States are yet ready to take the first step toward statehood for these insular possessions. It may be said that it makes no difference in this respect whether this man is elected by the people of Hawaii or whether he is appointed by the appointee of the President of the United States. The sentiment is there that if you make the islands of Hawaii full-fledged territory, because there is more opposition to the idea, we are to be taken under the political exigencies that might arise with either party, Republican or Democratic, that would thereby get control and help to maintain control of the United States Senate, if this island and Puerto Rico are admitted as States in the Union. I for one am opposed to taking the first step until we have more and better knowledge as to the characteristics and the peculiar traits and the capacity of these people than we possess to-day.

Now, am I right about that? I want to call attention for just a moment to a proposition that has been set down as a report this year. It is a not a unanimous report; the report this year is unanimous. Now, why was it not unanimous last year? Because the Democratic members on that committee said last year:

We can not agree to the majority report of the committee for the reason that it is a reapportionment of a wealthy and well-to-do group in our well-established custom of governing Territories. We believe that the newly acquired Territories should be governed as other Territories of the United States; neither the House nor the Senate, with a view that they may be ultimately admitted into the Union of States.

This year that objection is all swept away; Democrats and Republicans alike on that committee come up here and ask for the admission of Hawaii as a Territory of the United States.

Gentlemen, I want you to recall an incident which occurred here in this Chamber yesterday afternoon. To the proposition granting unrestricted suffrage to the Kanakas and the foreigners in Hawaii no opposition was made on the other side of the House; but the American, German, and the French members, who are up on the plan of the Southern States, of restricting votes under an unrestricted representation, is again endeavored to be fastened upon this bill.

That is the proposition. I did not vote with my friends from Mississippi. I do not like that proposition. I did not so vote, because I would not attempt by a device to take away that which I was willing to grant by law. I would not vote for unrestricted, uneducated, uninstructed suffrage and then attempt to take it away by a device. I refused on that ground to vote for the proposition. I have no criticism to make upon the action of other gentlemen.

I refused on the same ground to vote for the proposition of the committee. I have no criticism to make upon the action of the gentlemen on the other side of the House. Perhaps I would do as little as they did if I were able to discern the problem and the question to discuss that question; but as a New Englander who believes in a fair suffrage, an honest suffrage, an intelligent suffrage, I stand here now to say that neither in Puerto Rico, nor in the Philippines, nor in Hawaii, nor anywhere else, will I vote to put a Rep- presentative body of people under a House of Representatives elected by a constituency that knows what it is doing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I will take further time on the other amendment. Mr. HITT. Mr. Chairman, the section giving Hawaii a Delegate in Congress, which is also in this bill, and the admission of the Governor of Hawaii as a Delegate in Congress, which is the bill reported by the commission I am in part responsible for, as the sole person on the Hawaiian commission representing in any way related to the House of Representatives. I asked on behalf of the House, as I believed its interests and the interests of Hawaii require this provision be inserted, to discuss that question; but as a New Englander who believes in a fair suffrage, an honest suffrage, an intelligent suffrage, I stand here now to say that neither in Puerto Rico, nor in the Philippines, nor in Hawaii, nor anywhere else, will I vote to put a Representative body of people under a House of Representatives elected by a constituency that knows what it is doing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITT. I am not speaking now; perhaps I will later. Not only did the commission report in favor of this, but this very committee which now brings this bill in a bill last year in favor of a restricted representation.

Mr. LITTLEFIELD. And with a property qualification.

Mr. HITT. Yes, with a proper qualification; but that is a matter of no importance, because it was not put there for the purpose of a property qualification, but as the best method of preventing the Kanaka control of these islands. It was put there because there was a population there which the gentleman himself [Mr. Littlefield] has suggested on the floor of the House in the Land claims court. To my knowledge it was an unjust, when the question was on the saloon amendment. It was this Kanaka control that they desired to prevent. Not only did the committees of both Houses last year make this recommendation, but the chairman of that commission, representing the chairman of the committee last year in a similar bill, and it was only for the first time since this question has been considered that this committee now brings in a bill sweeping away all restrictions and admitting to suffrage everyone in these islands who can read.

Now, what is the nationality of these people? I want to give it to you. The population of 109,000, according to the census of 1890. There are of voters about 3,000 Americans, Germans, French, and English; about 3,000 Portuguese, and, according to the statement of the gentleman from Michigan, there are 9,000 Kanaka votes, so that according to his own statement on the question made by this committee last year, colored and English voters will be simply buried under a vote of 4 to 1.

The amendment I have offered proposes a commissioner appointed by the governor of the islands, who himself is appointed by the President of the United States, and makes a business proposition, what this bill, as it now stands, makes a political proposition, and it is the political feature of it that I object to.

Mr. CAPRON. Mr. Chairman, I do not believe that the people of the United States are yet ready to take the first step toward statehood for these insular possessions. It may be said that it makes no difference in this respect whether this man is elected by the people of Hawaii or whether he is appointed by the appointee of the President of the United States. The sentiment is there that if you make the islands of Hawaii full-fledged territory, because there is more opposition to the idea, we are to be taken under the political exigencies that might arise with either party, Republican or Democratic, that would thereby get control and help to maintain control of the United States Senate, if this island and Puerto Rico are admitted as States in the Union. I for one am opposed to taking the first step until we have more and better knowledge as to the characteristics and the peculiar traits and the capacity of these people than we possess to-day.

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Mr. CAPRON. Mr. Chairman, I do not believe that the people of the United
plausibility. He comes in the pay of private interests to obtain special rights and privileges, always under pretext of the interests of the whole community. If he were otherwise he would not be here. We want some one here who represents all the people of the Territory. [Applause.] We want some one here who has a representative character determined by the people themselves, who choose and send him, to whom he is accountable.

The gentleman who has just spoken [Mr. HILL] feared that we would have a disputable or incompetent representative of an inferior class—the Kanakas. Why, sir, we had here constantly years ago representatives of the Kanaka kings and queens of the purely Kanaka government. Every old member here will recall with esteem the character of the ministers from Hawaii. Mr. Allen, who for many years sat on this floor representing with such signal ability the Kanaka people and the Hawaiian islands, and afterwards came back here as minister, representing the Kanaka people and his royal master, a Kanaka. He was diligent, honest, reasoning, a fit representative of the population of the Hawaiian islands.

Mr. CARVER, whom many of us knew well, a distinguished, most honorable and excellent man; then Mr. Mott Smith. All these had the privilege of this floor. Then there was Mr. Turnstone more recently, whom a great many of you knew personally; and Mr. Hatch, one of the ablest members of the bar, who was recognized here for his integrity and ability and Mr. Hastings, whose sudden and tragic death at the White House has caused many of us to remember—these delegates were often on this floor here without the right of speech. They were chosen, some of them by the Foreign Mission Board, and others by the Kanaka native government; but all were fit men.

There was also a Hawaiian lobby here from time to time, but always for special selfish objects. Every member knows by experience that the chief aim of a lobby agent is whether he is a distinguished gentleman, an ex-governor, an ex-judge, or a poor hirpling picked up here in Washington, he is essentially a lobby agent, paid to look after a special interest. And if that House was the commission, I believe we would have here upon this floor a man whom we could question, from whom we could derive direct information, who would have a representative character, a delegate who would be responsible to the House and to a constituency. [Applause.]

Mr. HORNSBY of Minnesota. Mr. Chairman, if the gentleman from Connecticut [Mr. HILL] thinks that he can call from me, by his references this morning, words or tone apologetic in their character, the gentleman from Connecticut is mistaken.

Mr. HILL. I only take one moment as to the other subject which the gentleman raised.

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

Mr. KNOX. I move that the time of the gentleman from Illinois be extended.

Mr. HILL. I ask that the time of the gentleman from Illinois be extended to allow him to complete his remarks.

The CHAIRMAN. The request is made by several gentlemen that the time of the gentleman from Illinois be extended to complete his remarks. Is there objection?

There was no objection.

Mr. HILL. Now, may I ask the gentleman a question?

Mr. KNOX. To the gentleman from Illinois.

Mr. HILL. Every person whose name the gentleman has mentioned was appointed, not elected—every representative of that country.

Now, I want to ask the gentleman if he does not believe that a commissioner appointed by Hawaii to the United States, to represent the business interests, appointed by the governor of Hawaii, who is himself appointed by the President of the United States, would be more likely, under that system of appointment, and that that system of appointment would guaranty of getting a good representative than you could have by a government of a large group of people the Hawaiian islands?

Mr. HILL. The difference would simply be that in the one case we would have the Delegate here in our presence whom we could trust, confide in, consult with, and in the other a commissioner going about the Department of State, corridors, and committee rooms, without voice on this floor, reduced to the likeness of an official lobbyist.

