIDENT pro tempore. The Chair is inclined to think the Senate is correct.

Mr. MORGAN. Of course I did.

Mr. ALDRICH. If the Chair will read the statement made by the Presiding Officer yesterday, I think it will dispose of this question.

That statement reads as follows:

And that to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill, and that all debate shall then cease.

Of course we can not vote precisely at 4 o'clock upon all these amendments and the bill, but the general understanding of the Senate has been to commence voting at the time fixed, and that all debate shall then cease.

Mr. CULLOM. No new amendments to be offered.

The PRESIDENT pro tempore. The point made here is that the amendment was not in order for passing after 4 o'clock.

Mr. ALDRICH. "All amendments" must be in the nature of things—plurality being used—any amendment of which notice had been given by any Senator; and that, I think, has been the universal custom of the Senate; otherwise it would be technically confined to one single amendment, and no Senator could offer any other.

Mr. HOAR. I desire to call the attention of the Chair, if I may have leave, to the fact that under the rules of the Senate—I am not now speaking of appropriation bills, but on all other bills—any other measure whatever can be offered as a substitute or an amendment to a pending bill. It is known very well that one of the most important pieces of legislation we ever passed was offered as an amendment to a pension bill in the last hour of the session. Suppose the bill which is now the subject of a conference report—the currency bill—was offered at this moment as an amendment to this measure. It would be clearly in order under our rule. At the same time the Senate would be compelled to vote on it without debate.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PLATT of Connecticut. Then, if I may be permitted, be-
cay— I do not wish hereafter to be accused of anything that would
Mr. Jones of Washington (when the Committee on Merchant Marine and Fisheries was called). Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to report the bill (H. R. 5065) to extend the laws relating to commerce, navigation, etc., over the Hawaiian Islands ceded to the United States. I call up that bill for immediate consideration.

The bill was read at length.
Mr. McRae. Mr. Speaker, I would ask if this bill is on the House Calendar?
Mr. Richardson. I want to reserve the point of order, Mr. Speaker, that it is not properly on the House Calendar, if it is there.
The Speaker. The Chair understands that the bill called up by the gentleman is on the Union Calendar. That cannot be taken up in the morning hour. The Clerk will proceed with the call.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:
S. 222. An act to provide a government for the Territory of Hawaii—to the Committee on the Territories.

Extension of Navigation Laws, etc., over Hawaii.
Mr. Jones of Washington. I ask unanimous consent for the present consideration of the bill which I send to the desk.
The bill (H. R. 5065) to extend the laws relating to commerce, navigation, and merchant seamen over the Hawaii Islands ceded to the United States was read.
The Speaker. Is there objection to the consideration of this bill?
Mr. Knox. The matter embraced in this bill is all provided for in the general bill. It is not worth while to take up this subject piecemeal.
The Speaker. Objection is made.

Mr. KNOX, from the Committee on the Territories, to which bill was referred the bill of the Senate (S. 222) to provide a government for the Territory of Hawaii, reported the same with amendment; accompanied by a report (No. 549); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

HAWAII.

Mr. KNOX. Mr. Speaker, I ask unanimous consent that it be in order on Tuesday, April 3, after the reading of the Journal, to consider Senate bill 222, Calendar No. 82, an act providing Territorial government for the Territory of Hawaii, to be considered in Committee of the Whole House on the state of the Union; that general debate be limited to Tuesday, April 3, and Wednesday, April 4, and that the committee rise on each day at 5 o'clock; that on Thursday, April 5, the bill be read for amendments and debate under the five-minute rule, commencing until 4 o'clock, when the bill shall be reported to the House, where the previous question shall be considered as ordered on the bill and amendments to its passage.
I would say, if I may be permitted, that there is the most urgent need for this legislation, and it is with great regret that we have concluded to ask for a time so remote. I would also say that the time provided for debate is agreed to by members on both sides of the House, so far as I am advised, and unanimously agreed to by the members of the committee.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that April 3, 4, and 5 be set apart for the consideration of the Senate bill on Hawaii; that the first two days be for general debate, the third day for debate under the five-minute rule; that at 4 o'clock the committee will report the bill and amendments back to the House, the previous question being considered as ordered on the bill and amendments to their passage. Is there objection?

Mr. RICHARDSON. Mr. Speaker, this is the first intimation I have had of any such request. I do not know whether the members of the minority of the committee had made any agreement or not.

Mr. KNOX. I will say to the gentleman from Tennessee that he will remember a few days ago I spoke to him in connection with the gentleman from South Carolina, a member of the committee, and he said that any agreement we would make would be satisfactory to him. The gentleman from South Carolina says it is entirely satisfactory to members of committee on that side.

Mr. RICHARDSON. If the minority of the committee agreed to the proposition submitted to the gentleman from Massachusetts, I have no disposition to interfere with any agreement that they have made.

Mr. FINLEY. I will state for the information of the House that this bill has been under consideration by the Committee on Territories—the House bill and Senate bill—and the statements as made by the chairman, the gentleman from Massachusetts, are correct. I think that the request he makes is a reasonable one, and the minority of the committee join him in this request, which I think is entirely satisfactory.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the order is accordingly made.

By Mr. Flynn: A bill (H. R. 9708) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth—to the Committee on the Territories.

Mr. Ross, from the Committee to Examine the Several Branches of the Civil Service, to whom was referred the bill (S. 2000) regulating appointments to and removals from civil offices in outlying dependencies of the United States, reported it with amendments.

Mr. Knox, from the Committee on the Territories, to which was referred the joint resolution of the Senate (S. R. 76) withdrawing certain lands on the island of Oahu, Hawaii, from the public domain, reported the same without amendment, accompanied by a report (No. 778); which said joint resolution and report were referred to the House Calendar.

Mr. Knox, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7093) relating to Hawaiian silver coinage and silver certificates, reported the same with amendment, accompanied by a report (No. 831); which said bill, and report were referred to the Committee of the Whole House on the state of the Union.
Mr. Flynn, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9708) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth, reported the same with amendment, accompanied by a report (No. 894); which said bill and report were referred to the House Calendar.

By Fitzgerald of Massachusetts: A resolution (H. Res. 208) requesting the Secretary of the Treasury to report to the House of Representatives the names of all banks or other institutions used by the Government for the deposit of public funds in Hawaii, Cuba, Puerto Rico, and the Philippine Islands, and the names of all officers connected with these institutions - to the Committee on Insular Affairs.

GOVERNMENT FOR THE TERRITORY OF HAWAI'I.

Mr. KNOX. Mr. Speaker, I call up the special order of the House for to-day, and move that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill (S. 222) to provide a government for the Territory of Hawaii. Pending that motion, I desire to state that, while the report is unanimous, inasmuch as the gentleman from Indiana desired to speak, it has been considered fair to divide the time equally between the other side of the House and this side, and it has also been agreed, subject to the approval of the House, that the gentleman from Pennsylvania [Mr. McAleer] shall control the time on that side and that I shall control it upon this side. It is also declared that gentlemen who speak may have leave to extend their remarks in the Record, and I ask unanimous consent that that request may be granted.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole on the state of the Union to consider Senate bill 222, and, pending that motion, asks unanimous consent that the time be divided equally between the two sides, the gentleman from Massachusetts to control one-half of the time, and the gentleman from Pennsylvania [Mr. McAleer] to control the other half; also that all gentlemen making remarks upon this bill be permitted to extend their remarks in the Record. Is there objection?

Mr. RICHARDSON. Mr. Speaker, pending this request, I have not the order before me, but I believe there was an agreement as to the length of time the debate was to last.

Mr. KNOX. For to-day and to-morrow, closing each session at 5 o'clock, the debate on Thursday to be under the five-minute rule until 4 o'clock, when the bill is to be reported to the House.

The SPEAKER. With the consent of the House, the Chair will have the order read for the information of the House.

The Clerk read as follows:

On motion of Mr. Knox, by unanimous consent, it was ordered that on Tuesday, April 3, it be in order, after the reading of the journal, to consider S. 222, "An act to provide a government for the Territory of Hawaii"; that it be considered in the Committee of the Whole House on the state of the Union, general debate to be limited to Tuesday, April 3, and Wednesday, April 4; to close each day at 5 o'clock; that on Thursday, April 5, the bill shall be read for amendments and debate under the five-minute rule, to continue until 4 o'clock, when the bill shall be reported to the House; the previous question shall be considered as ordered on the bill and amendments to its passage. (Order made March 10.)

Mr. RICHARDSON. Now, Mr. Speaker, I realize the fact that it would be too late to change the order just read unless unanimous consent could be obtained to do so; but the objectionable feature of that order is that two days are given for general debate and then only a portion of the third day for the reading of this bill under the five-minute rule. The effect of carrying out that order as adopted will be to bring us to a vote at 4 o'clock on Thursday.
The unanimous consent. This bill, however, before the final vote, should be read entirely through under the five-minute rule, in order that each section may be open to debate and amendment. It occurs to me that it would be better now to modify the order, appropriating one day for general debate and the two remaining for a vote at 4 o'clock on Thursday. In other words, the bill should be read through. I regret that the order as read, and the bills passed, is one that has been suggested that if it can be done we modify the order so that the general debate may be concluded in one day; or if that cannot be done, that we rescind the order for a vote at 4 o'clock on Thursday and let the bill be read through for debate and amendment. If that can be concluded by 4 o'clock on Thursday, all the time is granted for another day to this business. We have plenty of time, and it seems to me we ought not to bring ourselves to a vote on this bill without reading each section for amendment.

Mr. KNOX. Mr. Speaker, I suggest to the distinguished gent-

men from Tennessee [Mr. RICHARDSON] whether it would not be well to go on for at least one day of general discussion under the rule as adopted. Perhaps at the expiration of that time the desire for general debate may not be so pressing as it has been. There has been a very great demand on both sides of the House for this bill—a demand so pressing that it could not be fully yielded to.

Another answer to the gentleman's objection is this: This bill is for the establishment of a Territorial government; it contains 102 sections. A very large part of the bill comprises, of course, provisions for the general government of the Territory, and as we are all familiar with it, I think the amendments will be con-

fined probably to a very few sections, involving differences of view among members as to what the government ought to be. I am not myself apprehensive (I may be mistaken) of a lack of time to deal with the provisions of the bill.

Mr. RICHARDSON. There are over 100 sections in this bill; and if the reading under the five-minute rule should commence at half past 12 o'clock on Thursday, it would take two hours—possibly it would take till 4 o'clock—without allowing any time for offering and discussing amendments. There is no provision made for the order to which I have referred. If the offering of amendments and the discussion thereon can be concluded by 4 o'clock Thursday, all right; but I insist, if we do not get through that stage of the bill by 4 o'clock on Thursday, we ought not to bind ourselves to take a vote at that time.

The SPEAKER. Is there objection to the request which has been made by the gentleman from Massachusetts [Mr. KNOX]?

Mr. BELL. I object.

Mr. WILLIAMS of Mississippi. Pending that, and before I object.

The SPEAKER. Objection has been made.

Mr. WILLIAMS of Mississippi. I have made no objection.

The SPEAKER. The gentleman from Colorado [Mr. BELL] objected. The question is now on the motion that the House reserve itself into Committee of the Whole on the state of the Union for the consideration of Senate bill No. 223, to provide a government for the Territory of Hawaii.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union [Mr. MOODY in the chair], and proceeded to the consideration of Senate bill No. 223. Mr. KNOX asked unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. KNOX. Mr. Chairman, in presenting to the House this bill creating a government for the Territory of Hawaii, I do not think it would be profitable or pertinent to discuss the general question of the desirability of annexation of the Hawaiian Islands. No subject of public policy has received the considera-

tion of the American people more extensively than this. It has been debated for the larger part of the century now closing, both in Congress and the popular forum. It has been the subject of general acceptance or disapproval of the different schools of annexation have failed. But however great has been the difference of opinion in the United States upon the annexation of the Hawaiian Islands, there has been, and is to-day, no difference of opinion as to the danger and menace should they fall into the possession of any for-
erie influence.

And it has been the uniform position of the Government that acquisition of these islands by a foreign nation would be regarded by the United States as an unfriendly act.

The discussion which had been continuous for so great a part of our national existence came to a sudden and unexpected termina-

ation. Its end was in the events of the Spanish war, events which form an epoch in the history of this country and of the world.

That war made generally apparent to the people of the United States the strategic necessity of those islands, in view of war and the grim sense of the necessity for the development of the United States as a military power in the Pacific, the development of naval operations in the Northern Pacific. In all that vast expanse of water, as is said in the report of the distinguished gentle-
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man from Illinois [Mr. HARR], from the Equator to Alaska, from the shores of Asia to the shores of the United States, there is but one point of the coast line of all of these that can be defended without a man of war can be obtained, and that place is in Hawaii.

Hawaii also contains Pearl Harbor, one of the best and easiest defended in the world, an inland lagoon practically surrounded by land, with a narrow armit extending into the sea so that entrance a coral reef with a passageway of but five hundred to a thousand feet in width, where by guns in fortification the navies of the world may be stopped.

But there was something else besides the naval and strategic importance of these islands that was demonstrated in the war. We obtained a great island empire upon the shores of the Orient, drawing sharply the attention of the American people to the great market for American produce existing in the East, especially in China.

The acquisition of that territory came at a time when China, both territorially and politically, was being divided and changed; when a civilization, the oldest in the world, extending back thousands of years, older than Rome, older than Greece; a civilization that extended far back into the dim half light of tradition, beyond Egypt and Thebes and the Sphinx; a civilization that was to rise to the power of the Persian Empire, of the Roman Empire, was breaking up, emerging into the light and life of the present day. The pos-
bilities of that market for American produce—and America now produces more than she can consume, and the disparity will in-
crease as the years go on—cannot be overestimated.

We obtained a great island empire beyond the borders of the United States, and we may say to-day in fact what was said in argument for years in the past that Hawaii is the Gibraltar of the Pacific in war, the key of the Pacific in peace, the paradise of the Pacific ever.

But whether the annexation of the Hawaiian Islands may be considered as the consummation of a long-settled policy upon the part of the United States or as the commencement of a new era of territorial expansion and commercial development, the step that has been taken can not be retracted. Hawaii is American terri-
tory, three of the four and a quarter millions of the United States, it is American territory absolutely and, humbly speaking, forever.

But while it is American territory, it does not possess American government. A part of the United States, it has no government of its own. It is a part of the United States, but it is not a state. It has not become part of the United States, provided only for the con-

tinuance of a government in such manner and to be exercised by such persons as the President should appoint.

Its provisions were substantially the acceptance of the cession, a provision that the land laws of the United States should not tend to Hawaii, for a government by the President, for the con-

tinuance of the customs laws of Hawaii, for the exclusion of the Chinese, and for the assumption of the debt of Hawaii to the extent of $4,000,000.

That government could be in its nature but temporary, a government depending simply upon the will of the President in the appointment of agents and in the decision as to the manner in which it should be exercised. It is a government that is un-

American, a government constituted against every principle and tradition of our country. If it were to remain, it would be an offensive monarchy. Its only justification is that it was tempo-

rary.

There was no provision for expression of the popular will; no provision for a legislature; no provision for the future needs of the people. No courts of United States jurisdiction were estab-

lished. It was provided that the President, as he saw fit, was to in itself, and by its nature must have been, a mere makeshift, to remain in force only until Congress should act and give to the people of Hawaii a government suitable to their needs and suitable to their fitness.

And that was the way the government was put. The practical consequences of the act of the President of May 18, simply continuing in power those then in office, except those who had had relation to the foreign affairs of the islands, and continuing in force the municipal law of Hawaii that was not in violation of our own Constitution.

That government has utterly failed to meet the needs of the
Hawaiian people. It has proved cumbersome, expensive, inadequate.

Many doubtful questions of admiralty jurisdiction have arisen. Under Article IV of the Constitution the judicial power of the United States extends to all questions of maritime and admiralty jurisdiction.

Here is the harbor of Honolulu, congested with shipping, with such questions arising almost daily, with no tribunal to pass upon them. Other questions have arisen in the administration of criminal law, as there is no provision exists for a majority verdict of juries. There has been no power to make appropriations for public improvements, for roads, or to extend the wharves or harbor facilities.

“Under Article IV of the Constitution the United States, through the President, have an exclusive jurisdiction of such public lands were not authorized.”

In addition, under this government large numbers of Japanese contract laborers have been imported into the island. By the last report which I have here, which has just been received, of the collector-general of customs of Hawaii, it appears that the immigration of 1899 was as follows: That there arrived in the last year were Chinese, 26,103 Japanese, and 6,467 of all others, and that there departed during the same time 1,514 Chinese, 2,780 Japanese, and 4,769 others.

Over one thousand contract Japanese laborers have been imported into Hawaii since it was a United States territory, subject to the United States laws, waiting for the United States Congress to give them a government.

It is time that this approach upon the United States be removed, and that the contract labor into Hawaii be forever ended by the action of Congress.

Now, the duty is laid upon Congress to provide a government for these islands. In providing that government no question of general policy as to the people of other islands should have any weight or vote in the decision. The government has been decided upon, and in the fitness of things, the United States Congress should decide the fitness of the government that is to be established in these islands. Upon the merits of the case alone as applied to the Hawaiian people we ask you to provide a government for the Hawaiian people.

As to the character of the government that we provide, we should not be deterred by the fear of establishing any troublesome precedent for the future. If the conditions in Hawaii are not like the conditions in the United States, then it is not necessary that the establishment of the government that is made in Hawaii should be a precedent for such government, if any, as Congress may establish in other islands. Upon the merits of the case alone it is applied to the Hawaiian people we ask you to provide a government for the Hawaiian people.