Mr. HILL. I should like to ask just one more question, and then I would withdraw the gentleman any further. He has had a very large experience in affairs, and he is familiar with all the insular systems of the world. Does he know of a single insular government in the world, either in the system of Great Britain, France, Germany, or any other European power, that has had a representative in the parliament of that country?

Mr. HILL. The answer to that is ours is essentially a popular, republican, representative government, and a republic does not need always to take lessons from monarchies in the application of our own system. [Applause.]

Mr. BREWER. I want to ask the gentleman if he is willing that the people of Puerto Rico shall have a Delegate here in this House?

Mr. HILL. I will answer questions about Puerto Rico or Kambhata and even Colombia, but not about Hawaii, because I do not want to be drawn into discussing territorial questions. The gentleman's question is political. I am talking now about the business that is immediately before the House.

I sympathize with much that the gentleman from Connecticut [Mr. HILL] said. I think to-morrow would involve statehood hereafter for Hawaii. The gentleman referred to what I said on this floor many years ago about Hawaiian statehood—that I was opposed to the prospect and thought well of the proposition and that I would not add to what I said then that upon inquiry I found in California that there would be an unanimous opposition in that State to the incorporation of Hawaii, with its population of an Asiatic character; and in the Hawaiian islands there was not a measure of the suggestion made here of its becoming a county of California.

Mr. HILL. May I ask the gentleman—do I understand that he wishes a question by the State of California was unwilling to accept as a county in our representation as a full-fledged State as a result?

Mr. HILL. Well, that is argumentative. I merely stated what the sentiment was in California. We know the Chinaphobia that prevails in California, and it determined this question among Californians apparently at once. Gentlemen on the floor who represent California can contradict or confirm me.

Now, nothing that we might say to-day against Hawaiian statehood, no resolution or enactment or eloquent speech, can prevent this very Congress to-morrow, but Congress two and a hundred years hence from undoing anything and everything that we now do.

We can prevent another Congress from doing foolish or wise things. They can admit it as a State if they will. We can, after years of negotiation and after the last three years of negotiation, pledge it to-morrow an enabling act. We cannot bind our successors. We have no such faculty, no such approach to omnipotence, no command of the future. We legislate that every I would glad to carry out the views expressed by the gentleman from Connecticut as to that part of his proposition, for I think it is at least harmless; but as to the Delegate, we want him right here on this floor. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the gentleman from Connecticut [Mr. HILL] thinks that he can call from me, by his references this morning, words or tone apologetic in their character, the gentleman from Connecticut is mistaken.

The laws of the United States do not provide for any organized Territory of the United States shall have a Delegate upon this floor.

Mr. HILL. I wish the gentleman would show that to me in the Constitution.

Mr. WILLIAMS of Mississippi. I believe the gentleman has complied with the Mississippi and Connecticut requisition for voting and can read for himself. [Laughter.]

Mr. HILL. That provision is not in the Constitution.

Mr. WILLIAMS of Mississippi. There is no doubt about the fact that every Territory organized as a Territory of the United States in the future, the Delegate is, under the laws of the United States—I will amend my statement to that effect, if I said Constitution. I meant laws—entitled to the same salary and the same mileage as a member of Congress and entitled to every privilege of a member of Congress, except that of voting, on this floor.

Now, Mr. Chairman, I stood here in my place and made the first Democratic speech in either House in opposition to the admission of Hawaii as a part of the United States, and I stated at the time that especially no Delegate from Hawaii could be organized in the future. I stated the admission of that country, that we must do one of two things: We must either permit it to take its part and parcel with us as an equal Territory of the United States, with the constitutional privileges of becoming, when Congress saw fit to make it a part of the United States. The laws of the United States do not provide for that.

I then stated upon this floor that when we were called upon to face Hawaiian problems, we should be called upon to face a colored race problem in Hawaii, and that when we were called upon to face it, we would do it, and in the Hawaiian legislation discussing the admission of that country, that we must do one of two things: We must either permit it to take its part and parcel with us as an equal Territory of the United States, with the constitutional privileges of becoming, when Congress saw fit to make it a part of the United States.

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in Hawaii just as I had stood for it in Mississippi, and I will. The gentleman speaks of restricted suffrage, as if restricted suffrage were dishonest or unfair suffrage. He knows better. There is nobody in the United States that ought to know better than a Connecticut man about that. I do not know of a better State government in the Union to-day than that of Connecticut, with the possible exception of that of the State of Massachusetts, speaking political parties. But, I am in the State of Connecticut. New Haven and other cities are represented in the State legislature, under old antediluvian charters of the kings of England, by a few representatives, and many superannuated villages are represented by two or three times as many representatives.

Mr. WILLIAMS of Mississippi. Now, why? The gentleman speaks of restricted suffrage and I speak of restricted representation, and the two things go together.

Mr. PAGE. Will the gentleman pardon me a moment? I spoke of unrestricted representation and a restriction of votes.

Mr. WILLIAMS of Mississippi. I am speaking of that, too, and Connecticut is with unrestricted representation upon this floor, with a restricted representation in the State of Connecticut of a man compared with your rural districts. And, by the way, that you are right in having it just as you have it. Do not change it. It is your affair, and I have nothing to do with it, and I am not quarreling with it.

Mr. HENRY of Connecticut. Will the gentleman allow me to ask a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. HENRY of Connecticut. We have no restricted suffrage in Connecticut.

Mr. WILLIAMS of Mississippi. I am speaking of restricted representation.

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

Mr. KNOX. I ask unanimous consent that the gentleman’s time be extended, and that he be given such time as he desires.

Mr. WILLIAMS of Mississippi. I understand you think I have said something that I have not.

Mr. HENRY of Connecticut. We have unrestricted representation and we have unrestricted suffrage. Our system of representation in our State legislature is two hundred and fifty years old. We elect our Representatives in Congress by an unrestricted suffrage.

Mr. WILLIAMS of Mississippi. I know it is over two hundred years old.

Mr. HENRY of Connecticut. But everybody votes. There is no disqualification except for crime.

Mr. WILLIAMS of Mississippi. I understand the gentleman from Connecticut, but there is also in Connecticut, if I have learned its system right, an educational qualification.

Mr. Chairman, in expressing myself if I used the phrase “restricted suffrage” with regard to Connecticut, I meant to use the word “restricted representation.” What I meant to say was that “restricted representation” is essentially the same as “restricted suffrage,” and unequal representation is essentially the same thing as unequal suffrage.

Now, we might just as well be honest with one another, my friend from Connecticut. Let us lay aside for a moment the fact that I am a Democrat and you are Republicans, and let us talk as men who have had forced upon us, and also in your case forced upon yourselves by your own action, a problem which we must solve, and which we must solve as wise men, as statesmen, as wise men who have a hope of the future, as men with common sense, and not merely as Republicans and as Democrats.

Now, taking that view of it, I am prepared to say that the worst thing that can happen to the Hawaiian Islands to-day or to-morrow would be to have Kanaka rule or colored-race rule in Hawaii. I speak advisedly, not only with my own personal observation and experience, but with all history behind me. Now, then, how are you going to avoid it? You must avoid it by restricted suffrage.

I am not talking to you as Republicans or Democrats. And what sort of restricted suffrage must you have? One thing which, while it is not based on an express discrimination on account of race or color, is based upon something which actually discriminates against color and race. Else you must have Kanaka rule. Take your choice. For my part I have taken mine long since. I asked you, in God’s name, to relieve me, as one of the representatives of the American people, of this additional problem; but you annexed Hawaii.

Do you imagine that I do not recognize that the symmetry, the right of the people of Democratic system are marred by the necessity of a restricted or qualified suffrage, even though the end and purpose, the aim and object, be the preservation of civilization? No wonder California did not want Hawaii as a State. In California and throughout the State of California there has been little experience with race problems, too.

Soon after I came to the Congress of the United States I said to the Representatives of California and the Pacific slope, from my place upon this floor, that I was willing to leave to the white people of the United States the right to decide the white race problem, and was willing to vote with them because in any measure they desired enabled here—believing that, while they had the strength of a giant, they would not be brutish or foolish enough to use it like a giant; and that I arrogated to myself the right of saying that I would vote with them, that the same kind, we would not use the power intrusted by circumstances to us with the force of brutish giants.

I say now, as I said then, that it is the duty of the white race everywhere to lift up those below them so far as they can, but not to any height to which they themselves cannot rise. Call it a rule of civilization or call it the right of the white race, and I am in me or calling upon you to “herd with narrow foreheads, ignorant of our race’s gains.” They will progress as time passes, and so will we; and as we mount one rung higher on the ladder of civilization we will hold our hands down to them and raise them to the height we have reached. I believe that in time they will ever be on the same rung; and I have no hypocrisy about it.

Now, then, having taken the position that there must be restricted suffrage in Hawaii, I come to the question as to what representation that suffrage should be. It ought not. Why, it is bad enough to be compelled by the exigencies of the situation to deprive the people there of an equal partnership in the destinies of their own country. For remember that it is not a problem of governing a white man’s country with white supremacy, as it is in me or calling upon you to “herd with narrow foreheads, ignorant of our race’s gains.” They will progress as time passes, and so will we; and as we mount one rung higher on the ladder of civilization we will hold our hands down to them and raise them to the height we have reached. I believe that in time they will ever be on the same rung; and I have no hypocrisy about it.

But it is bad enough to be compelled by the exigencies of the situation, I say, to restrict the suffrage. It would be absolutely mean to deprive them of a representation, merely by speech in your presence; to refuse even the poor right of petition to somebody standing in the halls of our State legislature, or in other words, the right to say, “I represent not only the white people of Hawaii, but I represent Hawaii. I know the conditions of whites and Kanakas alike and have authority of knowledge to call your attention to them.”

It is mean to try to imagine that because New Haven has not a property qualification in the Connecticut legislature that therefore New Haven ought to have no representation in the Connecticut legislature at all.

Mr. HILL. I will answer the gentleman that he fails to comprehend the idea of restricted suffrage in the State of Connecticut.

Mr. WILLIAMS of Mississippi. How many representatives has the city of New Haven?

Mr. HILL. We have two representatives. The senate is the popular body in the State of Connecticut, and the house of representatives in the republic in each town. It is precisely the reverse of the Congress of the United States, and when the gentleman makes the statement that there is no popular body in the general assembly of the State of Connecticut, he states that which gives a false impression; and I will say further, that if there are inequalities in the popular body it is due to Democratic legislation.

Mr. WILLIAMS of Mississippi. I have not made the statement that there is no popular body in your general assembly, but I do state that your general assembly as a whole is not a body of either a popular or an equal representation. I am not quarreling with the fact that Connecticut manages her own affairs to suit herself. I think as a rule she has managed them wisely and well. I differ with the gentleman in politics, but I do believe that Connecticut has had one of the most honest and one of the most incorrupt state governments in the nation, mainly owing to the fact, perhaps, that her rural vote and country gentleman have dominated her politics.

I understand, I am not quarreling about that, but I am merely illustrating the idea that you, of all men, can not stand upon this idea that the people ought to have no representation, because you are unwilling to give your own people equal representation.

Mr. SPERRY. Mr. Chairman.

Mr. WILLIAMS of Mississippi. I yield to the gentleman.

Mr. SPERRY. Mr. Chairman, as my distinguished friend from
Mississippi has alluded to Connecticut and to New Haven, I wish to say this in reference to that matter. The State of Connecticut was organized on a different plan from any other State in the nation.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I do not want to seem to be in the slightest degree discourteous. The gentleman knows that it has always been my habit to yield whenever interrupted, and I thought I was yielding to the gentleman for a question.

Mr. SPERRY. No, sir; I rose for the purpose of making some remarks. Mr. WILLIAMS of Mississippi. I can not yield for that purpose. The gentleman can get time of the House subsequently. I cannot yield for the purpose of allowing him to inject a speech into my remarks.

Now, Mr. Chairman, either Hawaii is a part of the United States or it is not a part of the United States. Gentlemen have contended in the case of the Philippines and Puerto Rico, which are in military occupancy and which were taken by conquest, that they are not a part of the United States until Congress expressly declares them to be. But that contention, sound or unsound, has not had sway in the case of Hawaii, because Hawaii was admitted into the Union by her own petition, upon her own request, and by her consent. She has become a part of the United States. Whatever the constitutional situation may be or may not be in connection with the Philippines and Puerto Rico, based upon the idea that they are in military occupancy, that sort of argument cannot apply to Hawaii.

Now, then, if Hawaii is a part of the United States, she is entitled to all the rights of every other Territory in the United States, and should be represented, by the power of speech at any rate, upon this floor. [Applause.] Now, I thank the House for its courtesy and attention and for waiving in my behalf its rule of procedure for the moment.

Mr. HILL. Will the gentleman in charge give me a question? How about Alaska and the District of Columbia?

Mr. WILLIAMS of Mississippi. I would to-morrow organize a territorial government for Alaska, and give Alaska a representative upon this floor, and it ought to be done at the very earliest practice of good policy. I would do the same thing for the District of Columbia, and in both cases I would have a restricted suffrage. [Applause.]

Mr. KNOX. Mr. Chairman, the debate on this matter has been exhausted, and I ask for a vote.

Mr. CLARK of Missouri. Mr. Chairman, I would like to make a remark or two, by unanimous consent.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KNOX. If the Chair would allow me to make the remarks I am about to make to the House, I would like to make them.

Mr. CLARK of Missouri. Mr. Chairman, I wish to make a suggestion. I shall not take up any of his time.

Mr. KNOX. Mr. Chairman, I move that the debate on this section close with six minutes to the gentleman from Missouri and five minutes to the gentleman from Connecticut.

Mr. CLARK of Missouri. I wish you would make it ten. Not one word.

Mr. KNOX. Ten minutes to the gentleman from Missouri and five minutes to the gentleman from Connecticut. [Mr. SPERRY. The CHAIRMAN. The gentleman from Massachusetts moves that the debate on this section be closed at the expiration of fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Mr. Chairman, originally I was opposed to taking in the Sandwich Islands. If that were still an open question, I would be as much opposed to it as ever, but the selection of the delegation is closed. We have them for better or for worse, and it is our duty both to ourselves and to them to do the best we can in a difficult situation.

Therefore I am in favor of giving these people a Delegate on this floor. I am of the opinion that if we send him here, that he will send another to explain their situation and their wants. I if they wish to send a white man, all well and good. I hope they will. If they want to send a Kanaka—if that is the proper name—all well and good. That is their business, not ours.

I am opposed to any portion of the people of the United States being taxed without having representation. That is the principle for which we waged the Revolutionary war, and it was well worth fighting for. Now, I wish to reenforce what my friend from Mississippi [Mr. WILLIAMS] said. It does not lie in the mouth of the South to go out and taunt Southerners about their methods of running elections.

In Missouri every man, great or small, rich or poor, white or black, has the right to vote once and to have his vote counted; but I am a Southern man in feeling and in thought, and I know that what they do down there they do under an impulse of self-preservation too strong to be resisted.

Mr. HILL. Gentlemen from Connecticut [Mr. HILL] quoted approvingly part of my speech, delivered here in the summer of 1898, against the annexation of the Hawaiian Islands. He describes it as "a remarkable and prophetic speech." I am obliged to him for referring to it, and I must say I am glad he quoted it all. It was my wish to rest my fame not only as an orator but as a prophet upon that speech. [Laughter.]

The same gentleman asks: "Do you want a Congressional Delegate from the District of Columbia? Nobody has yet answered that question. I will put it to the House. I want a Delegate in Congress from the District of Columbia. Not only that, but I introduced a bill in the last Congress, one in this, erecting this District into a Territory and reenfranchising the people thereof, conferring upon them the right of self-government, and I want the District of Columbia to act as our Delegate and our Delegate to this House; but I have never been able to get a report on the bill."

In the next Congress the Democrats will have the House, and I will have a favorable report on that bill or walk the committee into insolvency or the apathy. [Laughter.]

Mr. HILL. Why did you not present and urge your bill when your party had the House?

Mr. CLARK of Missouri. Because I was a green hand in Congress, and I am "green" in that respect no longer. I will print my bill as part of my remarks, so as to set members to thinking seriously about it. Here it is:

A bill to create a Territory of the District of Columbia by the name of the Territory of Columbia and to grant Territorial government to the same. [p. 557]
several times to change, but our efforts have been defeated by the Democrats.

Mr. CLARK of Missouri. I will tell you about that, too, a little later.

Mr. CAPRON. That was repealed years ago.

Mr. CLARK of Missouri. Wait; I am making this speech. I yielded for a question; not for a speech.

Governor Davis stated further that under the present unfair and burdensome system, as shown by mathematical demonstration that about 86,000 people of over 400,000 elect a majority of both branches of the legislature, and thereby absolutely control the political affairs of the State.

Yet, we hear loud lamentations about unfair election laws in the South.

In Rhode Island they still have that relic of barbarism known as a "property qualification." If a man owns $134 worth of real estate, he is a voter for all purposes.

If he does not own that much realty, but owns and pays taxes on $134 worth of personal property, he is a voter for all purposes.

The almighty dollar and not intelligence is the qualification for full suffrage.

Then they have what they call registered voters, who are voters for certain purposes and are not voters for certain other purposes. Yet we hear a great deal of hypocritical whining about the supposed disfranchisement of voters down South.