We should be deterred as to the character of the government we provide by any fear of a claim of statehood hereafter on the part of the people of Hawaii. They may never ask it, and may never be considered proper to grant it. But upon that question we are not to be deterred.

We can not bind a single Congress that shall succeed this one. We can not bind the next session of this Congress. If a claim is ever made for statehood upon the part of Hawaii, it must be decided by the Congress then representing the American people, and we can not make one hair black nor white in reference to that decision.

But there is nothing to fear. I believe, in this matter. I believe the Hawaiian people are content to go on under the free, representative government of the United States Territory, that shall give them the protection of the flag of the country, the opportunity to develop their wonderful resources, their marvelous, beautiful country.

The American people can be trusted. For more than fifty years the Territory of the United States has been a Territories of the United States, often seeking statehood at the hands of Congress and uniformly refused.

For more than one generation the vast Territory of Alaska, the richest of land, one of the most valuable possessions of the United States, has been seeking statehood. The Territory of Hawaii, American citizens, has existed, and yet it has not an organization as a Territory. There is no fear of haste upon the part of the people of the United States or of Congress in granting the right of statehood.

I think I represent the opinion of every member here in saying that if it is possible for us to grant territorial government to these islands like that of the other Territories of the United States—governments of which we have had experience, which have been perfected in the long years that Congress has dealt with them, governments which have had their particular laws generalized under statutes, and laws made applicable to all Territories—it is desirable to do so.

We are not met at the threshold of action by the question of the extension of the Constitution to Hawaii, for the annexation resolution provided that the municipal law of Hawaii that was not in contravention of the Constitution should remain until action by Congress. And this bill, in so many words, extends the Constitution to Hawaii. For years and years this question has been under discussion. For years and years since the Hawaiian Islands were annexed to the United States that the Constitution has not been the standard by which all the laws of that country must be measured. Before the annexation resolution and before our Constitution was extended there was no spirit of its kind. For sixty years the spirit of the American Constitution, the foundation of our traditions and our history, has existed in Hawaii, permeating the body politic, enlightening the legislation of the Hawaiian people. They have adopted the Declaration of Independence, and the great guaranty of personal freedom that we extend to Hawaii is extended by the consent of the governed.

Can we then, extend the free representative Territorial government to the people of Hawaii? There has been no time since the Northwest Territory that there has not been several organized Territories under the jurisdiction of Congress. Twenty-eight Territories in all have been organized. It has been the standard of the whole Territorial government that we extend the same passenger to the people of Hawaii. We have there about 110,000 people, the majority of them Asiatic—more than half Japanese and Chinese. We may not insist on our laws, under the bill as well as in the past, these Asias are not citizens—more than half Asiatic, never to be citizens of Hawaii and can never exercise suffrage.

Now, what as to the remainder of the populace of the Hawaiian Islands? There are native Hawaiians, some 40,000 in number. The Hawaiians are a slowly dying race, fading out, soon to be gone from the Hawaiian Islands. The breaking of the spirit of Hawaii was taken in 1838, and from that time up to 1874, when the reciprocity treaty with the United States started business and enterprise in Hawaii, every census has shown a large and rapid decrease in the Hawaiian people. No one can tell exactly the number of people on the island. The census returns take the vices of civilization than to the virtues. They imitate their excesses: they do not possess its restraints.

Like the American Indian, wherever they come in touch with civilization, they are alleyed into degradation. The United States and the Hawaiian Islands also as a place for the calling of vessels of all nations has at all times offered inviting ground for epidemics, which have swept off the people in vast numbers. Whatever the cause may be, they are a rapidly dying, fading nation. Those that remain will soon be among the people of the earth. Those that remain, the race is so degenerate, simple, generally orderly; they are educated either in the English or in the Hawaiian language. All the younger portion of the Hawaiians speak the English language; the older ones speak the Hawaiian language, and the newspapers are published in both by other missionaries and their families. They acquired other lands, and they lived there, intermarried, and were soon after joined by other pioneers, business men, those who looked to...
their own profit in going to Hawaii. They laid the foundation, industrial and commercial, of Hawaii upon broad grounds; they shaped its legislation in accord with the high model of American tradition. They will be in the future, as in the past, the greatest, most vital, enabling force that shall make Hawaii the greatest and best of the islands and have become an integral part of the nation.

For the citizenship that is created, those who will have the ballot, this bill provides for an educational qualification. We give to Hawaii the intelligent ballot by providing in Hawaii the voter must be able to read, to write, and to speak either the English or the Hawaiian language. If there is any danger in this country to-day, it is the ignorant ballot. If there is any safety for the people of Hawaii in the future, it is the intelligent ballot. Thus we propose to create and to give to this people a government of a free, representative, orderly, and rational character, founded upon and depending for its preservation and advancement upon the intelligent ballot of the United States citizen. [Applause.]

Now, Mr. Chairman, in this bill, Senate 223, the House reports the bill, striking out all after the enacting clause of the Senate bill and making the existing United States laws, under which a Chinaman with the latter is not the report that was made with the House bill, and is very short. The full report, which I would be glad for all members to have and to see, was made upon the House bill when it was reported, and is numbered 3055, and I have endeavored to see that there should be a number by a reprint, so that each member of the House might have one in his possession.

I do not propose to go over in detail the provisions of this bill. Members of the committee are ready and will be glad to answer all questions and give all information upon the bill that may be desired.

The first two sections simply define what is meant in the bill by the laws of Hawaii. They are the laws which have been enacted by past legislatures of Hawaii and the constitution that was adopted by the republic.

Mr. RIDGELY. May the gentleman allow me a question?

Mr. KNOX. Certainly.

Mr. RIDGELY. If I understand you, we are extending the same laws as to immigration and the importation of contract labor to Hawaii that we have in the United States, and the bill provides for restricted franchise?

Mr. KNOX. Provides an educational qualification.

Mr. RIDGELY. Can the gentleman tell us as to about what per cent of population will be entitled to franchise under the provisions of this bill?

Mr. KNOX. About 80 per cent of the people are able to read and write.

Mr. RIDGELY. Of the entire population?

Mr. KNOX. Yes.

Mr. RIDGELY. Including the Japanese and Chinese?

Mr. KNOX. No.

Mr. COX. Mr. Chairman, I rise to a point of order. This conversation might as well take place in Hawaii for all we can hear.

The CHAIRMAN. Members of the House complain that they are unable to hear.

Mr. COX. I would suggest that the strong-lunged gentleman from Kansas go over to his side of the Chamber, and then the gentleman from Massachusetts, standing where he does now, will probably make himself heard.

Mr. RIDGELY. I availed myself of the liberty to come over to this side of the Chamber to hear the discussion, but I will get back on the other side. Now, if the gentleman will permit me, I will repeat my question.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. KNOX. I do.

Mr. RIDGELY. I understand from the gentleman that the bill restricts the right of franchise to an educational qualification. My question is. What part of the entire population will be able to vote under this bill?

Mr. KNOX. About 80 per cent of all there is, except the Asiatics and the Chinese.

Mr. RIDGELY. What per cent are Asiatics?

Mr. KNOX. A little more than one-half—nearly 60 per cent.

Mr. RIDGELY. What part of the actual population of the island is affected by this bill?

Mr. KNOX. Less than half, perhaps 47 per cent, as to the right of residence.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman what provision, if any, is made in this bill to prevent Asiatics born in the island of Hawaii from becoming voters?

Mr. KNOX. None whatever in this bill. They would stand under the same laws as in the United States, and a Chinaman can not be naturalized neither in a Federal court or a State court. So, too, Japanese can not be naturalized.

Mr. WILLIAMS of Mississippi. But Chinamen born in the United States become American citizens.

Mr. KNOX. Under the decision of the Supreme Court, Hawaii is not a part of the United States, and so it would be if it were born in Hawaii. Is there any provision in the bill that would curtail their right of suffrage there in any way except the educational qualification?

Mr. KNOX. No.

Mr. WILLIAMS of Mississippi. I understand. I merely asked the question because I was afraid the gentleman's answer to a previous question, put him by the gentleman from Kansas, would leave a wrong impression.

Mr. KNOX. I am very much obliged to the gentleman. I do not wish to have any misunderstanding.

Mr. BARTLETT. I wish to ask whether section 102, the last section of the bill, will not be somewhat in conflict with the decision of the Supreme Court to which the gentleman has referred?

Mr. KNOX. In what regard?

Mr. BARTLETT. It provides that Chinese who may be in the Hawaiian Islands when this act takes effect may within one year obtain certificates of residence under the act of May 8, 1892—the very act which the Supreme Court of the United States decided did not apply to Chinese children born in this country. If Hawaii became, in July, 1898, a part of this country, then children born there since July, 1898, of Chinese parents would be citizens of the United States.

Mr. KNOX. I should not agree that July 8.

Mr. BARTLETT. I did not say July 8; I said July 8, 1898.

Mr. KNOX. I will not agree that July 8 the Constitution and laws of the United States went into operation in Hawaii, except as they went there under the annexation resolution.

Mr. BARTLETT. The gentleman must admit that there might be a conflict of opinion on this point, and the Supreme Court of the United States might arrive at the principle of the decision contained in page 105 United States Reports.

Mr. KNOX. I do not see how we could provide for that in the bill.

Mr. BARTLETT. It struck me that the provisions of the bill were in conflict with the decision of the Supreme Court of the United States in that case.

Mr. KNOX. This section does not refer to children born in Hawaii since the annexation. It simply provides a means by which Chinese who are there may obtain within a year certificates of residence which would entitle them to remain there. That is all it undertakes to deal with; it applies only to Chinese who are actually there.

Now, the provisions of section 6 continue in force the municipal legislation of Hawaii—their municipal laws as they have existed in the past, provided they are not inconsistent with the Constitution and laws of the United States. The Constitution and laws of Hawaii, which are in violation of the Constitution and laws of the United States, are repealed or abrogated.

Mr. SMITH of Kentucky. In reference to section 6 I would like to ask a question—

Mr. BARTLETT. If the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States?

Mr. SMITH of Kentucky. No; I do not see that any harm will be done; but it is always preferable to have the expressions in a statute as plain and concise as possible.

Mr. RIDGELY. I would like to ask another question. Does this bill permit the immigration of Asiatic people after its passage?

Mr. KNOX. The bill makes Hawaii United States territory, extending to it the laws of the United States. Immediately upon this bill becoming a law, all laws restricting immigration and naturalization in Hawaii to Asiatics and Chinese will be expired. The act of July 7, 1898, took effect in Hawaii, and that is the reason of our desire that the bill may be promptly passed. As I before stated, since July 8, the date of the annexation resolution, there have been some 20,000 Japanese contract laborers imported into Hawaii.

Mr. RIDGELY. That was my understanding of the bill, but the question and answer a while ago did not bring out that fact clearly.
Mr. KNOX. There is no question that the existing laws of the United States regulating immigration and the importation of contract labor will apply.

Now, in section 7—

Mr. WILLIAMS of Mississippi. Before the gentleman goes to the regular work, will you mark it? I notice on the bill a provision that section 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii. That is the statute, as I understand, which prohibits any religious corporation from owning more than $50,000 worth of real estate in a Territory of the United States.

What was the idea of the committee when they prohibited the application of that statute to Hawaii? It seems to me it would be a good idea to provide against the dangers of mortmain, and there ought to be some limitation, whether $50,000 or several other sum, as to the amount of real estate that may be acquired by any such institution.

Mr. KNOX. The reason for that provision in the bill was that there are now existing in Hawaii quite a number of charities very largely endowed, which are performing a very meritorious charitable work in the islands; and if this provision were extended it would militate against these institutions, which all the people there and all the Americans who have ever been there consider to be of the highest and most meritorious and beneficial character to the people of the islands.

Mr. WILLIAMS of Mississippi. But, if the gentleman from Mississippi will take his own words—again the same, it being once admitted—and I think he himself will admit that the policy underlying the statutes of mortmain and the policy underlying all of our prohibitions against the ownership of property beyond prescribed amounts by religious corporations and charitable corporations, is a good policy—it being once admitted that the statute is justified, it is even more necessary to consider the fact that there are a good many charitable institutions in Hawaii which are doing a great deal of good does not militate against the wisdom of the statute.

If any of these corporations now own over $50,000 worth of real estate, I do not think the idea of fixing that particular amount, because that particular limit might act as taking their property without due process of law, and might interfere with their vested rights; but why not fix some limit in the statute?

Mr. KNOX. There is great force, of course, in the gentleman’s suggestion. I do not think that the House would probably limit it to any sum that would cover these large charitable institutions in Hawaii. For instance, they run up to very large amounts—$300,000. They hold that property now, and a greater amount probably.

Mr. WILLIAMS of Mississippi. I understand that we can not interfere with those who already own it, but why not say that charitable and religious corporations shall not hereafter acquire an amount exceeding $50,000, leaving those that have their vested right the land which they now possess.

Mr. KNOX. Of course, considering the small number of people in Hawaii who constitute the upper class, the intelligent and controlling class there, and the demand made on account of those who may become or are subjects of charity, and the great work these institutions do, it seems that the reason for the limitation upon the amount does not exist. There is another thing to which I call the attention of the gentleman—

Mr. WILLIAMS of Mississippi. In that connection—

Mr. KNOX. Just a moment. There is another thing that I call the attention of the gentleman to, and that is that while in America we have a vast country, consisting of many States, Hawaii is a small community, with probably less than half the number of people in the Territorial district, and while the benefits are great in so small a community the evils can be but small.

Mr. WILLIAMS of Mississippi. Well, they may be coextensive with the territory and with the population. Now, is there not an actual danger that the majority of the real estate of Hawaii will be divided into small parcels, as it is, into the hands of charitable and religious institutions?

Mr. KNOX. There would be nothing for anybody if the majority of the property of Hawaii went into the hands of such organizations.

Mr. WILLIAMS of Mississippi. That is a very bad condition for a country to be in, no matter how small.

Mr. KNOX. Well, it is very small, and I think the evils do not call for legislation.

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. KNOX. Yes.

Mr. COOPER of Wisconsin. Will the gentleman please state what these charitable organizations are, how they are organized, and for what purposes?

Mr. KNOX. I have a statement here of the charitable institutions in Hawaii. We have religious and charitable institutions, of which there are a number, Protestant and Roman Catholic, there are several institutions of a charitable and educational nature.

Mr. RIDGELY. Mr. Chairman, a point of order. It is absolutely impossible for us to hear a word, and many of us are interested in this presentation of facts.

Mr. KNOX. I would state to the distinguished gentleman from Wisconsin, as this is quite a long list and we have a perfect list here, would it answer or satisfy him if this should be inserted in the Record?

Mr. HAMILTON. I simply suggest to the gentleman that I will incorporate that statement into some remarks which I shall have occasion to make during the consideration of the bill. It covers all of these charitable institutions and the conditions surrounding each of them.

Mr. KNOX of Wisconsin. I notice that the opening paragraph of that statement is in language like this:

Aside from the religious and charitable organizations there are certain others.

Mr. KNOX. Aside from the religious and charitable institutions in Hawaii there are some others.

Mr. COOPER of Wisconsin. That is just what I want to know. What are the religious and charitable institutions? You say there are certain other institutions aside from those. How much property on the islands do the charitable and religious institutions own?

Mr. KNOX. I am unable to answer that. I have received no figures.

Mr. COOPER of Wisconsin. Is that the vital question that is raised by the gentleman from Mississippi [Mr. WILLIAMS]?

Mr. KNOX. I can say to the gentleman that education in Hawaii is going on and results measurable, and the schools are partially supported, but is absolutely unsegregated. Under the laws of Hawaii the schools are entirely separated from sectarian control.

Mr. COOPER of Wisconsin. Are there any limitations in the bill on the amount of property that a religious charitable institution organization can own or acquire?

Mr. KNOX. There is none.

Now, in section 7 we undertake to give a list of the laws of Hawaii that are repealed, that are no longer in force on account of this provision that all laws must come up to the standard of the United States. I think the very names of these laws will suggest a reason for their repeal. That is, by looking at the names of them you will see that they apply to an independent Republican other than the United States, and would not be applicable to a country over which the laws of the United States are extended. When I call the gentleman’s attention, there is a statement of the laws which are repealed, with a brief description of them, so that any gentleman may find out for himself on examination the laws that have been repealed by this bill.

The offices which are abolished by this bill are no longer applicable to the United States territory. They are the president of the Republic, the minister of foreign affairs, of the interior, of finance, etc. The amendment to official titles requires no explanation.

Mr. COOPER of Wisconsin. Will the gentleman permit another interruption right there?

Mr. KNOX. Certainly.

Mr. COOPER of Wisconsin. Section 7 of this bill says that chapter 38, relating to same, and chapter 39, relating to taxes, are repealed. Why are they repealed? What is the nature of them?

Mr. KNOX. They have no relevancy to anything existing now under United States laws. The report explains every one of these. By another section we simply undertake to keep all our recognized, contracts, and rights of action which now exist, to secure and preserve vested rights, to provide for the continuance of litigation that has been begun in the courts of Hawaii, that it may go on to final judgment in the courts of the United States and Hawaii, and the same applies as to all officers of the United States or the Territory. The same provision applies both to civil and criminal proceedings, pending and unfinished, in the courts of Hawaii at the time that this bill shall take effect.

What are the provisions for the legislative power? I would say that this whole provision in regard to a legislature for Hawaii does not differ from the general legislative provision as to Territories of the United States, nor does it differ from the provisions of our general Territorial laws as to legislatures.