I commend to these philosopher doctors the Scripture, which says, "Physician, heal thyself.

Under this outrageous Rhode Island apportionment for legislative purposes, the Democrats would have to carry the State by 23,000 or 30,000 majorities, and so have a majority on joint ballot in the legislature, whereby they could elect a Senator of the United States, and by a much larger majority in order to control both houses of the State legislature.

I was told by Mr. Green, chairman of the State Democratic committee, that the Republican supreme court judges had given the Republican governor an opinion to the effect that there is no power lodged anywhere to authorize the people of Rhode Island to hold a constitutional convention to frame a new constitution to cure this outrageous apportionment and other ill oppressions from which the people of Rhode Island now suffer.

The only way they can secure a constitutional convention is to submit and adopt an amendment authorizing the calling of such a convention.

Here is the peculiar modus operandi of adopting a constitutional amendment. The proposed amendment must be passed by a majority in each house of two different legislatures and then be adopted at the polls.

As the little towns now elect a large majority of each house of the legislature, and as such amendment would deprive the small towns of a large portion of their present unjust power and unfair representation, it is obvious that no such amendment can be passed through each house of two succeeding legislatures.

The" naughty short of a revolution would give Republican Rhode Island a fair and modern system of voting—such as we have in the South.

I was told that in the city of Woonsocket 400 men begged the assessor to put them on the tax list, offering to swear and to prove that they possessed the $134 of property necessary to entitle them to vote under Rhode Island's medieval constitution.

The assessor, who was a Republican, refused to put them on the tax list. They were Democrats and undertook to mandamus the assessor and compel him to do so, but the judge, a Republican, decided that they were too late in their application, as the tax lists had already been done.

The next time they endeavored to compel the assessor by mandamus to put them on before he completed his lists; but the judge decided that the assessor was not required to put them on on any particular day of the year, and that he might intend to put them on the next day or the next month. But I do not think the prayer of their petition—the right to be taxed and to vote. Once they were too late. Next time they were too early. [Laughter.]

I guess that is the only instance in the entire history of the human race where men asked, begged, and instituted a lawsuit to be permitted to be taxed.

The gentleman from Connecticut says that the government of the District of Columbia is, as a model government—the best in the United States, as I understand. Deny that proposition. It is a carpetbag government, for the most part. I am not criticizing the individuals who compose it. They may be good and efficient men; or they may be the reverse; but they have no record of the Federal, or the local offices—ought to be bona fide citizens of the District and not broken-down politicians from the States fastened upon this people to eat up their substance.

Congress sits here two days in the week as a common council for the city of Washington—a duty for which it is unfit by reason of ignorance of the wants of the people and of the proper relation of one thing to another.

The fact that under the shadow of the nation's Capitol 800,000 American citizens, white and black, are completely disfranchised, and that the voting and legislative power under the sun, are reduced to the low estate of being the voice in the government under which they live than have the inhabitants of Africa, is the saddest commentary to be found anywhere by the best representative government.

Why should they not vote? Is it a debasing, degrading exercise? I would like to be here the day they elect the first Delegate to Congress. It would double discount a Donnybrook fair. There would be 200 candidates at least. [Laughter.]

During the Fifty-first Congress there was a meeting downtown to agitate for the restoration of self-government. I was invited to speak. I accepted the invitation. It was so announced in the papers. A delegation composed of Democrats and Republicans united to say that the people of the District should not enjoy the right of suffrage. A Republican answered: "The damned niggers and poor whites would vote us into bankruptcy!"

A Member. Do you say that a Republican said "damned niggers"?

Mr. CLARK of Missouri. Yes; I was told by one who claimed to know that he was a Republican.

I marvel that the United States can be Georges Danton in our history to paint color to the absurd and unjust proposition that a poor white is not fit to vote by disfranchising a whole populous city and district.

The refusal of the right of suffrage to the people of this District turns back the hands of the clock more than a century. It is a dangerous experiment and might be followed by some other part of the Union and in every other part. It is only an open confession in the face of the world that pro tanto our experiment in representative government is a failure.

I want to say further that when a colored man is good enough to vote in the Ninth Congressional district of Missouri, he is good enough to vote in the District of Columbia and to say how his taxes shall be levied and disbursed—to take a hand in running his government.

I am not in favor of making an experimental governmental political station on the Sandwich Islands, as you are making one out of the District of Columbia. The truth is that for sixty years the people of that legislation that Congress wanted to adopt was first tried on the helpless people of this District.

If it did not destroy them, then they extended the experiment to the rest of us. [Laughter.] I agree fully with my distinguished friend from Illinois [Mr. Hirritt] that we can not bind the future. I want to bind the future when we annex the Hawaiian Islands. We can not bind future Congresses by saying that we will not make a State out of them; but we can say that those people, being ours now, shall have a chance to educate themselves and to become the equals and self-government, and that we will not treat them in the outrageous manner in which we treat the people of this District.

I want to say further that every time we take in a new island, so far as I am concerned, you will have to extend it to the Constitution of the United States and to the liberties that we enjoy. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. Clark] asks unanimous consent to print as a part of his remarks the bill in regard to the District of Columbia and to extend his remarks in the RECORD. Without objection, it will be so ordered.

There was no objection.

Mr. SPERRY. Mr. Chairman, I should not arise at this time to discuss this question at any matter, but I want to set one thing right which has been said by the gentleman from Mississippi [Mr. Williams] about the State of Connecticut.

The State of Connecticut has been alluded to here, and so has New Haven. When the State of Connecticut was formed, it was formed of the little towns which made up the State. Those little towns were unlike any other towns that I know of in the United States. Those little towns were little republics of themselves, and when the constitution of 1818 was formed, it was formed of the little towns which made up the State.

Now, some towns have increased largely in population. At the time our constitution was formed the towns were substantially equal in population. There was but little difference; but since then the towns have increased, like New Haven, like Hartford, like the little towns up through the valley of Naugatuck. Those towns have increased, but the original towns have their two representatives in the general assembly. The small original towns which have not greatly increased in population still have their
two representatives. It is a constitutional provision; it is a right which they received from their ancestors, and the reason why the representation is not changed in Connecticut to-day is as I have stated. The city of New Haven has 125,000 population, and the city of Hartford probably 80,000, but they are not entitled to two representatives under the constitution.

Now, we should not care to change places with the other towns in the State. New Haven has grown, and Hartford has grown, and yet they have only their two representatives. Now, when an attempt is made to change the house of representatives, or if a majority is offered to the constitution, the little towns largely, the large towns, and the little towns are jealous of their rights, for which I do not blame them, and they do not propose to give to the cities any more representation in the general assembly than they originally had, to wit, two from each town, and only two. That is the situation in Connecticut, and I thought it was but right that I should have understood our position, and how we have come into the situation that we are in, and how it is impossible to change the system of representation.

Yet the good old State of Connecticut has a history that she may well be proud of. Connecticut was the first State to give civil liberty to man by a written constitution. The Newnan barn constituted at New Haven, and the Hartford, Windsor, and Wethersfield constitution will remain for all time a monument to the judgment, the wisdom, and the patriotism of the early settlers of Connecticut. [Great applause.]

Mr. ROBINSON of Indiana. The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut.

The amendment was rejected.

Mr. KNOX. The court established by the House bill is a constitutional court, and the terms of its office are regulated by law—the judge for life and the marshal for four years.

Mr. ROBINSON of Indiana. The Senate provision is to extend the terms of the three officers to six years. I think that accords perfectly with the constitution of the other States, and that the Senate provision is a wise provision. I desire to call the attention of members to the further fact that by the section read in the House bill no term is fixed for the judge, the marshal, or the district attorney, nor is any reference made as to how long they shall hold.
Mr. KNOX. Mr. Chairman, I have an amendment I desire to offer to that section.

The Clerk read as follows:

Amend section 67b by striking out the last five words, to wit:—

Mr. GILBERT. Mr. Chairman, I withdraw it. There was a break in the section. When I drafted the amendment it occurred to me that that was not the section. What I meant to offer as an amendment is this: In line 23, section 97, the last five words are, “ordinary action at law,” I want to insert in lieu of those words, ordinary actions at law or in equity. The committee seems to think that is not a controversy.

The CHAIRMAN. The gentleman will please suspend and send the amendment to the desk. It will then be reported to the committee.

The Clerk read as follows:

Amend section 97b by striking out the last five words in line 23, to wit:—

Mr. GILBERT. Now, Mr. Chairman, as I said, the amendment is not very material, but it ought to be inserted, because the report of the committee seems to assume that in setting controversies in the court upon questions of that sort it is always a purely legal issue. Lawyers know that that sort of question is very frequently by equity suit, and it ought to be ordinary actions at law and in equity.

Mr. FINLEY. Will the gentleman permit me to ask a question?

Mr. GILBERT. Certainly.

Mr. FINLEY. If I understood the gentleman’s amendment, it is this: In the settlement of property rights containing proceedings necessary, it should be in courts of law or in courts of equity. Is that it?

Mr. GILBERT. It is.

Mr. FINLEY. I would like to ask the gentleman this question: Does he not think that the provision of the Constitution of the United States requiring that no property shall be taken for public use without due process of law means a trial by jury, and therefore an action at law?

Mr. GILBERT. In the Kentucky practice in proceeding for the condemnation of property for public uses we do not necessarily have a jury. I think this means process by due process of law in the courts. We do not necessarily have a jury trial.

Mr. KNOX. I wish to say that this question does not deal with the right but with the method of procedure. Some method of procedure must be provided, in the same way as taking lands for a public highway. When you condemn property for a public use and compensation is made according to a certain method of procedure, we provide the method by which it shall be done, the same as an action at law. If you include equity in it, then no method of procedure is provided.

Mr. GILBERT. The gentleman does not catch the force of my amendment. The bill restricts the procedure to common-law cases. By the terms of your bill the vested right is destroyed unless the party can vindicate it in court by a common-law issue, by an ordinary procedure at common law. Now, by this amendment I merely broaden the rights of the party by taking away the vested right, so that if he can show the courts that he has a vested right in the property, as the issue is an equitable one, he can maintain it. His right to property is none the less if it is an equitable one, and this bill he is confined to a common-law action as contradistinguished from an equitable proceeding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. GILBERT].

The amendment was disagreed to.

Mr. KNOX. Mr. Chairman, I have an amendment which I send to the Clerk’s desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

On page 94, section 97, line 34, strike out the words “the governor” and insert in lieu thereof “the attorney-general.”

The amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. Chairman, I will ask unanimous consent to return to the amendment adopted on the question of salaries of judges being paid by the Territory of Hawaii, and ask to add an amendment.

Mr. ROBINSON. What section is it?

Mr. ROBINSON of Indiana. I will ask to read the original amendment.

The Clerk read as follows:

The salaries of said chief justice and associate justices of the supreme court, and members of the circuit court as above provided shall be paid by the Territory of Hawaii.

Mr. ROBINSON of Indiana. That was the amendment adopted.

Now, I propose an amendment to that.

Mr. GILBERT. Mr. Chairman, I will ask unanimous consent to return to section 98 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the amendment.

The Clerk read as follows:

The judges of the circuit court of whom the two judges for the first circuit shall each receive an annual salary of $1,000, and the judges for the second, third, fourth, and fifth circuits, respectively, an annual salary of $3,000 each.

The amendment was disagreed to.

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

Sec. 99. That all vessels carrying Hawaiian registries, permanent or temporary, on August 12, 1898, together with the following-named vessels claiming prior registry and registered at Honolulu and Wilcocks, shall be entitled to be registered as American vessels, with the like privileges and advantages thereunto appertaining.

Mr. GROSVENOR. Mr. Chairman, I want to hear from the chairman of the committee upon the explanation of this section of the bill, which, in my judgment, ought not to be in the bill at all, because of the superior jurisdiction of the maritime laws of the United States over the Territorial law, and particularly because of the certainty dangerous provisions in the bill, or rather the lack of a careful provision, in my judgment.

Mr. KNOX. Mr. Chairman, this section provides that Hawaiian ships—ships that had a Hawaiian register at the time of annexation—are given a United States register. They could have no other register; they would be sailing with the same nationality. The Hawaiian flag went down upon the government building in Hawaii on August 12, 1898, and the American flag was raised with proper ceremonies. No flag of Hawaii from that time until this time means anything. A Hawaiian and a vessel sailing under a Hawaiian flag is sailing under no flag and no nationality.

Now, there were brought to the attention of the committee by many gentlemen claims that there were other vessels than those which had a Hawaiian register, entitled to a Hawaiian register upon this ground; that they had been bought in good faith by Hawaiians and intended for a Hawaiian register, but sailing under a temporary register, or sea letter, and without any registration of that vessel being entitled to the same protection. Now, if that were so, then they should be entitled to the benefits of this register; but there were statements made that there were very many vessels that would claim the benefit of this American register, and you can see that it would be a matter of thousands of dollars, and the benefit of anyone who could obtain an American register by claiming that they were purchased and intended for a Hawaiian register.

So the committee, fearing the result of a general provision, and the number who would claim that they owned vessels intended for
for a Hawaiian register, heard and voted upon the particular cases presented in order to determine as a question of fact whether these vessels were purchased in good faith, purchased without the knowledge of a transfer of Hawaii to the United States. And the committee in these cases, named these vessels in this section, so that there might be no mistake whatever, and no claim made hereafter by men seeking to get in and get a United States register by claiming that they were intended for the Hawaiian register.

Mr. GROSVENOR. Mr. Chairman, I move to amend by inserting, after the word "eight," in line 5 of section 99, these words:

"All which are owned bona fide by citizens of the United States or citizens of Hawaii.

Mr. Chairman.

Mr. KNOX. I make no objection to that amendment.

Mr. GROSVENOR. But I want to say a few words upon it.

Mr. KNOX. Yes.

Mr. GROSVENOR. This provision of the bill is an attempt to legislate about matters that do not belong to any territorial organization; but to that I shall not make any strong objection. A bill already pending, and will no doubt be passed, with the proper limitations and restrictions, admitting to American registry all foreign vessels that are to be covered by any act of the United States. In the investigation which the Committee on the Merchant Marine and Fisheries has made it appears that following the annexation of these islands a vessel at once went into vogue, a great many ships suddenly took on Hawaiian registry, getting into our coastwise trade and coastwise trade registry, although they could not have gotten in in any other way. These registry provisions were placed in their place to protect American citizens and citizens of Hawaii. As the bill stands now, anybody who during that period of time secured a registration and an American registry, that could come in under the provisions of the bill.

Mr. KNOX, Mr. Chairman, only a word. As to our committee usurping any jurisdiction, let me say that this bill, with the provision to which the gentleman objects, was recommended by the commission which Congress authorized and the President appointed which visited Hawaii. We took the bill as we found it, with this provision.

The question being taken on the amendment of Mr. GROSVENOR, it was agreed to.

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

The Clerk read as follows:

Immediately after section 99 add the following: Mr. Chairman —

SEC. 102. That Chinese and other Asiatics who came or were brought into Hawaii the season August 12, 1898, under any contracts or contracts whereby they bound themselves or were bound to any term of service, shall depart from this island at the expiration of the contract of employment, or any contract of service, and shall be entitled to the payment of all wages earned under the terms of such contract of employment, or any contract of service. And such payment shall be made to them in the United States of America, in the Territory of Hawaii, or in any other country to which the terms of such contract of employment, or any contract of service, may direct them to go, and the payment shall be made directly to the persons so entitled thereto.

Let me illustrate briefly the practical application of this amendment. At the present time there are not anywhere near a sufficient number of vessels engaged in the trade between the United States and Hawaii. It is the case to carry from Hawaii her products. This present scarcity of vessels will be greatly increased during this summer, when every available vessel on the Pacific coast will be engaged in the Alaskan trade. The great gold excitement at Nome, Alaska, and the prospect of every available vessel on the Pacific coast will be taken to Alaska. This will add to the difficulty of the American shipping interests, and the benefits of the Alaskan run are much greater than those of the Hawaiian run. Then those vessels are to be used in the Hawaiian trade. The great gold excitement at Nome, Alaska, will add to the difficulty of the American shipping interests, and the benefits of the Alaskan run are much greater than those of the Hawaiian run. Then those vessels are to be used in the Hawaiian trade.

Mr. KNOX. I move to amend by inserting at the end of the section the following:

"Mr. Chairman.

The Clerk read as follows:

Amend by striking out of all of section 102 and inserting in lieu thereof the following:

SEC. 102. All Chinese and other Asiatics who came or were brought into Hawaii the season August 12, 1898, under any contracts or contracts whereby they bound themselves or were bound to any term of service, shall depart from this island at the expiration of the contract of employment, or any contract of service, and shall be entitled to the payment of all wages earned under the terms of such contract of employment, or any contract of service. And such payment shall be made to them in the United States of America, in the Territory of Hawaii, or in any other country to which the terms of such contract of employment, or any contract of service, may direct them to go, and the payment shall be made directly to the persons so entitled thereto.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

SEC. 102. That Chinese and other Asiatics who came or were brought into Hawaii the season August 12, 1898, under any contracts or contracts whereby they bound themselves or were bound to any term of service, shall depart from this island at the expiration of the contract of employment, or any contract of service, and shall be entitled to the payment of all wages earned under the terms of such contract of employment, or any contract of service. And such payment shall be made to them in the United States of America, in the Territory of Hawaii, or in any other country to which the terms of such contract of employment, or any contract of service, may direct them to go, and the payment shall be made directly to the persons so entitled thereto.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.