Of course the number of the president is made the number of the senate 15. I believe under the republic of Hawaii both houses were made up of 15 members. We have simply doubled the number in the popular branch, making it 30 instead of 15, and keeping the old number of 15 in the senate, preserving the names of house of representatives and senate, although our general Territorial law provides that the upper house shall be called the council and the lower house of representatives.
The sessions of the legislature are biennial; the election is in the fall, and they meet in February. The provision is generally the provision of our law, that each House shall be the judge of the election and qualification of its members, and disqualifies all those who are employed by the government in other positions, and providing for this.

Mr. SMITH of Kentucky. I would like to make a suggestion to the gentleman as to section 18, which reads:

That no person shall be entitled to register or vote at any election in the Territory of Hawaii unless he shall have taken an oath to support the Constitution of the United States.

Does not the gentleman think that the verbiage of that section might be improved somewhat? There seems to be some question of whether a man every time he went to register should take a constitutional oath, and I would suggest that there be inserted "unless he shall have taken the oath to support the Constitution of the United States" which would be much better.

Mr. KNOX. I hardly think the section is susceptible to the objection which the gentleman makes:

That no person shall be entitled to register or vote at any election in the Territory of Hawaii unless he shall have taken an oath to support the Constitution of the United States.

After he has taken the oath and once registered, he is a voter.

Mr. SMITH of Kentucky. Yes; but does that say that?

Mr. KNOX. Would that be a fair construction?

Mr. SMITH of Kentucky. Yes; but I want you to make it sure that it is that way.

Mr. KNOX. I think that would be the fair construction. If the gentleman thinks it doubtful, it could be changed, and there would be no difficulty in not taking this.

Mr. SMITH of Kentucky. Would I like to have it made plain and direct.

Mr. KNOX. The provision for the yeas and nays, the rules, the punishment of non members, are so like those of the United States' provisions that I do not think it necessary to refer to them. The compensation of members of the legislature is $400 for a session that is limited to sixty days, and $200 for an extra session, limited to thirty days, and mileage at 10 cents a mile each way. I believe that is laid down in the Territorial Constitution. The Territory receives compensation at $8 per day and mileage.

Mr. WILSON of Idaho. Will the gentleman answer a question?

Mr. KNOX. Certainly. Mr. WILSON of Idaho. Referring to section 4, it is provided—

That all persons who are citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

Who were citizens then? Does that include any Chinese or Japantse citizens?

Mr. KNOX. Under that provision the republic of Hawaii made citizens of the republic all persons born or naturalized in the republic of Hawaii. When the republic of Hawaii was formed, there were a few Chinese who had been granted citizenship, and those who had been naturalized in the days of the monarchy. The Chinese, and that was the extent of the Asiatic naturalization, and of that 700 a very large number have been naturalized.

Mr. WILSON of Idaho. Now, can you tell me how many come in under this act?

Mr. KNOX. None come in not already naturalized.

Mr. WILSON of Idaho. How many are there of them?

Mr. KNOX. There are not over 700 previous to the formation of the Hawaiian republic.

Mr. WILSON of Idaho. Of course, all Chinese born in Hawaii would be?

Mr. KNOX. They are all under our laws by this bill.

Mr. WILSON of Idaho. About 700 would include all Chinese citizens.

Mr. KNOX. And according to the best estimate, half of those have gone from Hawaii.

Mr. SMITH of Kentucky. Will the gentleman tell me why the 12th amendment was changed?

Mr. KNOX. The 7th day of July was the date of the passage of the annexation resolution. The President in his proclamation provided for the transfer of sovereignty—the actual ceremonies of the transfer of sovereignty from the Hawaiian republic to the United States, which was to take place on the arrival of the Philadelphia with Admiral Walker. That vessel arrived, and the ceremonies took place on August 12. That was the date that the Hawaiian republic was annexed into the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I ask unanimous consent that the gentleman be allowed to continue his remarks.

Mr. RITT. The gentleman is in control of the time. How could I help it if he asked for it?

The CHAIRMAN. Even if he was in control of the time, he must speak in subjection to the rules, which limit him to sixty minutes.

Mr. RITT. I thought an agreement had been made.

Mr. RICHARDSON. No: it was not made. I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Maryland be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOX. Mr. Chairman, I have already stated the number of members of the senate, and that general and special elections may be held to fill vacancies which may be occasioned in either house.

Now, the provisions as to the division of senatorial districts are contained on pages 63 and 64 of the bill. I will not read those. The universal testimony was that these districts were divided fairly and with as much consideration for the convenience of the voters and for the representation by both houses was possible under all the circumstances, and no objection came from any quarter; and I would say the same in regard to the representative districts contained on pages 65 and 66.

The qualifications of a representative are simply the attainment of the age of 25 years, citizenship of the United States, and residence in the Hawaiian Islands for a space of three years.

Mr. MORRIS. I see that those are the qualifications of a senator; where are the qualifications for a representative?

Mr. KNOX. That comes later on, and differs in no way.

The legislation of the legislature will take place in 1901. It is provided that the English language shall control the title to laws and the enacting clause. The reading of the bill is in accordance with our own provisions, and the certification of bills from one house to another. And the certification of the bills by the governor are by our own rules. The governor has the usual veto provided by the Territorial law.

Mr. SMITH of Kentucky. Have you provided in the bill that the final passage of bills in the assembly shall be by a yea-and-nay vote?

Mr. KNOX. Yes, and the governor is obliged to return a bill vetoed, with the reasons for the same.

Mr. SMITH of Kentucky. Have you made it mandatory?

Mr. KNOX. Yes, and have.

Mr. WILLIAMS of Mississippi. I notice on page 93, section 94, in connection with imports from Hawaii into the United States, this language:

That imports from any of the Hawaiian Islands into any State or any other Territory of the United States, of sugar, sugar products, and the production, or manufacture of said islands, and imported into them from any foreign country after July 7, 1888, and before this act takes effect, shall pay the same duties as imposed on the same articles when imported into the United States from any foreign country.

What was the date of our establishment of custom-houses out there?

Mr. KNOX. The customs laws of the United States have not been extended to Hawaii.

Mr. WILLIAMS of Mississippi. I thought we passed an act extending them some time ago.

Mr. KNOX. I think we passed it in the House at the last Congress, but it got into the Senate.

Mr. WILLIAMS of Mississippi. I knew we passed it in the House at some time.

Mr. KNOX. Now, the appropriations on page 69, which the legislature may make, are to be made biennially. They are made upon the annual appropriation made by the governor substantially in accordance with our own provisions. The provisions of section 54 are perhaps a little different in providing that the governor, in case of failure to appropriate, may extend the appropriations that have been made before.

The legislative power, page 70, is but a repetition of our own law, as to the subjects upon which Territorial legislation may be had.

Mr. GILBERT. I have not studied the bill carefully, but I would like to know whether, under the provisions of this act, the Chinese and Japanese and other Asians are entitled to give evidence, to serve on juries, and to perform all the other functions of citizenship except to vote?

Mr. KNOX. As I understand the laws of Hawaii, the juries
are drawn from citizens. Neither Japanese nor Chinese are citizens; they have never been and will not be.

Mr. HITT. They are denied naturalization by law.

Mr. GILBERT. Are they permitted to serve on juries?

Mr. HITT. Yes.

Mr. GILBERT. Are they permitted to make contracts?

Mr. KNOX. Yes.

Mr. GILBERT. To sue and be sued; to give evidence in court?

Mr. HITT. They are aliens.

Mr. GILBERT. If you give them to that extent the right of citizenship, how are you going to deny them the equal protection of the law?

Mr. KNOX. In what way?

Mr. GILBERT. For example, the Supreme Court has held, as a rule, that a man knows, that the colored race have not secured a fair trial. Let us suppose that for the sake of the States where, by statutory enactment, they were not permitted to serve on the jury. Now, if you by this statute preclude the Asiatics from serving on the jury, has the Asiatic, when he is inquired into, tried and convicted, been tried according to the law of the land?

Mr. KNOX. But the African in this country is a citizen and is entitled to vote.

Mr. GILBERT. The gentleman does not catch my point. Where the local State or Territory by local statute precludes any particular class on account of race or color from serving on the jury or from being deprived of any of the rights of the white citizen, has he not secured the equal protection of the law.

Now, if this act deprives an Asiatic of the right to serve on a jury, can he not, under the Constitution of the United States, by a jury made up of another race, which other race has the exclusive right to sit on the jury?

Mr. KNOX. The colored man, or the African, is a citizen under our laws. He votes. The right that is withheld from the Japanese, under this bill nor by the Hawaiian law. But under the existing laws of the United States, Chinese and Japanese cannot become citizens of this country.

That is the effect of existing laws of the United States, which are simply extended over Hawaii by this bill. Those people are not admitted to citizenship under the general United States law, and they cannot go on the jury list.

Mr. GILBERT. I was asking simply for information. Now, there is another question. Before the war we had a great deal of learned discussion going on in South as to whether a constitution a colored person hold a negro. No; it is not that the Chinese and the Chinese are not citizens of the United States. I do not know to what extent miscegenation is carried on out there, but suppose an Asiatic intermarries with an American citizen; is the offspring of such a marriage a citizen? Are half-breeds citizens under this bill?

Mr. KNOX. I have answered that before. Under an express provision of the law of 1882 we do not naturalize Chinese.

Mr. GILBERT. I am aware of that.

Mr. KNOX. That provision provides that no Chinese shall be naturalized either in a Federal court or a State court. We do not naturalize Chinese, nor by virtue of any express provision of law, but by a judicial decision. It is true this matter rests only upon a decision of a circuit court — a circuit court, I think, in Boston. But even if the Chinese are held not to be free white persons under the provisions of our laws. The constitutional amendment is held to be for the benefit of persons of the African race.

Mr. GILBERT. Exclusively.

Mr. KNOX. Yes; exclusively; and a Japanese is not considered a free white person. I have a little brief in regard to the citizenship of Japanese; but I understand the whole matter rests upon the decision of a circuit court that they are not free white persons.

Mr. WILLIAMS of Mississippi. This bill has been sprung on us suddenly, and hence I desire to ask another question. I notice the suffrage provision.

Mr. COOPER of Wisconsin. I wish to ask this question: The Supreme Court has decided, has it not, that the child of a Chinaman who cannot himself be naturalized is a citizen of the United States by birth?

Mr. KNOX. That is a recent decision.

Mr. COOPER of Wisconsin. Now, would not a child of Chinese parents born in Hawaii be a citizen?

Mr. KNOX. Undoubtedly, when our laws are extended there.

Mr. COOPER of Wisconsin. Of mixed blood, would not this child be a citizen?

Mr. KNOX. It would. If children of Chinese parents, who can not themselves be naturalized, are citizens, a bastard children of the United States, born in the States, would be citizens.

Mr. WILLIAMS of Mississippi. I desire to call the attention of the gentleman from Massachusetts to the suffrage provisions on page 73 and 74 of this bill. And, by the way, I have no quarrel with them. I think they are admirable in their character—almost a transcript of the Mississippi constitution and tending strongly toward the preservation of white supremacy and civilization in Hawaii.

Mr. KNOX. We are only complimented. [Laughter.]

Mr. WILLIAMS of Mississippi. I notice on page 74 a provision in these States where, by statutory enactment, they were not permitted to serve on the jury. Now, if you by this statute preclude the Asiatics from serving on the jury, has the Asiatic, when he is inquired into, tried and convicted, been tried according to the law of the land?

Prior to registration the person undertaking to vote must have paid a poll tax of $1 for the current year.

Now, if the poll tax could be paid upon the day of the election, or but a very short time in advance, politicians could, of course, in order to legally buy votes by paying the poll tax for those desiring to vote; whereas if the poll tax is required to have been paid a considerable time in advance of the election — nine months in Mississippi — the class of people who sell their votes would hardly be trusted by politicians during that length of time. Hence, I believe we would like to know about how long a time is to pass between the last day on which the poll tax can be paid and the day of the election.

Mr. KNOX. Under one provision which it was proposed to insert in this bill the voter must have paid all his taxes; and he is bound to say that I have no knowledge of the constitutionality of that provision, as I recollect it, the time of registration extends close up to the time of election; but the tax must be paid before registration.

Mr. WILLIAMS of Mississippi. I understand that. What I desire to know is how long before the election the registration closes. This is a very important matter, in order to consummate the election.

Mr. KNOX. That is all in the report that is before you. I will have to turn to it in order to give you the length of time that registration must precede the election.

Mr. WILLIAMS of Mississippi. The object of my inquiry was to get a poll tax, and that is the object of the provision, the payment of which can entitle a man to vote if the payment be made immediately prior to an election, is no safeguard of any sort; whereas if a considerable time passes, it is a very estimable safeguard.

Mr. KNOX. The purpose of the provision of the bill is simply that he shall pay his poll tax prior to registration, and in the report which you have before you, and which I will look at in a moment, the exact time when registration closes is provided. The exact time when he may register is provided there.

Mr. WILLIAMS of Mississippi. And he must pay the poll tax prior to registration.

Mr. KNOX. Yes; he must pay it prior to registration. I agree with the gentleman that allowing the poll tax to be paid up to the time of voting used to be quite a common practice and might be held to be a violation of the Constitution.
power in Hawaii, since the annexation by special legislative enactment, which nobody denies the power of Congress to make.)

Mr. RIDGELY. And if I understand the gentleman, the Asians now in the islands can not come into this country because of their being there at the time this law goes into effect?

Mr. KNOX. That is another question which will arise under the last section. There are some gentlemen in the House who apprehend that under the provisions of the first section of the bill the Chinese may, within a year, obtain their certificates of residence in Hawaii, and that these, when they come into California or Oregon, and take the benefits of the wages and employment they can get there, I do not think, and the committee do not think, that can be done, but there is some doubt about it, and an amendment is to be prepared covering that, and I will say to the gentleman that we entirely agree that that should not be allowed, and provision will be made to prevent it.

Mr. RIDGELY. Another question, and I am done.

Mr. KNOX. Oh, certainly: anything you desire to ask.

Mr. RIDGELY. All who may be born on the islands of Asiatic parents will, by reason of their birth, be entitled to come into this country as citizens.

Mr. KNOX. They will be citizens. That is a decision of the Supreme Court.

Mr. WILSON of Idaho. They would be citizens if born here.

Mr. KNOX. They become citizens if born under this jurisdiction.

Mr. WILSON of Idaho. They would be citizens if born in Washington.

Mr. KNOX. We can not change that.

Mr. RIDGELY. And over 60 per cent of the population of the islands are Asians.

Mr. KNOX. More than half.

Mr. RIDGELY. Then we have a pretty wide open door for the admission of the Asians as citizens of this country.

Mr. KNOX. Let me say to the gentleman that of all the Asians who come over, very few are females. The Chinese come to Hawaii with the intention of remaining a few years and acquiring what is to them, in their own country, a competency and then returning. So do the Japanese.

Their whole purpose, and this is the dream and object of their lives, is to return. I am not giving exact figures, but they are approximate. Out of 50,000 Asians in Hawaii there are not 5,000 females.

Mr. WILSON of Idaho. Will not our Chinese-restriction laws apply to Hawaii as soon as the act becomes effective?

Mr. KNOX. No, they do not.

Mr. WILSON of Idaho. And if the gentleman will allow me to refer to subdivision 6, under the restriction of qualifications of voters for representatives, page 74, I notice a provision that they shall be able to speak, read, and write the language of the United States or the Hawaiian language. I think that is a very admirable provision, and one of a statute of every State in the Union. It is an educational qualification, but I believe it is a new departure in Congressional legislation.

I do not know of Congress ever having made an educational qualification before. I think that will ultimately restrict, perhaps, the voting of the native-born Chinese. I would like to have the gentleman's opinion as to why that provision was inserted in the bill. It being a departure in Congressional legislation.

Mr. KNOX. Well, it was the unanimous opinion of the committee that it was wise, and it was the unanimous desire of the people from Hawaii who were here, who had had experiences and had observed the people there, that the provision should be in the bill. They thought it was a safeguard and the best that could be adopted.

Mr. GILBERT. May I ask the gentleman a question?

Mr. RIDGELY. Oh, certainly.

Mr. GILBERT. I refer to section 1977 of the Revised Statutes of the United States:

All persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and enforce contracts, to sue, testify, inherit property, and the full and equal benefit of all laws—And so forth.

Mr. KNOX. Precisely. The laws of the United States must be the same in every State and Territory to make and enforce contracts, to sue, testify, inherit property, and the full and equal benefit of all laws.

Mr. GILBERT. Why, by this statute all race distinctions are obiterated. Every man is secured the equal protection of this law. By your bill you preserve race distinctions and discrimination.

Mr. KNOX. In what regard?

Mr. GILBERT. As to their political rights. They are in conflict with this statute which I have just read.

Mr. KNOX. But by this statute we are not obliterating the provisions of section 1977 to the people of the Hawaiian islands. It does not apply to their political rights, but civil rights. We take away none of them, and the purpose is to take away none of them.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Kentucky a question, which I think will answer his.

Mr. GILBERT. Well.

Mr. SMITH of Kentucky. Does the gentleman know where any Chinaman in any Territory of the United States can serve on a jury?

Mr. GILBERT. I do not know whether he can or not; but that does not meet the difficulty. The Supreme Court has repeatedly held that where a statute in the United States deprives a colored citizen, or a colored person, of his right to serve on a jury, that is to that extent a restriction of his political rights, and he is thereby deprived of equal protection of the law. I want to know if we can have Hawaiian laws with race distinctions, notwithstanding the court has said that that is a discrimination and that it would deprive them of the equal protection of the law.