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Mr. DE ARMOND. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.
labor contracts, and you certainly do not want that. You certainly do not want this section stricken out. It would let them all into the United States. The section to which you refer, Mr. Chairman, does not prevent the Chinese from coming to this country. It brings the Chinese that are under the exclusion act and prohibits them from coming to the United States from that island. In other words, if you add this to the section as amended by the chairman, then it would have force and effect, but you ought not to offer your amendment unless you have the full consent of the committee.

Mr. DE ARMOND. It did not seem to me from the reading of the amendment that the proposition I offered would have that effect; but it may have, and in order to obviate that, I will offer a new provision, a new paragraph. My amendment was drawn for the section as it was before any amendment to it had been adopted.

The CHAIRMAN. Without objection, the amendment will be considered as offered in that way.

Mr. KNOX. I hear the gentleman's remark. This amendment would leave all the Chinese and Japanese in the island who were there previous to that time. If the gentleman's amendment is to be offered, it should be offered as a new paragraph.

Mr. DE ARMOND. I offer it as a new paragraph.

The CHAIRMAN. Without objection, that course will be pursued.

Mr. SNODGRASS. I should like to ask the gentleman a question. You say that all Chinese and Japanese that have been brought into those islands under contracts shall depart in one year or less, and with accordance in accordance with the provisions of the Chinese-exclusion act. What are the provisions of that act?

Mr. DE ARMOND. Oh, I have not time to go into that.

Mr. SNODGRASS. If those people have been brought to those islands—

Mr. DE ARMOND. I can not yield to the gentleman for a speech in my time, nor could I read the provisions of the Chinese-exclusion act in two or five minutes.

Mr. SNODGRASS. I wish to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DE AR- Mond] has the floor.

Mr. DE ARMOND. The object of the amendment is to prevent the coming into the United States and to take away from those who have been brought into those islands—

Mr. SNODGRASS. If it is not enough that the amendment offered by the gentleman from Missouri [Mr. KNOX] would exclude from the United States proper. Whether it does not depend on the House; but granting that it does, that, to my mind, is not sufficient. They ought not to remain in Hawaii. The contract system ought not to be maintained there, but they should be deported and have been dealt with in Hawaii, as well as in other parts of the United States, as are Chinese here against the provisions of our law, made, I suppose, for due reason and sufficient cause for the exclusion of the Chinese. I would like to have these contract laborers taken out of the Hawaiian Islands, but they should be deported from any other part of the United States. This amendment now pending, I think, will have that effect.

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

Mr. KNOX. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. DE ARMOND. I do not care for that much time. I only want a moment.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. DE ARMOND. It will supplement that which the gentleman from Massachusetts sought to accomplish by the amendment offered by him to the section. As I caught the reading of his amendment, I gather that the two provisions are in harmony and not at all in conflict. I think it is entirely right to prevent any and all of the Chinese men in the Hawaiian Islands from coming to any other part of the United States, and that it is also proper, and I believe all right, that the Chinese who are there under this contract-labor system be deported as soon as possible. A year is a reasonable time in which to quit our domain without hardship to them.

Mr. BARHAM. The gentleman's amendment does not now provide to strike out the other, as I understand it.

Mr. DE ARMOND. This is a new provision.

Mr. BARHAM. I should like to have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be reported in its present form.

Amend by inserting the following at the end of section 109:

"All Chinese and other Asiatics who came or were brought into Hawaii since August 12, 1888, under any contracts or contracts whereby they bound themselves to remain in whatever manner, to go and return from and to the United States within one year, from the date of the taking effect of this act, and any such person being in Hawaii or elsewhere in the United States at the expiration of said period shall be dealt with as if within the United States in violation of the Chinese-exclusion act.

Mr. SNODGRASS. Mr. Chairman, the people affected by this provision are poor people. They are 13,000 of these men as I understand it, and I think if that amendment is adopted, there ought to be some provision requiring the persons who brought them into those islands under labor contracts to aid them to get away. If we are going to deal with them thus summarily, we ought to provide some way that they may be carried out.
beneficial. It seems to me that we can not properly organize the government of Hawaii unless we provide for a department whose special function is to collect statistical information in relation to the labor conditions of that country and to present it to the local governing body and the supervising and controlling Government of the United States.

Mr. KNOX. Will the gentleman permit me to ask him a question?

Mr. NEWLANDS. Certainly.

Mr. KNOX. Does not the jurisdiction of our Labor Commissioner extend to the Territory?

Mr. NEWLANDS. No; I do not so understand. I present this amendment after consultation with the Labor Commissioner to-day.

Mr. KNOX. Mr. Wright. Does he approve it?

Mr. McRAE. There are some additions made; but nothing at all that antagonizes his recommendation.

Mr. McRAE. I would like to ask the gentleman a question.

Mr. NEWLANDS. Certainly.

Mr. McRAE. Can he so modify his amendment as to impose these duties upon the commissioner of agriculture and forestry there?

Mr. NEWLANDS. The commissioner of agriculture and forestry there is elected by the people.

Mr. McRAE. If you require him to perform this duty, I think it will be a saving to the government.

Mr. NEWLANDS. I do not want this duty to be performed by any official who will be a representative of the very land system which is interested in maintaining and preserving this system of labor, but I desire the commissioner to be appointed by the President of the United States.

Mr. McRAE. The objection I see to it is that he has very little to do, and this officer has very little to do, and these are two big salaries to be dispensed of.

Mr. NEWLANDS. That can be taken in hand by the congressmen.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Nevada.

The question was taken and the Chairman announced that the "noes" numbered to have it.

Mr. NEWLANDS. I call for a division.

The committee divided; and there were—ayes 39, noes 82.

So the amendment was rejected.

Mr. NEWLANDS. I offer the following amendment. I submit the Amendment as follows:

Amend section 102 by adding: "That it is hereby declared to be the purpose of the United States to promote the interest of the sugar and other sugar plantations, to discourage the employment of Asiatic labor, and to that end it is enacted that every corporation employing labor in Hawaii shall, within one year from the passing of this act, remove all foreign labor employed at the time of its incorporation, or by the incorporators, from its laborers from citizens of the United States, citizens of the Territory of Hawaii, and other free white persons, and within one year from the passing of this act, at least one-third of their laborers shall be citizens of the United States, citizens of the Territory of Hawaii, or other free white persons; and any corporation which shall fail to comply with any provision shall have the corporation shirked of their franchise and shall be subject to the penalties imposed by the legislature of Hawaii.

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to prevent the establishment of the sugar industry with the conditions arising from the employment of Asiatic labor. As it stands to-day these islands are almost entirely devoted to the production of sugar, a production which has been made vastly profitable by the markets which this country has afforded. Land has risen to fantastic values, whose prices received for their products and the profits made have been such as to warrant the employment of a higher class of laborers and a much more expensive system of labor.

Now, notwithstanding the fact, these corporations which own or control almost all the sugar lands and whose influence is potental in government have steadily encouraged Asiatic immigration to those islands, instead of endeavoring to increase white immigration to those islands. Their contention has been that the climate is unsuited to white labor, and especially not unsuited to those white laborers who live in semitropical and semitropical climates, such as the Portuguese and Italians, who constitute a most useful portion of our population. I believe, in my own school, and who are, as citizens of a republic government, devoted to its institutions and its principles.

Now, the question is, How can we relieve these islands from the burden that has been fastened upon them by a false labor system? and by means of which the labor of the business now conducted there? It is obvious that it must be gradually done. We can accomplish it by the control which the State has over the corporations which it creates. The Government can determine the class of labor which these corporations shall employ, and it can subject them to the penalty of forfeiture of their franchises if they violate the injunction of the law.

These corporations control all the sugar lands of Hawaii; and as that is the occupation which employs almost all the laborers in that country, by controlling the corporations, in the employment of Asiatic labor you regulate the evil complained of.

Now, I present this amendment for the gradual increase in the white labor employed by these corporations. The amendment provides for the employment of one-tenth within the first year and an increase of one-tenth every year, until at least three-quarters of the labor are employed by corporations shall be citizens of the United States, which includes white and black citizens of the United States, citizens of the Territory of Hawaii, which includes the Kanakas and other white people, such as Italians and Portuguese, and it is in my opinion, is just in that gradual increase of the number of white laborers which will increase by the addition of such persons white or black, as are now citizens of the United States and by the immigration of laborers of the white race who are accustomed to a semitropical climate.

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

Mr. NEWLANDS. I ask an extension of five minutes.