Mr. KNOX. The decisions of the Supreme Court of the United States will be equally operative in Hawaii as in any portion of the United States, as to any constitutional right which he possesses. It does not apply to his right to vote.

Mr. GILBERT. I said in the outset that I was asking questions for information.

Mr. KNOX. I fear I can not give the gentleman all the information he desires, but what I can I freely give.

Mr. GILBERT. This bill does not disclose who were citizens in the particular time designated in the bill. Will you please, for my benefit, tell me who were citizens?

Mr. KNOX. All persons who were at the time this bill goes into effect, whether citizens of the Republic of Hawaii and made citizens of the United States and the Territory of Hawaii.

Now, when the republic of Hawaii was formed, four years before the passage of the resolution, of course those there who were citizens under the monarchy were citizens under the republic. As a result of this bill they are citizens.

Mr. GILBERT. Were there any marriages there between Asians and others?

Mr. KNOX. I do not know. That matter was not called to the attention of the committee at all. On pages 8 and 9 of the bill, the matter of the marriage of people of the same race, or the same power substantially as under our own Territorial laws. The secretary of the Territory corresponds to ours; the attorney-general and the treasurer are substantially the same as our own.

In regard to the public lands of Hawaii, the laws applicable to them and the reasons for the provisions for the public lands, the matter of the salary of the commissioner or superintendent of public works, the superintendent of public instruction of Hawaii, the surveyor, the sheriff, and also the appointment, removal, and tenure of office.

The judgment of the territorials and such inferior courts as a legislature may from time to time establish. There is also to be a Federal court, with jurisdiction entirely distinct from the Territorial. It was the unanimous opinion of all before the committee that with the increased demands of Honolulu and the various new questions arising there would be ample business for that court, the court for the islands. The provision in the bill is substantially that of the Territorial jurisdiction which has existed for many years.

Mr. WILSON of Arizona. Will the gentleman be kind enough to tell me on what page the judgment is provided for?

Mr. KNOX. On page 90.

Mr. WILSON of Arizona. The Federal court is provided for on page 90 of the bill. Hawaii is made a customs district and an internal-revenue district.

Now, Mr. Chairman, with these remarks, unless there is something more to be said or inquiries to be made by other gentlemen, I will yield to my friend the gentleman from Pennsylvania [Mr. McALLISTER] such time as he desires or such time as he wishes to yield.
Mr. MCALEER. Mr. Chairman, I do not wish at this time to speak on this bill, but perhaps later on I may say something on the subject. I know many of the members of the board of directors who are anxious to have this bill passed, and I yield to the gentleman from Indiana [Mr. ROBINSON].

Mr. WILLIAMS of Mississippi. Before the gentleman from Indiana begins, I would like to suggest that an attempt be made to frame a bill to take the place of this bill.

Mr. KNOX. I thought that would have to be done in the House. I will say that if there is no objection we will act as if the agreement was made, and when we come into the House again I will ask unanimous consent.

Mr. FINLEY. Mr. Chairman, I will ask the gentleman from Massachusetts to make the request that he made this morning. The gentleman from Colorado was under a misapprehension.

Mr. KNOX. I will do so, and in the meantime we will act as if the request had already been made and granted.

Mr. ROBINSON of Indiana. If the gentleman does not make the request I will do it. The gentleman from Tennessee was going to do it.

Mr. KNOX. Very well, we will follow it as if it had already been granted.

Mr. FINLEY. Mr. Chairman, I would ask if the committee can not now rise and let that agreement be made in the House.

The CHAIRMAN. The Chair is of the opinion that the committee has the power to control the time.

Mr. KNOX. Then, Mr. Chairman, I will ask unanimous consent that the remainder of the time be divided equally between the two sides of the Chamber, one-half to be controlled by the gentleman from Massachusetts [Mr. KNOX] and the other by the gentleman from Pennsylvania [Mr. MCALEER].

And that gentlemen who make remarks have permission to extend their remarks to 8 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the remainder of the time be divided equally between the two sides of the Chamber, one-half to be controlled by the gentleman from Massachusetts [Mr. KNOX] and the other by the gentleman from Pennsylvania [Mr. MCALEER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MCALEER. Now I yield one hour to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, in these troublesome times of acquiring and governing outlying island possessions and efforts at once to sustain the Constitution the interest of labor seems neglected.

I yield to no man a superior right, but I am willing to concede to each an equal interest in labor. The white laborer in this country and the Hawaiian Islands.

Mr. MCALEER. Here we have our opportunity, not by promises, but by performance, not by words, but acts, to show our fidelity to that great cause not only in the Hawaiian Islands but here at home.

I approach this subject of labor in those islands with feelings of sadness as well as of responsibility.

The American Federation of Labor on December 19, 1899, in convention assembled at Detroit, Mich., resolved as follows:

We affirm our previous position on this question, namely, that there must be no slavery or servitude, by ownership or contract tolerated under the American flag, and that we will make anyone whose action shall in any way militate against the freedom or security of any free labor by any legislative action in each State or Territory.

On the 7th day of July, 1898, a joint resolution of the House of Representatives and the Senate was approved by the President. Among other things, it provided that the said Hawaiian Islands and the territories of the United States, and shall be subject to the sovereignty of the United States, and are subject to the sovereignty of the United States. And the said Hawaiian Islands shall not be subject to the sovereignty of the United States unless otherwise determined.” And further, that “the President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall represent the Hawaiian government in such case and shall be the sole and exclusive representatives of the Hawaiian Islands.”

Under this resolution the President appointed Senators CULLOM, of Illinois, and MORGAN, of Alabama, and Mr. HITT, of Illinois, of this country, and ex-President Sanford B. DOLE and Judge W. F. Frear, of the Hawaiian Islands. A hundred thousand dollars was appropriated to carry out the purpose of the resolution. The resolution also provided that “there shall be no further immigration of Chinese into the Hawaiian Islands.”

That commission, after an excursion to the islands, filed their report in December, 1898, and with it presented a bill with their recommendation, which is the same as the bill presented by one of the representatives of the Hawaiian Islands and one of the commissioners of the House of Representatives. Never before has a commission presented a measure to either body with provisions so un-American, so hostile to the genius of our institutions, as the bill recommended by this commission.

The bill before the House is that bill torn to pieces and dismantled by the committee, and, save on the subject of contract labor, it might be identified as American.

This Hawaiian bill nowhere and in no wise protects or encourages American labor; here or there, and this policy is in keeping with the action of the Hawaiian government in bringing the hour to the hour of the admission of the Hawaiian Islands. It is time to call a halt and to make an inquiry.

You of the majority have done nothing, absolutely nothing, to prevent the importation of contract labor into the Hawaiian Islands, because influences that here and there believe they can exploit them for commercial ends—the only motive that moves them—better by contract labor, and I will prove it.

You call caucuses to pass party measures. Why not go to some extent to protect labor and destroy this infamous contract-labor system?

On the contrary, you provide by section 10 of this bill “that all obligations, contracts, and rights of action shall continue to be effectual,” and that “penal proceedings shall be carried on,” etc., which is tantamount to giving to the laborer the money he is due. Are they so inviolate that you dare not put your finger upon them?

This means that 40,000 laborers’ contracts shall be continued in force and that the penal proceedings to enforce them shall continue; that slave men and women shall be imprisoned for failure to perform their contracts; that the laborer shall be liable for damages; that political influence shall exist in the mills and on the plantations; that involuntary imprisonment with a felon’s stripes shall be the remedy for enforcing civil rights between the favored masters of Hawaii and the cringing contract-labor slaves. It means that you would destroy the entire labor movement in the Hawaiian Islands, and the health and prosperity of the white laborer by the by or money in Hawaii. True, the Senate amendment, which I hope will prevail here, strikes these contracts down.

Yielding to the distinguished chairman of the Foreign Affairs Committee, whom none is more popular here or in his State, I yield to the influence of the Wreckers, but I yield with this feeling: The Hawaiian Islands are a property, or are they? I trust that the Department of State that I have designated, will do the best character for probity and good intentions, ability and skill as a lawyer, and as to his colleagues on the commission in the Senate I say the same, yet— I measure my words—these three American forefathers, as commissioners, were seduced and bungled by the Hawaiian government to do a wrong that God is not.

Passing over the winning and dining of the commission over on those delightful islands by the nobles and the government officers, I pass to the result of the inspiration produced, as reflected in their report. First, on page 17, they say:

The question whether white labor can be profitably utilized in the sugar plantations of Hawaii presents no problem. It is impossible to work the islands with white labor a trial, and some of them believe it will prove superior to the labor of either Chinese or Japanese.

S. M. CULLOM, Chairman.

Most remarkable language for an American commission. Again they say in this report, on page 2:

The commission visited several of the most important islands of the Hawaiian group in company with persons representing important agricultural and commercial interests and others representing the government.

Under this influence they found, in the absence of any representatives of labor, that white labor “is yet a problem,” yet not solved, but that some think that white labor will prove superior to “Chinese and Japanese labor.”

Disagreeable as it is, the proof is clear to me that those in power have disregarded the interests of labor. The question of this Government sanctioning the contract-labor system, and will claim, as the proof shows they do claim now, that only by contract labor can Hawaii be worked. It is probably more profitable to work the islands thus, but it remains to be seen whether this Congress will put money above manhood, contract slave labor above free labor. If so, better for labor that those islands never had their rise from the bottom of the sea, or that some volcanic conulsion had sunk them, than that they should have been a part of our territory and be a constant menace to our labor.
by annexing Hawaii we opened up a vast field for the profitable and remunerative employment of American labor.

How changed the picture! Now the commission says, "Some time ago, white labor may be superior to Chinese and Japanese labor."

Analyze the contract-labor system; see the contract laborers stored in steerage like sardines in a box, huddled together, men, women, and children; see them on the plantations, the whole family working. Under contract, the man must work from $15 to $18 a month to pay their passage and board and cloth themselves; see them huddled together in prison for failure to keep their contract, and then tell me whether American white labor can compete in a country crowded by such sentiments and under such conditions. We are doing this, for when the sun shines at midnight and the moon is shining, what do you think we are doing? We are taking the men from the boats in the harbor, and we are sending them to the Islands, and the men who are sent are the men who are sent to work on the plantations.

The population of the Islands in December, 1899, as certified by the report, was: 21,500 Chinese and mixed blood, 26,000 Japanese; 11,000 Americans, 4,000 Portuguese, 15,000 Filipinos, 3,500 British, 2,300 Germans, and other Europeans, 2,000 Polynesians, and miscellaneous, 1,250, total, 110,000. The Japanese and Oriental predominate in numbers. Hawaii has to do with Japan that gave the citizens of the United States the favoring clause of the treaty of 1887, being a "favored nation clause." By the resolution of annexation we struck this down and established our own treaty-relations with Japan. This was the only enforcement of a well-established principle of international law. If we had any treaty with Japan, they would be able to come here and say that they are entitled to the treaty rights of the United States. The party in power has never directed this, nor protected the interest of labor.

Note the number of Chinese and Japanese who have been admitted to our population. Under the annexation, July 7, 1888, thousands of foreign contract laborers have been landing here. The contract laborers in Hawaii, who are not working the land, are working under contract, and are not working as free men, and are paid for their labor, not for any misdeeds or advanced wages.

It could have been done, the Chinese were excluded by a section of the resolution; but it was not the policy of the annexationists. It was not the policy of the administration of Hawaii, or of those in charge here, to do it. In the past, the Island laborers can be cited with the independence worked by foreign contract labor. Those voices which were raised for annexation proclaimed that Hawaii was near to us—she is far enough away, but near enough to infect our laboring men with the pestilence of her labor system. This is the situation:

OFFICE OF COMMISSIONER-GENERAL OF IMMIGRATION.
Washington, February 9, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of 8th instant, and to state in reply that the Japanese have no such treaty rights as you claim, and that the Chinese immigration to Hawaii, for the reason that it is not under the jurisdiction of any treaty, is not subsequently extended over that Territory.

For the information of the Commissioner, Mr. Joshua K. Brown, Inspector at Honolulu, forwarded the following information to the supervising special agent of this Department:

From January 1, 1890, to December 31, 1899:

| Japanese arriving under contract | 4,608 |
| Japanese arriving "free" | 665 |
| Total for fractional part of 1899 | 5,273 |
| From January 1, 1890, to December 31, 1899: | |
| Japanese arriving under contract | 20,589 |
| Japanese arriving "free" | 3,971 |
| Total for year 1899 | 24,560 |
| From August 12, 1899, to December 31, 1899: | |
| Japanese under contract to arrive within the first three months of 1900 | 7,790 |
| Total admitted and under contract to arrive | 32,350 |

This is the data in possession of this office concerning the subject referred to, and it is trusted that it will answer your purpose.

Respectfully yours,

T. V. POWDERLY,
Commissioner-General.

Is it any wonder that the labor interests and organized labor is crying out against this immigration system? Is it not a reflection toward the government? Can they not at least see the future and the security of the future when that government tolerates such a scourge?

Cardinal Gibbons, in his able paper to the Knights of Labor, said:

"It is a question of time, and has come in the world's history when the church should create an alliance with the masses and should aid them in their efforts to make the world a place of usefulness to the people, in order that the best of the world rests on the people."

Sir, some Hawaiians are in this country, representing people and the labor interests, which class, they were, were not represented before the Hawaiian commission.

One is Mr. Robert W. King, who is one of the Islands, who, as an historian, has written a book for six years to a military school in Italy by the name of the Islands, who, as an historian, has written a book for six years to a military school in Italy by the name of King Kalakaua, and the other, Mr. Edgar Cayeple, a lawyer, of Honolulu, formerly of New York, and a graduate of the University of Kansas University. The latter says "that over 22,000 Japanese have been imported into the Islands, and under contract to labor for a term between three and five years."

These contract laborers were brought to Hawaii for the money that is in them. Let us be honest. This editorial of the Washington Post of Sunday, January 21, 1900, which has favored this Administration's policy of annexation, is candid and honest with the laboring masses. It reads:

LET US BE HONEST.

Why can we not be honest in our utterances touching the territories we have recently acquired? Why is it we always take good care to come out frankly with the announcement that we have annexed these possessions in cold blood, and that we intend to utilize the best efforts of all the native inhabitants, and to establish a new nation. If we are to be true to our own ideals, if we are to prevent all this hypocrisy, we ought to be true to the people, and to the principle of justice, to the principle of justice, and to the principle of justice. We are the people, we are the people of the world, and we are the ones who are growing with our growth. We need not go to the West Indies or the Philippines in search of material for our consumption, but we can get it in our own Islands. We can get it in our own Islands, and so we are growing with our growth.

As a matter of fact, we are not concerned in the religious or political uplifting of the Filipinos or the Hawaiians. It is a matter of personal interest. A starchy shirt is a matter of national interest. A starchy shirt is a matter of national interest. We have been told by the Filipinos and by the Hawaiians that they are growing with our growth. We need not go to the West Indies or the Philippines in search of material for our consumption, but we can get it in our own Islands. We can get it in our own Islands and so we are growing with our growth.

Now, after this plain avowal from a competent and reliable source, with the evidence all one way to prove it, it is clear that the rule of the law is being followed, and that there is no attempt to hold the Hawaiian Islands for a like purpose and from like motives. With 40,000 laborers imported under contract and paid by the United States, the Hawaiian government officials after annexation, where the protection to American labor, have been the chairman of the committee on the territories, the gentleman from Massachusetts [Mr. Knox], in January, 1899, by obstruction, and on another occasion by a point of order raised, denied consideration to and prevented the passage of a bill which would have destroyed this noxious system of contract labor. Mr. GARDNER of New Jersey, chairman of the Labor Committee, asked unanimous consent for the immediate consideration of a bill to extend the labor laws of the United States to Hawaii. Mr. Knox (Massachusetts) said: "Mr. Speaker, the bill is not a bill to extend the labor laws of the United States to Hawaii, as shown on page 633, volume 33, part 7, third session of the Fifty-fifth Congress, the bill sought to be enacted then reads as follows:

"Be it enacted, etc., That the act approved February 5, 1888, to prohibit the importation of Chinese labor for the purpose of performing labor in the United States, its territories, and the District of Columbia, and the act approved December 29, 1888, to extend the act aforesaid to the Hawaiian Islands, be, and the same is hereby, extended to the Hawaiian Islands."

The gentleman from Massachusetts [Mr. Knox] a long time after, in explanation of his obstruction to this salutary legislation at that early and opportune time, by voice and by vote, and influence, and by the aid of his friends, said: "This bill is a bill for "deemed legislation," and that his own committee had a bill including other provisions. His committee was then nursing and trying to have considered the bill with the outrageous provisions to which I have referred. But time was the essence of this action in the House, and by his opposition in the House he delayed
and defeated, and prevented the passage through the Senate of a bill of like import which he voted for later, but which reached the Senate too late for passage, though favorably reported by committee.

The Republican party in power then in the House is responsible for the failure, and he is responsible for the failure of a law that would have kept out contract labor from the Hawaiian Islands, for in his hands lay the power and in his party was the power, as it was charged with the duty of legislating against this crying evil.

I will now read the words that came from the chairman of the Committee on Labor (Mr. Gardner of New Jersey) as to the anticipated and evil consequences of that decision:

Mr. Gardner of New Jersey, Mr. Speaker, the facts as officially ascertained in his committee, show that such legislation as this is needed to protect our American laborers, to which he referred in his speech, is necessary to prevent the importation of labor through the Hawaii Islands. The gentleman from Massachusetts says that the bill as introduced in the House was passed while a great portion of the House was out of session, and that the gentleman from Indiana had no opportunity to vote on it. I know the gentleman from Massachusetts has taken this position, but I say, sir, that the gentleman from Indiana had an opportunity to vote on this bill, and he did not vote for it.

Mr. ROBINSON of Indiana. What is the secret? The secret is that the American commissioners were hypnotized by President Dole. Motives are difficult to ascribe, but consequences are easily felt. I know not the real motives and purposes of the gentleman from Maryland. But few would compare the insubstantial nature of the bill before us with the importance of the bill that was to secure the passage of this bill.

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from the date such employment actually begins, and also proper employment for the wife and grown-up children of said laborer.

The said laborer shall be employed for the rate of $8.00 for each month of twenty-six days labor performed, and to his wife and grown-up children, if they desire to work, wages as follows: $2.00 per month for the wife, $1.00 per month for each of the children, and 50 cents per month for each of the aged persons who are unable to work.

All wages paid to the said laborer shall be paid to him in cash, and he shall have the privilege of working either on the lands or in the field, as he may choose.

The duration of this contract shall be three years, and it may be renewed by mutual consent of both parties.

The said laborer shall not be subject to any form of punishment, nor shall he be placed in any place of transportation or imprisonment.

The said laborer shall have the right to choose his own work, and shall not be required to work in the field or in any other place unless he consents to do so.

The said laborer shall have the right to make complaints to the officer in charge of the prison, and shall have the right to appeal to the proper authorities in case of any abuse or neglect.

This agreement shall be in force from the date of signing until the expiration of the term of three years, or until both parties shall agree to terminate it earlier.

In witness whereof, we have hereunto set our hands, in duplicate, at Bremen, the day and year first above written.

TEPER YACOR

R. L. MUNCHEN

These contracts are acknowledged, and across the acknowledgment of Jacob Teper is this record of conviction:

Oahu Sugar Co., Ltd., v. Jacob Teper. Describing contract service. Found guilty and ordered to return to work. Costs: $5.00.

HONOLULU, Nov. 11, 1898.

W. L. WILCOX, District Magistrate, Oahu.

I have read the contract that binds these unfortunate to slavery. They are all alike. They are the same this year as they were last year, and as they will be next year.

Here is the law that has governed since annexation:

SRO. 1888. If any person, lawfully bound to service, shall willfully absent himself from such service, any district magistrate, upon complaint made, and verified, may order him to remain at hard labor until he consents to serve according to law; and if the said magistrate, and if the complaint be maintained, the magistrate shall order such offender to be restored to his master, and he shall be entitled to all the benefits of freedom enjoyed by the said laborer.

SRO. 1895. If any person shall refuse to serve for the term of his contract, his master may apply to any district magistrate where he may reside, who shall be authorized, by warrant or otherwise, to send for the person so convicted, and if he fails to appear within twenty-four hours, he shall be held to remain at hard labor until he consents to serve according to law;

SRO. 1896. The act of absence from service without the leave of his master, or of such master, shall result in the imprisonment of the offender, and the forfeiture of his wages, and for every subsequent offense thereafter the offender shall be imprisoned at hard labor not exceeding three months, and at the expiration of the term, his master shall have judgment and execution thereof against the offender.

This good minister went about and raised funds to purchase the freedom of Teper, who was an Israeliite.

Here is the money paid for the purchase of a slave's freedom:

HONOLULU, HAWAIIAN ISLANDS, July 5, 1898.

Received of Rev. Levy the sum of $120 for release of contract of Jacob Teper, court laborer for Oahu Sugar Co.

H. HACKFELD & CO., LIMITED.

But what became of the other 35 prisoners? They remained in prison till William H. Marshall, of the Sunday Volcano, denounced the infamous system, exposed that one Hackfeld was acting as agent of the sugar planters, and denounced them himself, and as agent for other sugar planters and mill owners.

This worthy representative of the favored Hawaiian system of slave labor, without conscientious compunctions, served in the dual capacity of agent for the slaves who came from that country and as agent for other sugar planters and mill owners.

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He was forced to resign, and his company—the Hackfeld Company, Limited—was finally forced to release these prisoners. Marshall, who rained fire upon these methods and the ones engaged in them, was thrown in prison on some charge to stonks for his offense, and was only able to secure his release by giving an unnatural bond, and on appeal his case stands without hope of trial, but with prospects of dismissal.

Such is the encouragement given to this odious system by those in power officially and otherwise in Hawaii, both before annexation and since.

The encouragement has been given by the same powers that he, down to this very hour.

Three distinct powers have encouraged the importation and use of contract labor in Hawaii since annexation:

First, the minister; Second, the plantation and mill owners; and Third, the United States—Hawaiian officers in stations giving them opportunity to encourage it from Sanford B. Dole down to the most minor officer.

I do not except the judiciary. For proof of these statements I refer to the report of the commission which was appointed by the resolution of annexation, and to the advance sheets of consular reports found in February, 1890, Consular Report, page 233, dated January 15, 1899, containing a report of the sunflower oil, while in Oahu, Hawaii bureau of immigration, J. A. King, president, and Wray Taylor, secretary, and Charles A. Peterson, inspector of immigration, and to the decisions of Judge Frer's and the other judges of all the courts.

The whole official life of Sanford B. Dole has been an endorsement of contract labor. He was one of the commissioners who adopted the laws and the practices of his Hawaiian predecessors. When Dole became a senator, he voted for the United States to pass the sugar labor law to protect labor, and to stop the thousands who have been pouring in at the command of the corporation shipowners and the masters of these islands.

What more was to be expected of the Hawaiian representatives and their commission? President Dole's whole official life under the Hawaiian laws and under the laws of the United States has been intimately associated with contract labor. The other, Judge Frer's career likewise has been a sanction of it even in judicial status, both as Hawaiian judge and as a judge since annexation. These two are a part of an administration under United States officers in Hawaii, and are called the Dole family compact.

Another member of this "Dole family compact" is Minister of Finance S. M. Damon, who, after annexation, imported 17 Italian contract laborers via Canada, and now, through 17 Italians work in Hawaiian sugar plantations. S. M. Damon is a graduate of the University of Honolulu.

Hawaiian dispatches report that early in November President Dole received a letter from Mr. Damon containing a report of his trip to Italy, whose language he speaks, in the interest of contract labor imports, and that his contemplated visit to Fortuna was not enjoyable.

Mr. Damon's connection with this slave-labor system while in official life and since annexation has been open and notorious. It will be remembered that this worthy representative of the contract labor system and of the United States and of Hawaii last November, before he was appointed to the United States, went to President McKinley from Italy. The dispatch said, further, that his resignation was a surprise to the circle of circles in Hawaii. It should not have been. All knew he was engaged in this labor-contract system while he was an official, and if his resignation was a surprise, the surprise has no doubt been the result of this long connection of the man with right to his Honolulu.

Hawaiian dispatches report that early in November President Dole received a letter from Mr. Damon containing a report of his trip to Italy, whose language he speaks, in the interest of contract labor imports, and that his contemplated visit to Fortuna was not enjoyable.

These were the officials of Hawaii who accompanied our American commissioners to find out from the bond how they liked contract labor. It is difficult to conceive, but the report is patent that the Hawaiian people have been hypnotized by the Hawaiians and led away from the disgraceful system of contract labor, child and woman contract labor, and imprisonment and stripped of all their rights for violation of terms of contracts with iron masters, all of which were but slightly touched upon in their elaborate report or passed over altogether. The report of Special Commission on Immigration, printed in 1891, shows that the aversion to disagreeable exposures. The Hawaiian members of the commission, through the American press, pressed upon the attention the un-American slaveholding laws suited only to the system of slavery in those islands.
I am willing to grant an amnesty to the American members of this distinguished juncturing commission if it will do them any good, but can not under the proof grant them an acquittal.

In the report of the Bureau of Immigration of December, 1898, signed by Wray Taylor, our United States Hawaiian attorney, we find the statement that on November 9, 1898:

Applications for 6,925 Japanese laborers were made for this meeting, on the understanding that no more applications were to come in until April, 1899, from the Hawaiian consul, of obtaining permits at this meeting.

Mr. Sewall, who makes the statement that labor conditions in Hawaii, was former minister to the island of Oahu.

The purpose of the following table is to trace an outline and fill in just enough detail to give a correct view and intelligent idea of labor conditions as they exist to-day.

The laborers are Japanese, Chinese, Portuguese, Italian, Hungarian, Hawaiian, and others, is held under contract for three years when they are brought from foreign countries under agreement, and for the same or a shorter period when they are brought from the United States. In the latter case, the contract is not carried on primarily for the purpose of elevating the laborer to the standard of Western civilization and morals any more than other corporations.

I gladly give currency to the recent utterance of Senator Morgan, one of the Hawaiian commission:

We extend over these islands the laws and Constitution of the United States in force there when we entered into contract left standing in Hawaii if it is opposed to the laws of the United States.

But contracts have been made since, and the amendment to the laws of the Constitution of the United States and present form is an outrage upon the Constitution of the United States, for the purpose of importing labor. Those contracts can not be, or ought not to be, the act of any court of law. How can we afford to say that contracts which were made valid, made invalid by the operation of positive law?

Does the Constitution of the United States govern the Hawaiian Islands? In our whole land, or are we part free, part slave—slavery sickened you. How do you think of this interpretation? If the Constitution governs the islands, then strike these contracts down as unconstitutional. Does the Hawaiian constitution, adopted July 3, 1849, govern? Then strike them down as invalid, for it provides that neither slavery nor involuntary servitude shall exist in the United States nor in any of the Territories subject to its jurisdiction.

This confronts you if the Constitution prevails; and if it does not, then it does not protect these labor contracts, and you have every right to do what you think in all things, past, present, and future, by the right of acquisition.

You struck down all treaty rights of Hawaii with other nations and substituted your own. Will you now save its slavery? Do your duty and swing away a plague more dreadful than the bubonic plague is to the people on one of our Hawaiian Islands; more dreadful than the bubonic plague that has swept so many from the face of that country.

Was that refusal to pass a law prohibiting contract labor in Hawaii in last Congress, and so far in this Congress, by the ruling of the Supreme Court of the United States, by the Constitution prevail over our country—over our territory?

If you do this, labor will rise up to plague you, to haunt you, to defeat you. Will our Constitution be the constitution of those islands; of those contract laborers? I do not know; you do not know; no one knows; but this is the chaotic condition created by a departure from our traditions.

Let me describe this contract-labor system in the Hawaiian Islands. It is cheaper and more profitable to the landowners and mill owners than free labor; and as it is encouraged in every form, it unerringly exists and shuts out American labor.

If a corporation—using its agent applies to the government for laborers, and the board of immigration, a government department, then makes application through a Japanese immigration company, that, under the regulations of the officialdom, has a monopoly, the plantation advancing the money, the plantation owning the laborers, the company, which contract is transferable, and thereafter is transferred to the corporations purchasing the laborers. The usual term of the contract is three years, but thousands have been rushed in since the United States controlled the islands whose contracts run from three to five years.

On arrival they are photographed, and a brass tag completes their badge of identification, their badge of slavery, and then they are taken out to the plantation—laborers, indeed.
Shades of Kosuth, Washington, and Lincoln, behold the slavery under the American Constitution, beneath the American flag!

On the plantations of from 5,000 to 10,000 acres, with from 500 to 1,200 laborers on each, are lumnas, or, as commonly called there, "slave drivers." A luna is over from 40 to 100 contract laborers, and he stands over them with a long or loaded whip, docks them, when it suits his fancy, a quarter or a half day, and drives them back and forth to work. A whistle is carried to summon other lumnas to subdue refractory spirits.

If any of the laborers grow refractory at the conduct of the drivers and revolt, the manager telephones some miles to the local attorney, who then swears to an affidavit (invokes the sacred law to enforce slavery) charging the laborers with disobedience, and officers are sent to seize and bind them and drag them into court, before a judge appointed and not elected, and who is a part of the anti-labor Dole officialdom. This establishes a case, and the officers of the immigration and the slave mill and plantation managers enforce these nefarious practices, and the supreme court decides that all these practices are lawful, and decides that they are not in violation of the Hawaiian constitution, that declares that involuntary servitude, except for crime, of which the party shall be duly convicted, shall not exist in the islands.

Once in a while a luna is killed, but oftener a laborer. Conflicts and personal beatings are common.

What is the price they get for submitting to this slavery? For Orientals $15 and for Europeans $18 a month and board and clothes themselves. Wives and daughters and sons are paid as follows: Wives and daughters 20 years old, 40 cents a day; 18 to 20 years old, 35 cents a day; 16 to 18 years old, 30 cents a day; 14 to 16 years old, 25 cents a day; sons, from 16 to 18 years old, 30 cents a day; 14 to 16 years old, 25 cents a day; 12 to 14 years old, 20 cents a day.

To show the power, and self-executing power, lodged in the hands of the masters, it only need be stated that before leaving their countries the immigration company exacts security in money or from friends that the laborer will continue his service, and the immigration company on desertion returns to the master a proportionate share of the guaranty.

The Dole official family compact and the officialdom, under the influence of the immigration and the slave mill and plantation managers, enforce these nefarious practices, and the supreme court decides that all these practices are lawful, and decides that they are not in violation of the Hawaiian constitution, that declares that involuntary servitude, except for crime, of which the party shall be duly convicted, shall not exist in the islands.

What do Americans think of such a judiciary, such officials, such a slavery?

Talk to Americans about a judiciary that supports such practices! It ought to be pulled up root and branch. Get a judiciary that knows the law and will enforce it—one that is free from the controlling influence of officers appointing and officers surrounding.

But, sir, would you expect any decency in politics or fairness in a land that works men and women and children as slaves, imprisons them for debt, where involuntary servitude exists and flourishes? What to be expected from a government of slave owners, slave drivers, slavery apologists?

Let us call upon the press to protect labor against such abuses, on the pulpit to denounce this crying evil, and may we not hope that Congress will crush it out now and forever and its members be held responsible to labor for a continuance of this infamous contract-labor system? [Loud applause.]

Mr. KNOX. I yield to the gentleman from Iowa [Mr. LANE] such time as he may desire.
Mr. THOMAS of North Carolina. Mr. Chairman, by an interesting coincidence the ceremony of the final annexation of the Hawaiian Islands took place on August 12, 1898, the very day upon which the protocol of peace with Spain was signed. The year 1898, therefore, witnessed the acquisition by the Government of the United States of a vast extent of new territory. The Hawaiian Islands, by annexation pursuant to joint resolution of Congress, and Porto Rico and the Philippines by cession, pursuant to the treaty of peace with Spain, in that year became a part of the United States. I believe they are part and parcel of the United States, though the Republican party seems to have some doubt upon that point since its attitude in this Congress on the Porto Rican tariff. These new possessions have necessarily involved our Government in much new legislation relating to their disposition, control, and management.

It was the ambition of Sancho Panza to govern one island, but in the past two years the United States has suddenly become the governor of islands without number, containing populations of such number and such character as the founders of the Republic never dreamed could or would become a part of our territory. Covantes says, in his celebrated history of the renowned Don Quixote, that the faithful squire, Sancho Panza, exclaimed at the termination of his governorship of the island of Barataria:

Since I became a governor and mounted upon the towers of ambition and pride a thousand miseries, a thousand toils, and four thousand disquiets have entered my soul.

I sincerely trust that the people of the United States, having acquired by annexation and cession not only the Hawaiian Islands and Porto Rico, but the numerous islands of the Philippine Archipelago, the island of Guam, and part of the Samoan Islands, may not in the future find these possessions a source of so much disquietude as did Sancho the possession of one island.

It is, indeed, Mr. Chairman, a serious condition which confronts the American people in the possession of this new territory. How we shall govern, how control, how legislate for the people of these islands, as well as for the best interests of the American people, presents to the Congress of the United States and to the Executive grave problems demanding the most careful thought and wisest statesmanship now and in the future. If the present policy of imperialism of the present Administration is to be continued, I am convinced the solution of these problems will be of many years' duration, and perhaps they may be solved only by a material departure from the principles of our republican institutions, or may lead finally to their complete overthrow and destruction.

THE POLICY OF THE PRESENT ADMINISTRATION.

The policy of the present Administration is clearly outlined to be not a policy of legitimate expansion, but one imperial or colonial in its nature, as evidenced by the Administration resolution in regard to the Philippine Islands known as the McEnery resolution, which passed the Senate of the United States on February 14, 1899, by the vote of the Administration party. This resolution is as follows:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

The policy of the Democratic party has been to acquire all territory for the purpose of making the same States and the inhabitants thereof citizens. But the policy of the Republican party, as outlined in the McEnery resolution, is not to make States or citizens; and if not to make States or citizens, what does that policy mean except a colonial system such as exists under the English Government to-day?

I do not believe, Mr. Chairman, we should embark upon any such policy. I do not believe either that we want these people as citizens of this government, or that they will be valuable to us even from a commercial standpoint held as colonies, even if I were in favor of a colonial system. An exaggerated impression has been created as to the benefit to American agriculture and the business of the country to be derived from the acquisition and retention of our island territory. Let us for a few moments, and very briefly, form some conception from history and the most authentic sources of what sort of territory we have acquired in Hawaii and the Philippines.
The people of the Hawaiian Islands, according to the authorities, in their present condition and as a whole, among all our new possessions, are perhaps best fitted for the representative government of a United States Territory. Even in these islands, however, it has been found necessary to restrict suffrage and safeguard by legislation their admission as a Territory.

The Hawaiian group numbers seven inhabited islands and a dozen rocky or sandy reefs and shoals, with a total population of a little over 100,000. In this estimate of population the Japanese laborers imported, since the passage of the annexation resolution (about 20,000) are not included.