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

Mr. COX. Now, will the gentleman yield to me for a question?

Mr. NEWLANDS. Just for a question.

Mr. COX. Why do you exclude the negro there?

Mr. NEWLANDS. I don't.

Mr. COX. You say free white people.

Mr. NEWLANDS. No, I do not; I say citizens of the United States, citizens of the Territory of Hawaii and other free white persons. Now, citizens of the United States includes the negroes in the United States.

Mr. COX. Well, put my nigger in, and that is all I [Laughter.]

Mr. NEWLANDS. These islands have a great deal more anxious as anyone to work which reaches the State and which exercises a reasonable control over their employment in the advantage of the Government and to the advantage of republican institutions.

Nor will it work an injustice to the Asiatic labor now employed these laborers will have to be gradually increased; and as these lands grow in business, as they are bound to do, it is probable that the Asiatic laborers now employed there and displaced by the gradual policy which this amendment provides for will be absorbed by new enterprises, or will be glad to return to their homes with the assurance which this policy gives.

Mr. KNOX. Mr. Chairman, I have only one word to say in regard to this amendment, and that is, I trust that it will not prevail. The labor problem in Hawaii is a very difficult one and a very uncertain one, and what the future result is going to be I do not know; but the hope is, and the best hope, is that these valuable lands which are now leased on long terms of years expire, and as they become a part of the public domain, inasmuch as under this bill no future leases but for a short term can be made except by an act of Congress, it is the hope that these lands will be taken not by any of my friends who work for corporations, but that they will be taken by individuals who can go to Hawaii in good faith to take these lands as homesteaders.

Mr. NEWLANDS. The gentleman has reference to the crown land.

Mr. KNOX. I refer to all public lands. This is the best hope for Hawaii. Now, the great corporations that are there, which own the great sugar plantations and great rice fields, I do not believe with reference to them that any Americans are going there to work on these lands; they are not the people who can thrive. The hope is, and the best hope, is that these lands will be taken by individuals who can go to Alaska, are going to Hawaii to work on a sugar plantation.

I believe the best hope for the Pacifics, the Japanese, and the Chinese is that they may acquire sufficient of their own mien to their own money and own small plantations and have families there. I do not believe in opening the door and saying that these Chinese and Japanese shall ever be citizens of the United States; and I do not believe that anyone will ever work in the rice fields in Hawaii or in a tropical country unless he be a Chinaman or a Japanese or something of that kind.

Mr. NEWLANDS. Are there any rice fields in Hawaii?

Mr. KNOX. Oh, yes.

Mr. NEWLANDS. How extensive?

Mr. KNOX. I do not know, but the report will give you the information.
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Mr. HILL. Mr. Chairman, the number of eligible voters in the republic of Hawaii to-day is 2,800. If this bill should become a law now, there would be to-morrow 15,000 such voters. I submit that this is a rather sudden abrogation of the privileges and responsibilities of American citizenship. I submit, furthermore, that the committee itself feels precisely in the same way in regard to this matter; for I wish to read a clause in their report in regard to the qualifications of voters for senators, being a property qualification which I do not approve. The committee says:

The amendment striking out all property qualifications for electors of senators was made on account of great opposition made to this provision, both in the committee and by other Representatives. It appeared that such a qualification had heretofore existed in Hawaii, and this fact had been satisfactory, and it is hoped.

A hope in which 'the gentleman from Connecticut' most heartily joins—and it is hoped that this amendment will not unfavorably affect either the character of so important a body as the senate of Hawaii or ever be the means of vicious legislation.

I regret that this legislation should be framed in so hasty and inconsiderate a manner that the committee itself feels called upon to apologize when the bill is here for the organization of this Territory.

Mr. HILL. I think there is, so far as the sentimental side of the question is concerned. The American people look upon the authorization and full organization of a Territory as the first step toward statehood. It has always been so construed; it always will be so construed. By the adoption of this amendment we shall simply put ourselves on record as declaring that this legislation is not adopted with that end in view.

Allow me a moment—

The CHAIRMAN. The committee will be in order. Debate upon this amendment is exhausted except by unanimous consent.

Mr. HILL. I ask unanimous consent—

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to address the committee. Is there objection? The Chair hears none.

Mr. HILL. Mr. Chairman, I would state in reply to the elegant remark of the chairman of the Committee on Territories that the amendment offered by me is the precise amendment which the junior Senator from the State of Massachusetts was reported in the papers to have stated that he would have offered if he had had an opportunity.
The committee resumed its session.

Mr. WILLIAMIS of Mississippi. I ask unanimous consent to address the committee.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the committee. Is there objection?

There was no objection.

Mr. WILLIAMIS of Mississippi. Mr. Chairman, there are two opinions as to the legal status of Territories of the United States. One is that under the Constitution every Territory is necessarily in process of formation for statehood. The other is that this view is a mere dictum of a court and is not law.

Now, let us take both sides of that proposition. If the announcement of the court be a decision, then the amendment of the gentleman from Connecticut (Mr. Hill) would place upon the statute book an unconstitutional pronouncement. If, upon the other hand, the contention of the other side is correct and the announcement of the court be mere obiter dictum and it be not true that a Territory is necessarily a country in process of formation for statehood, then the gentleman’s amendment is unnecessary.

Now, why is it unnecessary? For two reasons: First, if Congress desires to prevent Hawaii from becoming a State it has a very easy method of preventing it, and that is simply never to vote to make Hawaii a State. And then there is another reason why it is unnecessary. Even if this Congress could bind all successive Congresses, as far as any Congress can possibly bind another, by an utterance to the effect that Hawaii should never become a State, that act of this Congress could be repealed by the very next Congress, or the very next Congress after that, if that Congress chose. Therefore I think it is safe with the gentleman who is chairman of the committee, without repeating the language of my old friend Mr. Walker, that this thing is “demtionn nonsenss,” either because it is unconstitutional or else because it is unnecessary. [Applause.]

Mr. RIDGELY. Let us have the reading of the amendment again.

The amendment was again reported.

Mr. RIDGELY. I move to amend by striking out the last word of the amendment.

The CHAIRMAN. That motion is in order, this being an amendment to an amendment. The question is on the amendment offered by the gentleman from Connecticut.

The amendment of Mr. Hill was rejected.

Mr. KNOX. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

In place of section 100 of the bill insert a new section, to be numbered 106, and to read as follows:

"Sec. 106. This act shall take effect sixty days from and after the date of the approval thereof, excepting only as to section 52, relating to appropriations, which shall take effect upon such approval."

Mr. RIDGELY. Mr. Chairman, I will not take the full time apportioned to me, but I wish at this stage of our proceedings to call the attention of members here to the fact that while we are claiming that these new possessions are to give us an outlet for our labor element, we have by our action here refused the very conservative provision offered by the gentleman from Nevada [Mr. NEWLANDS], providing that the people in Hawaii employing labor shall gradually give preference to our people by requiring that at least 10 per cent of their employees shall be citizens, adding to this 10 per cent each year until all employees are citizens, allowing them to take the colored people from this country to displace the Asians if they so desire.

In opposition to this, the chairman of this committee calls attention to the fact that the peculiar conditions and kinds of work in that country may demand the employment of the Asians, who by the bill are denied the right of citizenship. I simply call attention to the fact that we, by our action here, are admitting that we at least hold it to be a matter of grave doubt whether we have any laborers that are adapted to the chief industries of our new possessions.

Another thing I earnestly condemn. We have just passed an amendment to this bill which directly destroys the postal savings bank that the government of Hawaii had established without offering anything in its place. Thus we drive all deposits to private banks, which too often fail. We are really carrying those people backward instead of forward in this, while we boast of our superior civilization.

I will not take up any more time now, but I will extend my remarks in the Record.
Mr. KNOX. Mr. Chairman—

The CHAIRMAN. The gentleman's amendment is still pending.

Mr. McRAE. I hope the gentleman will modify that by also excepting section 10 and let that go into operation at once.

Mr. KNOX. We could not do that.

The amendment of Mr. Knox was agreed to.

Mr. NEWLANDS. Mr. Chairman, with the permission of the chairman of the committee, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

1. Insert on page 53, after section 76, a new section, to read as follows:

"There shall be a commissioner of labor, whose duty it shall be to collect, assort, arrange, and present in annual reports to the governor and to the legislature and to the Department of Labor of the United States statistical details relating to all departments of labor in the Territory, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as the legislature may by law direct. The said commissioner is specially charged to ascertain, at as early a date as possible and as often thereafter as such information may be required, the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and earnings, and to report the same to the United States legislature, and to make such other reports as may be required of offering an amendment."

2. Insert 2, after the word "forestry," the words "as follows:"

The CHAIRMAN. A gentleman from Nevada [Mr. Newlands] said he would return to the section referred to in his object of offering an amendment.