These islands are directly in the track of the ocean-going steamers between our western coast and China, and valuable to us for coaling stations, for their trade, and because of their proximity to our coast.

We can easily care for and protect them. A considerable part of the population, composed of the Asiatics—the Chinese and Japanese—and part Hawaiians (mixed Hawaiian and foreign blood) is undesirable; but the native Hawaiians are orderly, peaceable, intelligent, industrious, and have shown steady advancement under the influence of education and Christianity since the advent of the first missionaries from New England in 1820. In the language of the report of the Hawaiian Commission—

The free school, free church, free press, and manhood suffrage have marked their progress. The government of the islands has shown the same progressive development. For sixty years it has been administered under a written constitution. The last constitution was promulgated in 1866.

The trade of the islands with the United States, considering their size and population, is valuable and extensive. According to the best statistics, the exports of the United States to the Hawaiian Islands are valued at more than $10,000,000.

The trade of the islands into the United States is valued at $12,000,000; and, Mr. Chairman, in your general proposition that trade follows the flag, it seems to be true, and if the Hawaiian islands will in the future of the United States, as it already has been, by reason of this extensive trade and the character of the majority of its people.

With the Philippine Islands, however, Mr. Chairman, it is entirely different. These islands, lying as they do about 300 miles from Hongkong in China, and about 7,000 miles from the coast of the United States and the far Orient, requiring as they are now doing, and will continue to do, a large standing army and navy and involving an immense expense, as well as possible foreign complications, can not eventually prove advantageous to our people.

The total number of islands in the Philippine Archipelago is unknown. According to the best authorities they have never been counted, but their estimated number ranges all the way from 600 to 2,000. It is said by Morris in his handbook:

The actual number does not probably exceed 1,300, if every barren rock be included.

The best estimate of the land area in these islands is about 150,000 square miles. Many of them are uninhabited in size, mere rocks in the ocean. Several hundred are large enough to be inhabited. The largest two of the Philippine Islands, respectively the farthest north and the farthest south, are Luzon and Mindanao. As compared in area with the American States, the whole group of the Philippines, according to the best authorities, is of nearly the same extent as the New England States with New York and New Jersey added.

The population, like the number and area of the islands, is equally indefinite. According to the best statistics, the population of the group is variously estimated at from 7,000,000 to 12,000,000. The missionaries made an estimate in 1880 which showed 2,500,000.

The inhabitants of these islands belong to three distinct races, namely, the Malayan, the Indonesian, and the Negro. The Negritos do not number to-day more than 25,000. It is stated in a recent compilation upon the Philippine Islands, made pursuant to a resolution from the distinguished Senator from Massachusetts (Mr. Lodge), Senate Document No. 171, that within a comparatively short time this race of Negritos has completely disappeared from several of the islands which it formerly inhabited.

So far as at present known, the Indonesian race is found only in the large island of Mindanao, the surface of which constitutes about one-third of the total land area of the archipelago. The remainder of the archipelago is occupied by the Malayans, composing the great majority of the inhabitants of the Philippines. These Malayans have intermarried with Chinese extensively, and to a limited extent with Spaniards and other Europeans.

These people, Mr. Chairman, I insist, we do not want and we should not have as an integral part of the American people. We can not and ought not to make citizens of them, and to hold them as colonies is contrary to the genius and spirit of our Government.
April 3, 1900
House
v. 33 (4)
p. 3721-3723

MANIFEST DESTINY.

Are we to sacrifice the principles of the Declaration of
Independence to sell a few bales of cotton or a few bushels of wheat?
Trade is valuable; but, purchased by the sacrifice of the principles of
the Declaration of Independence and of the Farewell Address of
Washington and of the Monroe doctrine, it is not worth the price.

There is a good deal of talk about "manifest destiny" in
connection with the Philippines. I am one of those who believe that
the hand of God is in the affairs of the world. "By His kings
reign and princes decree justice." But I do not believe the hand
of God is in this business. If it is, I fear it is to discipline and
teach us the dangers to our Government from an imperial or
colonial policy. Mr. Chairman, some of the same people who are
honest and most persistent in the assertion that the possession of
the Philippines is a "manifest destiny" are also asserting the fol-
lowing as good imperialist doctrine. An Administration paper
asserts:

"While it may seem a cold-blooded assertion, there is little more to
regret in the death of 10,000 Filipinos than in the cutting down of as many pine trees
in the United States. The American Indian is going the way pointed out by
evolution; the Filipino must follow."

Let us be honest with ourselves and the world in this matter
and admit that we are not altogether animated by humane mo-
atives, that in many respects this question with the present Admin-
istration is not one of humanity but one of profit. In the language
of two of the leading papers of the country, which I quote, it is
evident that it is not all a question of benevolence. A leading
newspaper says:

"There is a good deal of nonsensical talk about humanity requiring us to
keep possession of the Philippines. It is noteworthy, however, that it comes
practically from the same column of the same newspaper that indulges in its own little honest credo.

If we wish to Christianize these people, let us accord them in-
pendence with protection and secure harbors, coal and stations,
trade and commercial advantages, which they will gladly give us.
Let them reimburse us the twenty millions paid Spain, and let us
send to the cross through Christian missionaries. You can never
Christianize any people under the sun by cruelty, by oppression,
or by a shotgun policy. The "manifest destiny" of this great Republic, this nation blessed of God, the greatest
wealth in continuous area, and in population (except Great
Britain, Russia, and the Chinese Empire) is to show to all the
world how a state can exist without great fleets, navies, and standing armies,
and that we are the fonds of liberty, of humanity, of the op-
pressed of every race in every clime under the sun.

FOREIGN ALLIANCES—ADVICE OF THE FOUNDERS OF THE REPUBLIC.

This present policy of the Republican Administration must
necessarily lead to foreign entanglements and foreign alliances—
the very things against which the founders of the Republic warned us.
Thomas Jefferson, one of the founders, gave utterance to these sentiments many years ago:

SEPARATED FROM FOREIGN ENTANGLEMENTS.

Separated by a wide ocean from the nations of Europe and from the polit-
cal interests which entangle them, with productions and wants which render
our commerce and friendship useful to them and theirs to us, it can not be
the interest of any to assail us nor ours to disturb them. We should be most
unwise indeed were we to cast away the singular blessings of the position
in which nature has placed us, the opportunity she has endowed us with of pur-
chasing at a distance from us the means of securing the happiness and
happiness, of cultivating general friendship, and of bringing collisions of
interest to the unjurisdiction of reason rather than of force. How destructive, then,
must it be in a government like ours to see its citizens adopt, individually,
the views, the interests, and the conduct which their country should pursue,
disturbing themselves with the passion and partiality of useful friendships and to embarrass and embroil us in the calamitous scenes of
Europe.

The following sentiments of the Father of his Country are also
applicable, it seems to me, to the present situation:

MAXIMS OF GEORGE WASHINGTON—THEY WERE UTTTERED A HUNDRED YEARS AGO AS THEY ARE AS APPLICABLE NOW AS THEN.

Separated as we are by a world of water from other nations, we shall, if
we are wise, surely avoid being drawn into the labyrinth of their politics
and involved in their destructive wars. America may think herself happy in having the Atlantic as a barrier.

THE TRUE POLICY OF AMERICA.

The great rule of conduct for us, in regard to foreign nations, is to have
with them as little political connection as possible.

A SAFEGUARD OF NATURE.

Kindly separated by nature and a wide ocean from the exterminating
havoc of one-quarter of the globe; too high minded to endure the degrada-
tions of others; possessing a chosen country with room enough for
all of us; child of the age not born in sin, the offspring of the
ascendants to the thousandth and thousandth generation; entertaining a due
sense of our equal right to the use of our own faculties, to the acquisitions of
our own industry, to the honors and confidence of our fellow-citizens, re-
quiring not from birth, but from our actions and our sense of them; * * * * *
with all these blessings, what more is necessary to make us a happy and a pros-
perous people? Still one thing more, fellow-citizens; a wise and frugal govern-
ment, which shall restrain men from injuring one another, shall leave them
otherwise free to regulate their own pursuits of industry and improvements,
and shall take not from the mouth of labor the bread it has earned. This is
the true policy of good government, and this is necessary to close the circle of
our felicities.

The following utterances apply especially at this time to the
tendency toward too strong a British-American alliance:

A passionate attachment of one nation for another produces a variety of evils. The emoluments facilitate the formation of fictitious
interests in cases where no real common interest exists and, in-
fusing into one the enmities of the other, betrays the other into a participa-
tion in the quarrels and wars of the power which actuated or
justified the formation of the fictitious interest.

WE WANT AN AMERICAN CHARACTER.

I can most religiously aver that I have no wish that is incompatible
with the dignity, happiness, and true interest of the people of this country. My
ardent desire is, and my aim has been, to comply strictly with all our engage-
ments and promises to the respective States free from politi-
cal connections with every other country, to see them independent of all
and to render them as independent as possible. I propose to give the powers of Europe may be convinced we act for ourselves and not for
others. This, in my judgment, is the only way to be respected abroad and
to be respected at home. If we enter into commercial connexions with France (or any other country), create dissensions, disturb the public tran-
quility, and destroy, perhaps forever, the cement which binds the Union.

We are against the insidious wiles of foreign influence (I confide you to believe me,
fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most
foes to American liberty.

Excessive partiality for one foreign nation and excessive dislike of another
cause them who feel it to act as spies or agents for the one side, and serve to
neutralize, and even to second, the arts of influence on the other.

ABANDONMENT OF THE MONROE DOCTRINE.

This new policy of imperialism in spirit is furthermore an abandonment
of the doctrine enunciated by President Monroe in his message to Congress, stating his Administration, well known as the "Monroe Doctrine." The aban-
donment of this doctrine, as enunciated in the message, is as follows:

The occasion has been judged proper for asserting, as a principle in which
the rights and interests of the United States are involved, that the American
Continent, with the exception of those parts which have thereby
assumed and maintained, are henceforth not to be considered as subjects for
colonization by any European powers. We owe it, therefore, to candor and
justice to the European Powers to declare that we should consider any attempt
on their part to extend their system to any portion of this hemisphere as dangerous to our peace
and security.

With the existing colonies or dependencies of any European power we have
nothing to do; but with the governments which have declared their independence
and maintained it, and whose independence we have, on great consideration and on
just principles, acknowledged and maintained, we have always pretended to
nothing but the disinterested wish of establishing and maintaining them in
controlling in any other manner their destiny, by any European power, in any
other manner than as a manifestation of an unfriendly disposition toward the
United States.

If we involve ourselves in foreign complications and the affairs of
nations upon the European and Asiatic continents, necessarily
we will be driven step by step from an adherence to this doctrine,
enunciated by President Monroe, which has enabled us to main-
date the peace of this hemisphere and added to our strength among the nations of the earth.

THE COST OF IMPERIALISM.

Mr. Chairman, the cost of this present policy of the Adminis-
tration, the cost of imperialism, is growing gradually greater year
by year. I desire to submit, in connection with my remarks upon
this subject the very carefully prepared and full, while brief,
statement of the distinguished gentleman from Tennessee [Mr.
Richardson], made a few days ago in the House, showing the
cost of imperialism—showing that we have had an annual increase
of our expenses under the policy of imperialism pursued by President McKinley of more than $800,000,000 per annum since the Spanish war, including the appropriations for 1901:

<table>
<thead>
<tr>
<th>Appropriations</th>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For fiscal year ending June 30, 1898</td>
<td>$469,049,010.41</td>
<td></td>
</tr>
<tr>
<td>For fiscal year ending June 30, 1899</td>
<td>$605,056,647.72</td>
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A total for the two years is $1074,105,658.13

This was an average each year of $537,052,829.07

Now take appropriations for fiscal year 1899

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<td>For fiscal year ending June 30, 1900</td>
<td>$674,932,022.29</td>
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Take the estimates and appropriations for 1899

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<th>Appropriations</th>
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The total for the three years is $3,582,063,178.78

Or an average each year of $1,194,049,130.61

The average per year before the Spanish war was $474,218,627.12

Which shows an annual increase of $719,830,503.49

Or about an increase in three years over what the appropriations would have been, but for the changes from a republic to an empire, of over $800,000,000.

Objection is made by Mr. Chairman, by those who favor the Administration policy to the use of the words "empire" and "imperialism." They claim imperialism behind the catch phrase "expansion." I am not an anti-expansionist, but I am opposed to imperialism. And when the Republican party repudiates the doctrine, as it has done in Porto Rico, that where the flag goes the Constitution goes, it becomes a colonial policy, that is imperialism pure and simple, to which I am opposed.

THE MEANING OF THE ADMINISTRATION POLICY.

To summarize, Mr. Chairman, the permanent retention of the Philippines means a total departure from the past theory and practice of our Republican for the sake of trade with these islands, China, and Asiatic countries, the advantages of which have been greatly exaggerated.

It means the subjugation and forcible annexation of our former ally.

It means not a legitimate, homogeneous expansion, but, according to the McKinley resolution, the English colonial system or a similar system.

It means that the spirit of gain and commercial greed, the lust for gold, is to overspill our republics with the same belief in their superiority and their integrity, only to find that the end was disaster and the destruction of a republican form of government.

Mr. Chairman, the President asks: Will who haul down the flag?

I reply, none but the same people who alone have the right to understand what it means to over our new possessions—the free people of this great Republic.

But the people—the representatives of the people in the Congress of the United States—may and should haul it down if ever it becomes the emblem of conquest or oppression.

By pursuing a policy like this, by observing the adomitions of the founders of the Republic, by maintaining the integrity and purity of our government, we shall attract, in any part of our country, except in the spirit of love and reverence and loyalty, and float over them always by their free consent.

Mr. KNOX. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. Mondell] such time as he may desire.

Mr. MONDELL. Mr. Chairman, I congratulate the Committee on Territories on the result of its patriotic, earnest, and painstaking efforts in connection with the bill which it now presents for the consideration of the House "for the government of the Territory of Hawaii." I congratulate the people of the new Territory on the prompt passage of the early passage of this bill, which will give them the long held for, and much needed legislation as an American Territory.

I congratulate our common country on the provisions of this bill as an earnest and a promise of the wise and patriotic manner in which Congress is expected to deal with the questions of government in our new enrolments, as evidenced by this legislation for our first insular territory.

Fortunately for us, some of the important questions which must necessarily be met and courageously decided with reference to our domestic policy do not present themselves in the consideration of this legislation to the degree of departure from our Territorial legislation in the past. This fair daughter of the Republic came into the family circle, the legitimate offspring and growth of Christian, American influences, coming into being, as it were, most of whom have had some experience in the exercise of the civil functions of the Tabu.

American missionaries three-quarters of a century ago landed on the islands at an opportune moment, when, by some mysterious movement in the law of racial evolution, the natives were in the direction of diminishing their ancient superstitions, carried to them the merciful dispensation of the gospel to succeed the cruel, barbarous reign of the Tabu.

The native Hawaiian did not escape the effect of that seemingly inexorable law of fate which attends the first contact of barbarian savagery with Christian civilization. The missionaries were not the only white men who visited their islands, and while the missionaries brought the best features of civilization, the whaler and the adventurer brought the worst, and, unfortunately, the better influences were not powerful enough to overcome these evil influences and to correct the constant decrease in the numbers of the splendid race who were the objects of their visits. But the better influences, while not the most powerful at all times, have been the most insistently applied, with the result that the remnant of the native Hawaiian race has made notable progress in all the arts of civilization, is almost universally possessed of a Catholic faith, and is the principal object of the many splendid qualities which have ever characterized them.

It is to the credit of the early missionary influences that next to the unswerving loyalty and devotion to his hereditary chieftain, which has always characterized him, the Hawaiian has continued to the great Republic and which, in my opinion, is always a stronger bond of unity between native and foreign born than ever was the government which was evolved from the old feudal system and which passed by regular and generally orderly changes through successive stages of despotic, limited, and constitutional monarchy, and finally emerged by bloodless and inevitable evolution into a Republic.

To the men in the island of American birth and American parentage, and not only to them, but to many others, who, through their influences, had learned to value our institutions and look to us for defense and development, the final raising of the Stars and Stripes, and the recognition of our present status, the palace of the Kamehameha's, was the consummation of a long, earnest, and unselfish effort to be brought within the protection of the banner of the free, an earnestly longing-for "coming home."

The committees in its bill provides for manhood suffrage, with all its good results, and it will doubtless be the general pleasure of the people of the island to see that its population do not contain a great majority of male citizens, but exclude Asians from that privilege. This is a change in the original bill, which contained a property qualification for the voters for Senators, and in my opinion the change is a wise one. It is wise, first, that it puts all electors on an equality; and, second, because, in my opinion, there is no condition in the Hawaiian Islands which has been a greater departure from our former Territorial legislation as is contained in a provision for a property qualification of electors.

It is true that some patriotic and intelligent men, both here and in the islands, consider a small property qualification necessary.
for the maintenance of a safe and stable government, and I do not pretend to say that a thirty days' sojourn in the islands better qualifies me to judge on this point than those who have thorough personal knowledge of them. But as a member of the House of Representatives, I made this proposition to deprive those who are able to read and write and therefore inform themselves, and who have had a reasonable training by participation in or by actual contact for a considerable length of time with the institutions of self-government, of the right to exercise the elective franchise for the reason that they have not the Angus-Capitain-Svensen ancestry. It is pointed out by those who desire to restrict the franchise in Hawaii that the number of Caucasians in the islands is but a fraction of the entire population, as though upon our race rested the entire responsibility of government there; and those who hold this view seem to regard the smaller proportion of the British, French, and Scandinavian parentage as the saving remnant, the leaven which must be depended upon entirely to leaven the whole lump of Hawaiian citizenship.

I should feel much discouraged about the future of the new Territory did I share the views of those who imagine that the political weal depended entirely upon this restricted contingent of her citizenship, though I am willing to admit that undoubtedly the great proportion of her leaders in all matters, for the immediate future at least, will come from these latter classes, and for the comfort of those whose faith in the future of the island is pinned solely to its Anglo-Saxon citizenship. I wish to bear testimony to their high character and intelligence. Without exception, they are people of education and refinement, of industry and force, of energy and of high ideals, and I think I can also safely say, generally, of earnest piety. The new Territory of Hawaii seems to have been the haven of those of Anglo-Saxon birth who have been driven away from the United States, but the families of the first missionaries, from which has sprung and to which has been added traders, planters, professional men, and latterly a liberal sprinkling of staid and young Americans, rich only in honest character and unselfish devotion. I wish to bear testimony to their high character and intelligence.

Such is the character of the men whom we all admit are the first line of defense, the strongest bulwark of the Territory. While all this is true, those who fail to appreciate the sterling qualities of the 7,000 representatives of the Latin race who came to this shore first as contract laborers but a few years ago from the Azores mistake greatly the character of the people upon whom they pass judgment. I know no people who in the same length of time have so much improved their conditions as have these Portuguese, and I give more credit to this for their good qualities than to any advantageous conditions which have surrounded them.

They are the best gardeners and small farmers in the islands, and their little farms are scattered over every island from Hawaii to Niihau. They are mechanics in the towns, the machinists, engineers, and teamsters on the plantations. Their little homes each with its garden spot, luxuriating with its flowers, produces of the orchards, models, and their young men eagerly seek the advantages of the splendid school system there established. A people who seek education, till the soil, learn trades, and have good homes can be depended upon anywhere to maintain the institutions of free government.

This is the principle which we shall create will not have to depend on the maintenance of the institutions which by this legislation we perpetuate, rather than establish, by any means wholly upon aliens to rear our soil or their descendants. Her native sons of the aboriginal blood will furnish the majority and by no means the least desirable element of her electorate. There is a loyalty and a devotion to the flags of their fathers are and will be no less loyal to the great Republic whose honored citizens they now become. It is but, natural and in fact commendable in them that they cling tenaciously to the monarchy, even when it had become a shadow of the authority of their race over the land of their birth and affection. Let us remember that though barbarians they were not savages when the first white man's bark approached their shores. The ruins of their temples and the water courses hewed from solid rock are still eloquent reminders of their skill and industry. With the first Portuguese and Spanish came the fruit trees, their kulaeans, or homesteads, in a high state of cultivation dotted the lowlands and extended high up the hillside, made verdant by ingenious and laborious irrigation, and their cunning handicraft fashioned from the woods and fibers of the land clothes and utensils of utility and beauty; endowed by nature with splendid build and features, a kind of self-confident and, under proper incentive, industrious, always venturesome and seldom vicious, they possessed, even as a primitive people, many of the virtues which other races have only attained after centuries of civilization and have now comparatively few of the vices that ordinarily characterize a primitive people's contact with civilization.

Thanks to a good school system and a laudable ambition to secure an education, illiteracy is rare among them and many members of the race have distinguished themselves in business affairs, statesmanship, and in the professions. Their young men and women will compare favorably with the young men and women of the country, and pay the large part of their great and of manner race may well take lessons. In working out the future destiny of their country they will perform an important and honored part; if I mistake not, a more important part than they performed even under their native monarchical form of government.

The committee very wisely, in my opinion, amended the original bill by providing for the appointment of the judges of the supreme court by the President of the United States instead of by the governor of the Territory, as provided in the original bill; and I am of the opinion that the committee would have done well to have also provided for the appointment of the judges of the circuit court by the President of the United States, providing, as in the case of the judges of the supreme court, that such judges should be citizens of Hawaii.

I know of no reason why we should depart from the established custom in other Territories in this respect; in fact, I believe there is no reason to believe that the Hawaiian Territory will be any more desirable for settlers than the Territory of Washington was for those who were driven from the United States, and that those men who are appointed to these positions should be citizens of the United States and not of the Hawaiian Territory, and fear the tendency to the consolidation of authority which might result in leaving those appointments in the hands of the governor.

It is with somewhat of reluctance that I call attention to one amendment made by the committee in the bill, which I understand was given careful consideration, but which I believe is neither wise nor necessary. I refer to the proviso in section 79 of the Hawaiian Act, that the Interior Secretary should be responsible for all transactions under the public-land laws, with the power to confirm, reverse, modify, suspend, or annul.

From a somewhat careful though, I admit, hurried investigation of the Hawaiian land laws and their workings, I am of the opinion that the present land laws of the Territory are better adapted to the conditions of the islands as a community than any other system of legislation and, improvement of their public domain than are the land laws of the United States to-day, under the conditions existing, to bring about the same results here. I believe these land laws have been honestly and, in the main, wisely and intelligently administered, and the experience of the individual man who had the wisdom to enact wise laws and who have satisfactorily administered them should be trusted to continue the administration of those laws, unhampered by a supervisory authority 5,000 miles distant, which can not, in the very nature of things, judge accurately of the equities or give proper weight to the testimony in real-estate transactions. The Hawaiian laws and conditions essentially distinguish from those existing here.

This legislation marks the beginning of Territorial government for insular possessions and is not necessarily a criterion for legislation for other territory, and in view of the much discussed question of a tariff, Puerto Rico is an example of the way in this country to secure the attention to the fact that nearly 40 years ago Congress legislated for these islands over which our sovereignty unquestionably extended and provided that its people should pay on goods shipped to our ports not 10 per cent or 25 per cent but 100 per cent of our tariff rates, and that our merchantmen should have the right of a monopoly, which was the absolute prohibition of the establishment of foreign trade which are still in force and will be until this bill becomes law.

If the question is a constitutional one, how is it that it did not apply to Hawaii as well as to Puerto Rico, if one of policy, and it be desired to change the policy, how is it that it did not apply to Hawaii? Can it be said we owe more to Puerto Rico than to the people of these fair isles, the only people who have voluntarily brought their territory under the flag in all our history? This legislation meets the expectations and expectations, I believe, of those for whom it was enacted, and in my opinion is admirably so far from the desirable course of action at our hands for them, became freely, voluntarily, and gladly part of our territory. Every American citizen should rejoice that our flag waves over these beautiful islands: that here, at the meeting place of the thronging trade and commerce of the Pacific, where the Orient meets the Occidental, the trade of the Orient, the trade of the Occident, the growth of prosperity, and liberty which ever abides beneath the banner of the free. [Applause.]
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 in the chair.

Mr. MCNAIR. I yield thirty minutes to the gentleman from Ohio [Mr. MCDOWELL].

Mr. MCDOWELL. Mr. Chairman, two years ago, when the proposition of annexing the Hawaiian Islands to the United States was before Congress, I was opposed to annexation for what, in my judgment, seemed very good reasons.

First, annexation was desired by a very small proportion of the inhabitants of these islands, and these few desired it for selfish and mercenary purposes. It was the "Dole oligarchy" or "family compact" that had usurped all power to itself and now desired to be perpetuated in power under the protection of the United States.

Second, I believed, as I now believe, that by making these islands a part of the United States we bring the cheap Asiatic laborer into direct competition with the American laborer. To bring under our own flag 40,000 Japanese contract laborers and 25,000 Chinese contract laborers means to limit to a considerable extent the opportunities of our own American laborers.

Later developments and conditions confirm very strongly my first views on this subject.

But annexation is an accomplished fact, and we are now confronted with the problem to provide a good Territorial form of government for the islands. I am gratified to say that it seemed to be the unanimous idea of the Committee on Territories, of which committee I have the honor to be a member, to give the Hawaiian Islands a government similar to that given to other acquired Territories of the United States. To my knowledge no member of the committee even suggested any discrimination in the commercial intercourse between the United States and the islands, or "taxation without representation." However, it has been intimated that some imperialistic amendments may be proposed to the bill while it is under consideration in the House.

BAD FEATURES OF THE BILL REPORTED BY THE COMMISSION.

The annexation resolution was approved July 7, 1898. As provided by the joint resolution annexing the islands, the President appointed five commissioners to recommend to Congress such legislation concerning the Hawaiian Islands as they might deem necessary and proper. The Hawaiian commission consisted of Senators JOHN T. MORGAN and SHELBY M. CULLOM and Representative ROBERT R. HITT, of the United States, and Sanford B. Dole and W. F. Frear, the two latter being residents of the Hawaiian Islands. The commissioners met at Honolulu August 18, 1898, and at the beginning of the last session of the Fifty-fifth Congress the President of the United States transmitted their report to Congress.

Among things recommended in this report was "a bill to provide a government for the Territory of Hawaii." A reading of the bill recommended by the commission would lead any patriotic American to declare that it was not the product of the brain of any American statesman or legislator. My first impression was that the Hawaiian members of the commission had hypnotized our own distinguished members of the commission. The more I studied the bill the more confirmed was my conclusion in the matter. I had heard that the members of the "Dole family compact" were skilled in the arts of diplomacy and strategy; that they easily controlled, for their own selfish purposes, the kindly, friendly, liberal, affectionate, and confiding native Hawaiians. Yet I had confidence that our own able members of the Hawaiian commission would be able to withstand their wiles and cunning.
I do not believe that there was ever a bill to provide a government for a Territory presented to the American Congress more un-Democratic, un-American, and unprecedented than House bill 2975 in its original form. I doubt if the distinguished chairman of the Ways and Means Committee, without a very painful (Payneful) effort, could produce a bill more "unRepublican, un-American, unwarranted, unprecedented, and unconstitutional" than this bill. [Applause.]

I invite the attention to a few of its most pernicious provisions:

The governor and the secretary of the Territory were to be appointed by the President. The governor should appoint the judges of the supreme court, judges of the circuit courts, and all other officers of the Territory except the members of the legislature. The supreme judges were to be appointed for life, or during good behavior.

The supreme court was to be the judge of the qualifications and elections of the members of the legislature. No one was to be eligible to election as a senator, nor could anyone vote for a senator who did not have property to the value of $2,000, or an income of not less than $1,000. This meant the continuance of an oligarchical form of government in the Hawaiian Islands. The governor could make and control the courts. The supreme court could make and control the legislature. The governor and his favorites would have a corner on the public offices. The commission framed a bill under which it would be possible for anyone outside of the "Dole family compact" to hold a public office in the Territory. It is reported that every officer under the Dole regime is grandfather, or father, or father-in-law, or uncle, or brother, or brother-in-law, or son, or son-in-law, or nephew, or cousin, of some other public officer. The persons who have been in control of affairs in the Hawaiian Islands of late years are called "missionaries"—improperly so. There is evident need of the instrumentality of the genuine missionaries to remove the selfishness from the hearts of these people and make them more Christian-like. [Applause.]

Who ever heard of the judges of any Territory of the United States being appointed for life? The bill framed by the commission provided that the present incumbents of the supreme court should continue in office until their respective offices became vacant, which would be by death or impeachment, and then their successors should be appointed for life or during good behavior. It may be proper to remark that one of the supreme court justices was a member of the Hawaiian commission and a member of the committee to consider and report on the judiciary. He evidently believes that "self-preservation is the first law of life."

The Committee on Territories has amended the bill, with the view of eliminating the objectionable features already pointed out. The chief justice and the associate justices of the supreme court are to be appointed by the President, and for a term of six years, instead of for life or during good behavior. The judges are not to have jurisdiction over elections and qualifications of members of the legislature. The property qualification provision has been stricken out. We believe that all these changes are in the interest of a good government and a popular government in the Territory of Hawaii.

The commission's bill provides that the public lands of Hawaii shall be under the control of a land commissioner appointed by the governor. This might afford an opportunity for land grabbing and favoritism in the sales, grants, and leases of lands. After the annexation, the Dole administration proceeded to dispose of large tracts of the public lands, and it became necessary for the President to put a check to this wrongful procedure by an Executive order. An amendment to the bill very properly refers the administration of the sales, grants, and leases of the public lands of Hawaii to the Commissioner of Public Lands here in Washington.

LABOR CONDITIONS IN HAWAII.

The labor conditions in Hawaii are disastrous to the best interests of the American laborer. The sugar planters, the rice growers, the mill owners, and others have been for years importing the cheap oriental labor. The contract-labor system is in vogue.

Since the date of annexation it is estimated that the wealthy syndicates have brought to the islands from 27,000 to 30,000 Japanese contract laborers, under contracts of three to five years. More than one-half of the population of the islands is made up of Chinese and Japanese. There is no opportunity for the American laborer in the Territory of Hawaii. He would be brought to starvation in competition with the cheap Asiatic laborer. The American laborer at home must also feel the harmful effect of the competition of this oriental labor. The acquisition of the Hawaiian Islands has not enlarged the opportunities of the American laborer, but it will make it harder for many of them to gain a livelihood.

Asiatic laborers are paid $15 per month and European laborers $18 per month. What will the American laborer, brought into competition with this cheap labor from the East, say of the party responsible for this condition of things?

The commissioners in their report to the President, on page 189, say:

That as a commercial or business proposition the matter of the employment of cheap labor, imported from various lands and countries, became the important subject of Hawaiian consideration. The large profits resulting from the cultivation and manufacture of sugar where inexpensive Asiatic labor was to be obtained produced the legitimate result of aggregating capital in large amounts for the purchase or leasing of sugar lands, where this class of labor could be employed most profitably.

The facilities which existed under the Hawaiian monarchy for obtaining grants, concessions, and leases of government lands were availed of by speculative favorites and others, and large plantations by wealthy planters instead of small holdings by industrious heads of families became the rule upon the islands.

Notwithstanding the fact that the President and Congress were apprised of the contract-labor system in the islands and the system of farming by corporations, for almost two years the Hawaiian Islands have been under the American flag and not a thing has been done to check the progress of these un-American systems. The number of contract laborers has been greatly augmented during the last year more than 25,000 Japanese contract laborers have been imported into the island. Several hundred acres of land have been leased to the sugar syndicates. Why has it been allowed? Why has it not been stopped? What have the commissioners of the Hawaiian commission done to explain why these things have been permitted to be done? Why this delay in legislating for the Territory of Hawaii? We had the report of the Hawaiian commission sixteen months ago. If it was ever of any value as an index as to what should be done it was as useful in the last session of Congress as in this. It certainly has not improved with age.

Perhaps there was method in this long delay. Up to the outbreak of the war with Spain the annexation of the Hawaiian Islands was considered hopeless. It had failed to be done by treaty ratification in the Senate. The Speaker of the House, and certainly a majority of the members, were strongly opposed to the proposition of annexation. But the leaders of the Administration took advantage of the situation in war times, when enthusiasm and not judgment controlled the action of many, and urged the annexation of the islands as a war measure. A majority of the members yielded to the deception. Now, annexation came rather unexpectedly. The large corporations of the islands were taken by surprise, notwithstanding they desired annexation. They needed time to import many thousands of contract laborers before Congress would legislate for the islands. It would seem that the
former Republican Congress and this Republican Congress have been very considerate of the interests of the sugar syndicates of the islands.

What have we secured by this acquisition of territory? Let me enumerate some of the most tangible things: Forty-five thousand Japanese contract laborers; 23,000 Chinese; 15,000 Portuguese; 1,000 Spanish and 3,000 Italian lepers; the bubonic plague; a class of political speculators who were planning to have an oligarchy under the protection of Uncle Sam.

Your committee has endeavored, so far as possible, to frame a bill that would rectify many evils existing in these islands. But there are very many bad conditions which cannot be changed by legislation. Only time itself will make many desired changes possible. It will be a long time before the conditions of the islands will afford any remunerative employment to any considerable number of American laborers.

The bill, if not amended, is more dangerous to the labor system and the land system. We should legislate now to prevent the enforcement of contracts under the contract-labor system, no matter whether the contracts were made heretofore or shall be made hereafter. We want no semi-slavery or servitude among the American farmers and we do not want rice growers, and mill owners of Hawaii to understand that they are under the Constitution of the United States and that they must respect our laws. I shall favor the following amendment to section 10:

Amended. That no suit or proceedings shall be maintained for the specific performance of any contract herefore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any contract, or for recovery of any suit or proceedings instituted solely to recover damages for such breach.

There should also be specific legislation to put in force the laws of the United States prohibiting the creation or continuance of low leasehold estate on the sublime portion of all the public lands as a part of the heritage of the people. The commissioners in their report, in speaking of this subject, say:

"The large holdings of land have become larger, and the small ones have become smaller, and are being absorbed. Thus the prime object of American citizenship, the making of homes and the complete development of the family as the unit of our social system, seems to have been lost sight of in the Hawaiian Islands."

HAWAII AND PUERTO RICO.

It seems that Hawaii is to fare far better at the hands of the American Congress than poor, starving Puerto Rico. It would seem to me that a prosperous state man from New York, or a profound expounder of the Constitution from Pennsylvania, or an Athenian lawyer from Ohio to tell why this should be. The Committee on Territories has tried to do its "plain duty" in this matter, guided by the injunctions of the Constitution and the promptings of the sense of justice, honor, and right. No tariff customs are to be imposed on products coming from Hawaii into this country or on products going from this country into Hawaii.

There will be free trade. It is unfortunate for the Puerto Ricans that the matter of legislating for them was not referred to the Committee on Territories.

It seems to me that the Andrew Jackson Resurfacing of our own Mr. Jackson's amendment to the members of this House that I can safely count a majority of our committee in favor of free trade with Puerto Rico, and the others, I believe, are open to conviction without any sugar-coated, tobacco-steepled, or run-soaked influence. [Applause.]

Had the legislation for Puerto Rico been intrusted to the Committee on Territories, no doubt the Republican party would have been saved from the sorry predicament that it is now in. The President's recommendations as to our plain duty would have been freely and readily adopted. The question is whether we are to be held from the humiliating position in which he is now placed. How distressing it must be to him to be misrepresented by his friends! How harassing it must be to him to note the contradictions of those who profess to speak for him!

The Washington Star of March 57, a consistent and ardent Administration paper, speaks thus editorially:

"The President has, in his annual message, made recommendation to Congress, and that calls for legislation. The people expect and demand legislation. If, therefore, Congress shows itself incapable of action, what is more likely than that it will do something that may ultimately be of more benefit to the people than the present system of a House next intrusted to do what the country manifestly wants done, that to do which the President's recommendations as to our plain duty would have been freely and readily adopted. The question is whether we are to be held from the humiliating position in which he is now placed. How distressing it must be to him to be misrepresented by his friends! How harassing it must be to him to note the contradictions of those who profess to speak for him!"

Mr. Mcaleer. I yield thirty minutes to the gentleman from Mississippi [Mr. De Armond].

Mr. De ARMOND. Mr. Chairman, there are a few features of this bill to which I desire to call the attention of the House. One is the concluding section with relation to the Chinese now in Hawaii. It provides:

"The Chinese in Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May 2, 1882, and also "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States, and other purposes,' approved February 15, 1870." The Chinese may not be denied naturalization."

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Everyone is aware, I suppose, that the Hawaiian Islands are of the same race that are in Hawaii. The number of people of that race were there when those islands came under the dominion of the United States, and that great hordes of Asiatics have been imported since.

All here are also aware, I suppose, that a few short years since a conflict shook this country, and especially the Pacific slope, over the menace of Chinese cheap labor, and that it was thought necessary that legislation, extremely drastic and denounced by some as uncivilized and cruel, should be reorted to in order to deal with the Chinese problem and exclude the competition that threatened our white domestic labor.
Now, according to this bill, as I understand it, we are providing that great numbers of Chinese, resident in the Hawaiian Islands, not only of that race, but others who were born and reared in the Hawaiian Islands and there, without reference to what the islands are, without reference to the people who inhabit them, and without proper care to prevent those islands from being overrun, while under our own control, with the most undesirable class of Asians, shall have a claim to the exercise of such rights as would enable them to erect a national government, to change the constitution of the islands, to alienate the property of the state, to dispose of the lands here and there, without reference to what the islands are, without reference to the people who inhabit them, and without proper care to prevent those islands from being overrun, while under our own control, with the most undesirable class of Asians.

And I find in this bill another provision not novel, but worthy, I think, of a word of comment. That is section 5, which provides—

That except as herein otherwise provided, the Constitution and all the laws of the United States, locally applicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

In this is not only a formal enactment but a philosophy comparatively new in the United States and, I suppose, tolerably new to philosophers in general. This section is to be made an exemplification of the doctrine that the Congress of the United States possesses power to extend the Constitution, to limit the fundamental scope of the Constitution, to determine when and where the Constitution shall have effect and when and where it shall have none. Now, the old doctrine was, and the correct doctrine to-day, I think, is, that Congress is absolutely without any power to float such a thing as a Constitution. Congress can have power to provide any inch of the territory of the United States legislated for as a continuing possession or any of its inhabitants from coming and being under the influence and effect and domination of the Constitution.

We do not know exactly what the draftsmen of this bill meant; whether he meant to extend the laws so far as locally applicable or whether he meant also to extend the Constitution so far as locally applicable. The phraseology would bear either construction.

The Constitution as extended, "shall have the same force and effect within the said Territory as elsewhere in the United States!"

That is, perhaps, the Constitution, wherever locally applicable, shall have the same force and effect within the Territory of Hawaii as elsewhere in the United States.

Now, to me it is a strange thought, although it is a very popular thought, I think, for a proposition that in that sense it has lost its strangeness, that the Constitution, the supreme law of the land—by which the Congress itself is created; that which is made to govern everything that belongs to the American Republic and to control every agency within the country—shall be so trivial a thing that the Congress can extend it to any Territory or any part of any Territory where "locally applicable," or restrain its operations and prevent its having effect in any Territory or in any part of any Territory.

It may seem singular that the Constitution should have been involved with such a question, but it has been involved with such a question, and for a good reason. The exigencies of necessity, which called it forth certainly must be extraordinary. It is not a natural deduction; it is not a natural development. I submit that it is not a natural inspiration. There must be particular occasion for it; there must be particular use for it. There must be necessity for the existence and the adoption of such a doctrine, or certainly it would not have been invented, and certainly so many would not be repeating and preaching it. What has called forth this doctrine? What has suggested its promulgation? What has caused so many gentlemen to insist upon it, so often and so loudly, and so persistently, that they wish to cast no reflection upon the sincerity of anyone, and yet to me it is strange how a man who permits himself to think upon the subject can, in sincerity, believe in the soundness of the doctrine.

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extend, however many things it may reach, however extraordinary it may be, must be a ceded power, and therefore not superior to the highest law. There is just such a proposition. What gentleman dare assert that the warrant for Congressional action is found in the Constitution and yet deny, when the extent of the Congressional power is questioned, when it is asked, can Congress do and what Congress can not do with a Territory, that the Constitution itself must be appealed to for answer?

When a dispute arises as to whether Congress has or has not any particular power, or extent of power, logically, naturally, constitutionally, the controversy must be settled by appealing to the Constitution. If the Constitution be silent, the question is decided in favor of the Constitution; if the Constitution be plain, the case is determined by the Constitution; if the Constitution be ambiguous, the Constitution must be interpreted. But the Constitution is the fundamental law. It is the rule of the Territory. It is the authority over the Territory. It is the authority for everything we do. It is the law over the Territory. It is the law over the Constitution. The Constitution is the only law. The Constitution is the only authority.

If you quote the Constitution for the power, you are bound by the Constitution; your power must be derived from it. Whether you have it or have it not in any particular instance must be determined by the Constitution and the exposition of the Constitution. And if you give up an exposition of it, the Supreme Court of the United States now, if that be not true, tell me wherein lies the fallacy. If it be true, tell me what goes with your doctrine that the Constitution must be extended to a Territory; "that the Constitution, so far as applies to a Territory, is the Constitution of the Territory (or any Territory) as elsewhere in the United States" only when Congress is pleased to say so. How can Congress determine what the power and the effect of the Constitution is or shall be? How can Congress determine that the Constitution has not power to make any law and that the Constitution is in effect "null" in a Territory? Is it not the power that is in a Territory? Is it not the power that shall be in a Territory? Is it not the power that is to be given to a Territory? Then in another place? How is that possible, as a matter of law or as a matter of reason? Can a director of a corporation cast aside the charter which created the corporation which made him? Can that doctrine be derived from some other source than the Constitution? The difficulties are very great in the way of the man or party who would maintain that doctrine. Do you choose to take the position that the Constitution does not give to Congress the unreserved power to legislate for the Territories, but that Congress has it independent of the Constitution? Who takes that position? Who is here to maintain that doctrine? I will be under great obligations to the proponent of that doctrine if he will explain it and give us the philosophy upon which it rests. Then we would have the Constitution, not carrying over the power of the United States, but limited to the power of the Congress, made to govern the affairs of the American people, not governing in all particulars; then we would have Congress, which can not exist independent of the Constitution, to which it is subject, who can do and can do, completely independent of the Constitution, by the Constitution in the Territories, power derived elsewhere.

Now, who dares to state that proposition and endeavor to maintain it?

Upon what ground other than one of these two can the conception be made that the Constitution has to be carried by an act of Congress to a Territory to get there at all; that the Constitution for its vitality anywhere, respecting any subject, depends upon Congressional legislation? Where can such a proposition have started? I submit—I do it confidently—I submit that nobody in the United States, you, or I, or the judges of the Supreme Court, now, in reason and logic, can say that the warrant for the contention or the support for it be found. And yet our friends are put into such sore straits; they put themselves into such awkward position; they so recklessly and destitute of reason do, that it is not becoming, of all things, without reference to the Constitution; of legislating in ways new and strange to our people and contrary to the genius of our Government; that, relying to-day upon this and the next day upon that, proclaiming to-day free trade and to-morrow protection, in a word, living upon strange things, we are fastened upon this new and strange doctrine that we have the Constitution outside the State just where, and only where, the Congress chooses to put it.

Now, then, let us look at this question in another light. What do the laws of the United States locally applicable, Congress does no more and no less than Congress would do if it were to write out
Mr. ARDMOND. If it be true that no part of the territory of the United States outside of the States is or can be under constitutional protection until Congress puts the territory and the people in the hands of a government and that power and the right to withdraw the Constitution from that territory and that people whenever it pleases. Now, who will dispute that proposition? Who finds fault or who can find fault with that reasoning?

I see to me that those who would have Congress so mighty and the Constitution so weak are driven then to this absurdity—the Constitution being carried by Congress to a Territory, the Territory of the Territory once being outside of the States exercised—Congress for the time being must legislate in subordination to the Constitution, and in the Constitution vested power, all it has to do is, by another act, to lift the Constitution, to gather the Constitution in and fold its wings of protection, and then to return its own absolute sway, independent of the Constitution.

I ask you, what do you think of that doctrine as you follow it out? What respect, my friends, do you really have for your own judgment and your own logic, your premises and your own treatment of them, when you proclaim or subscribe to the doctrine that the Constitution is nowhere outside of the States exercised, that it becomes the Constitution, that the Territorial Constitution does not interfere with Congress?

I understand, and you understand, that this proposition lies at the very foundation of the Philippine question and the Puerto Rican question and the Hawaiian question, and the other questions. You see that those who are the chief gentlemen call progress, which others might properly call adventure—gathering in all that is loose around about, and then providing a government, throwing away our constitutional safeguards in order to deal with our acquisitions, "our newly acquired possessions," in the way that necessity or expediency may suggest.

I believe that some department or agency of the Government can escape from constitutional control otherwise than by violating the Constitution. I believe that the Constitution is in and over every power exercised by the Government. The time for action is for the management and direction of the stream. It is to Congressional life and action what the air we breathe is to human essence. It is to the wise and prudent government, which others might properly call advance, of the gentlemen call progress, which others might properly call adventure—gathering in all that is loose around about, and then providing a government, throwing away our constitutional safeguards in order to deal with our acquisitions, "our newly acquired possessions," in the way that necessity or expediency may suggest.

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In 1878 Great Britain ceded to us the 13 original colonies, embracing 815,000 square miles of territory. We obtained this under a dollar and without a foot of territory. Guided by the flag and not by the Constitution, they fought England seven years for our lost possessions. To-day the American Republic stands in the face of the great civilized powers, without a peer in existence or a parallel in history. We are not alone in the seas, and planted our outposts at the threshold of the Asiatic countries, where we can command the trade and commerce of the world and protect our missionaries in all lands, and are now engaged in enacting a constitution for the islands of the Pacific Ocean.

We have the praise and admiration of the great civilized powers of the earth and no enemy in our front to stop our onward march around the globe. Yet there is a voice that calls us to halt and says that we are full of glory, and full of everything, but not full of Grant. It is not the voice of Stonewall Jackson. The man who wore the blue and the men who wore the gray are at the front upholding the flag, with a united people and a prosperous country behind them. The voice that calls us back is the voice of the Copperhead and the man who wants to lie the Union and divide it. It is the Copperheads in the days of the civil war. It is the voice of the demagogue, the pessimist, and a few constitutional lawyers.

I am well aware, Mr. Chairman, that our able statesmen are not all agreed about these matters. This comes of our free institutions and is the result of free thought, free speech, and a free press. But, Mr. Chairman, the people of this country may be divided, but they are not divided in their admiration of Mr. Lincoln. They might not have been divided into two classes. One class live for themselves alone, and the other class live for others as well as themselves. To the latter class we are indebted for American independence. To this class we are indebted for the preservation of the Federal Union and for the absolute freedom of all American citizens.

This class have built our churches, endowed our colleges, and inaugurated our systems of public instruction, and to them alone I am willing to intrust the destiny of our people and the fate of the Union.

Mr. Chairman, the idea of self-government was not born upon this continent. It came to us from across the seas, and after a trial and approval of a century and a quarter, may we not send it back with our greetings? The idea is modern, but it is not new. It was a religious idea. Forms decay, words become obsolete, and languages die, but great ideas, truths, and principles live forever. The great Nazarene teacher, who taught us never to reject and who spake as never man spake, suggested the idea of self-government to the human race two thousand years ago. When he appeared upon the scene as a teacher human slavery existed everywhere in modern nations; but these wicked and degrading institutions have melted down before the sun of the gospel.

In my own ancestry, the Angles and the Saxons, carried the spirit of self-government from Germany into England in the fifth century. It struggled there for more than ten centuries against monarchical forms of government before it was driven to this country in search of a more congenial soil where it might develop the American form. It found its expression in the colonies; it found its expression in the Declaration of Independence, the Constitution of the Union and the brilliant intellect of the Union and the brilliant intellect of Franklin; it found expression in the language of Jefferson; it found expression in the language of Lincoln; and it is finding expression in the patriotic judgment of William McKinley, to the credit of his brilliant Administration and the honor and glory of this nation. [Applause on the Republican side.]

When Mr. Jefferson wrote the Declaration of Independence, he stated a powerful governmental fact—all men are created equal—the full meaning of which I do not believe he comprehended. It remained for Abraham Lincoln, the great emancipator of the negro race, and for Mr. McKinley, the great liberator of the black man. But Mr. Lincoln, who possessed that invisible power of the human mind that could detect the invisible power that lurked in the great fact, saw as clearly as a sunbeam that it included the black man, and it is now dawning upon Mr. McKinley that it included the bodies but the minds and consciences of men and so gave this country a new civilization founded upon enlightened civil liberty, inclusive every shade of color between the white and the black man.

But how have we acquired our territory in this country? How has our Government grown up like its great type, Mr. Lincoln, through the years?

In 1878 Great Britain ceded to us the 13 original colonies, embracing 815,000 square miles of territory. We obtained this under
a chosen land. When you consider it from an agricultural standpoint, we could feed, clothe, and shelter twenty times our present population by agricultural pursuits alone. If you consider it from a manufacturing aspect, we have a great production capacity, that has been built up by our protective system and with the constantly increasing demand for our manufactured articles, it will be possible for us to make our self supporting and support our population by manufacturing alone.

When you come to consider the wealth that is imbedded in the earth—our gold, silver, and copper mines, our coal fields, our oil, gases, and other minerals, our granite and marble of every hue and variety, this wealth is like the store of heaven. It declares the glory of God. We are also a chosen people. In 1792 it was estimated that 88 per cent of our people were of the Anglo-Saxon race. It was very fortunate that we fell under the Anglo-Saxon civilization in the beginning, and it is exceedingly fortunate for us that every annexation made displaced Latin civilization, which has been succeeded by our Americanized Anglo-Saxon civilization.

We also have a chosen Government. It is conceded that the American Republic has been the most successful experiment of self-government the world has ever known. Now, with our brilliant history behind us and the enlightening power of our schools and churches, with our books and newspapers as numerous as the leaves of the forest, shall we not, in the faith of Caleb and Joshua, "go up and possess the land" that has come to us by the fortunes of war? Let every act of purchase, not to deprive the inhabitants that come with these islands of their rights or possessions, but by our superior civilization teach them the arts of industry and inspire them to the pursuits of peace, cultivating among them the knowledge of a more enlightened civil liberty, and, if possible, secure to them the blessings of that method of self-government that came to us as a heritage from our fathers.

Mr. Chairman, if by the pursuit of this beneficial policy, we find a market for the surplus products of our farms and factories, who shall impugn, or have the right to impugn, our motive, our patriotism, or criticize our policy? Certainly not they of our own household. I have been much pleased with what I have seen in this House with regard to our action in providing the pending bill. The Hawaiian Islands were converted to Christianity by American missionaries early in the twenties. In 1823 they incorporated into their code of laws the Ten Commandments. In 1829 they were recognized by the United States as a treaty-making power. In 1844 they were recognized by us as an independent government.

In 1850 they are knocking at our doors for admission and asking us to enact for them a constitution and code of laws. In doing so the Committee on Territories undertook as much as possible to make them conform to American ideas and American customs. I was pleased to see that the committee unanimously voted against a property qualification for the right of suffrage. I was pleased to know that the majority of our people agreed to give them a fair election law and a body of constituencies that could control the affairs of the government.

I have been pleased at the spirit that has been shown here in regard to Puerto Rico on both sides of this House, notwithstanding we differ very widely as to what is the best method of relieving their distress.

But, Mr. Chairman, while we are providing for the islands of the sea, extending our civilization, holding up American national life before the world, are we going to allow the torchlight of liberty to be extinguished at the birthplace of Abraham Lincoln and the home of Henry Clay?

It is in no spirit of partisan animosity that I refer to the situation in Kentucky. So far as the election law is concerned, we would be glad to exchange places with either the Hawaiian Islands or Puerto Rico. If you would rid us of the Goebbels election law, we might put a tariff for two years on our products and tax the full extent, if you please, of the Sisley law. We have two more votes in Kentucky, one for the Union and the other for slavery. If we were both taxed to death, the youth of the land would be safer and the country all the better off. Our Democratic friends get the benefit of both of them—the whisky trust and the tobacco trust. [Laughter.]

Mr. TALBERT: Democrats do not drink. [Laughter.]