Is there objection?

[Mr. HITT sits down.]

Mr. KNOX. I move, in the consideration of these provisions, and I was inclined to do so, because it was drawn by the Committee whom we all know to be an able man, that he investigated these questions, and is better able to do so necessary and proper than I am. Therefore I agree to objection to the amendment.

Mr. HITT. Does this provide any salary for the commissioner?

Mr. NEWLANDS. No.

The amendment was agreed to.

Mr. KNOX. Inasmuch as one section of the bill has been stricken out, I ask unanimous consent that the sections may be renumbered, to make them consecutive.

The CHAIRMAN. The Clerk will perform that duty.

Mr. KNOX. Mr. Chairman, inasmuch as this whole House bill is an amendment to the Senate bill, striking out the enacting clause and inserting the bill that we have been considering, I move that this amendment be now adopted.

The CHAIRMAN. The gentleman from Massachusetts moves that the amendment in the nature of a substitute proposed by the Committee on Territories, as amended, be agreed to.

Mr. BARTLETT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. If this motion prevails, does it prevent the voting in the House upon amendments to this amendment?

The CHAIRMAN. That question will arise in the House and there be disposed of.

Mr. BARTLETT. We should like to know before we vote.

The CHAIRMAN. The Chair has no authority to express an opinion upon what will arise in the House.

Mr. ROBINSON of Indiana. I should like to ask the chairman of the Committee on Territories—

Mr. BARTLETT. Mr. Chairman—

The CHAIRMAN. The gentleman from Georgia still holds the floor.

Mr. ROBINSON of Indiana. Excuse me.

Mr. BARTLETT. I desire to know whether this is a request for unanimous consent or whether it is a motion?

The CHAIRMAN. It is a motion in order.

Mr. KNOX. It is the usual motion that is made in such cases.

Mr. BARTLETT. I am not proposing to object to it.

Mr. ROBINSON of Indiana. Pending that, I would like to ask the privilege of submitting an amendment to the last section, or an amendment to the amendment that the Committee on Territories proposed a moment ago.

Mr. KNOX. What is it?

Mr. ROBINSON of Indiana. It is a change from thirty to sixty days in the time at which the bill should take effect.

Mr. KNOX. I am informed by the Department that the time we have already fixed for this bill to take effect is too short. It takes—I do not know how long for the bill to get to San Francisco, and we have no cable to Hawaii.
Mr. ROBINSON of Indiana. I am sorry for that, as there are some matters on which it ought to take effect early.

Mr. KNOX. We have provided that some provisions take effect at once.

Mr. ROBINSON of Indiana. Does that include section 10—the labor provision?

Mr. KNOX. No; it does not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts, in the nature of a substitute.

The question was taken; and the substitute was agreed to.

Mr. KNOX. I move that the committee now rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Mooney of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 222, and had directed him to report the same with an amendment in the nature of a substitute, with the recommendation that the bill as thus amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. BARTHOOLDT. Mr. Speaker, since the parliamentary status of the bill is such that no amendment can be voted upon separately, and the only opportunity to offer an amendment is by a motion to recommit to the Committee on Territories, I desire to offer such a motion.

The SPEAKER. The gentleman from Missouri submits a motion to recommit, which the Clerk will report.

The Clerk read as follows:

That the bill be recommitted to the Committee on Territories with instructions to strike out of page 71, line 7, after the word "allowed," the words "nor shall such taxes for the sale of intoxicating liquors be allowed," and that the bill be reported back forthwith.

Mr. CANNON. Mr. Speaker, I desire to make a parliamentary inquiry. Suppose that motion is adopted. I desire to know whether it would be the duty of the gentleman in charge of the bill at once on its adoption to report back the bill as instructed.

The SPEAKER. The Chair will state, in reply to the parliamentary inquiry of the gentleman from Illinois, that it has been held repeatedly that the chairman of the committee who reports the bill, if this motion should prevail, should report it back forthwith, without leaving his seat or consulting his committee; and the Chair will further state that in the recollection of the Chair, on a motion made by the gentleman from Illinois who makes the parliamentary inquiry, that ruling was made. The question is on agreeing to the motion.

Mr. LITTLEFIELD. I call for the yeas and nays. [Cries of "Oh, no!"]

Mr. FINLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. For a parliamentary inquiry. I wish to know whether or not unanimous consent is necessary on that motion?

The SPEAKER. On this motion: not at all. It is a privilege the gentleman has. The question is on agreeing to the motion.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Several MEMBERS. Division!

The House divided: and there were—ayes 50, noes 83.

Mr. PARKEE of New Jersey and Mr. BARTHOOLDT. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Eighteen gentlemen have arisen—not a sufficient number; the yeas and nays are refused. The noes have it, and the motion is lost. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KLEBERG and others. Division!

The House divided: and there were—ayes 130, noes 28.

Mr. KLEBERG. The yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twelve gentlemen have arisen—not a sufficient number; the yeas and nays are refused. The ayes have it, and the bill is passed.

On motion of Mr. KNOX, a motion to reconsider the vote by which the bill was passed was laid on the table.
Mr. Heifeld introduced a bill (S. 4075) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth; which was read twice by its title, and referred to the Committee on Territories.

GOVERNMENT FOR HAWAII.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 322) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I will simply ask that the bill lie on the table and be printed, before I request a conference.

The PRESIDENT pro tempore. Without objection, the bill will lie on the table and be printed.

GOVERNMENT FOR HAWAII.

Mr. CULLOM. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 322) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill.

Mr. CULLOM. I move that the Senate nonconcur in the amendment of the House and request a conference on the disagreeing votes of the two houses.

Mr. PETTIGREW. Mr. President, I see that the House has passed a substitute for the Senate Hawaiian bill and that on page 9 of the House bill, section 10, they provide that all obligations, contracts, rights of action, suits at law and in equity, etc., shall continue to be as effectual as if this act had not been passed. This would allow for the enforcement of all civil contracts, and contracts by imprisonment and can go to the extent of imprisonment for life. I trust the conferees will see that this provision is so amended as to prevent the enforcement of the existing slave-labor contracts of that island.

The House have adopted the provision that all contracts made since August 13, 1898, are declared null and void and shall terminate, but section 10 also provides:

That no suit or proceeding shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, or shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach.

Inasmuch as the courts have held that these contracts are civil contracts, I do not know but that there are laws existing in Hawaii that we perpetuate (for we perpetuate a large body of their laws) which provide that damages for a breach of one of these contracts may be collected, and that prior to their collection the person against whom the recovery was secured could be imprisoned. Perhaps their laws so provide. If they do, then until we repeal those contract-labor laws and provide that a suit for damages for the breach of these contracts may be had, these men might still be held for service and compelled to work out the damages upon the plantations under the whip and lash of the slave master. I hope the conferees will carefully guard that provision and see that there is no question about it.

The House bill also provides that the provisions of this section 10 shall not apply to merchant seamen. In other words, it indirectly provides that the existing laws with regard to merchant seamen may be enforced. The existing law of Hawaii makes a seaman a slave during the term of his contract. If he is engaged in foreign service, that is the law of the United States. But in 1898 we passed a law by which a seaman engaged in the domestic trade of the United States could not be compelled to carry out the provisions of his contract or be imprisoned if he failed to do so, I hope the conferees will see that this provision is modified so that if that the laws of the United States with regard to seamen, so far as they apply to our domestic trade, shall apply to seamen engaged in the trade with Hawaii.

I am particularly anxious about this for the reason that on page 90 of the bill the House have provided—

At the expiration of one year after the passage and approval of this act the existing trade between the islands aforesaid and other portions of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great commercial nations. We put off the time when the existing laws of the United States shall apply for one year, and I hope this provision will be stricken out entirely. It seems to me that the provision in relation to our coasting trade should apply at once, and I can see no good reason why this provision should be continued.
I find also, on page 26 of the House bill, that there is the following provision:

Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

I do not know what the Hawaiian law is with regard to registration, but if a law should be so constituted, or if the last legislature should have enacted a law by which no persons could vote at the next election unless they were registered previous to the passage of this bill, which would shut out all the people except the sugar planters of that country, upon whom especially the right of suffrage is conferred, this provision ought to be modified so that any person who is registered previous to the next election, or if not registered can qualify by affidavit, shall be allowed to vote, and the modifications made in this bill, they are reasonably fair, with the correction with regard to registration.

I see the House has also provided that the Federal court appointment shall be for life. It seems to me that provision ought not to be agree to in the Senate. After a long debate, I believe we changed that provision in the Senate, and insisted that it should be a term, and that the judge could be removed by the President.

I simply wish to call the attention of the conferees to these points in the record, as I think the Senate ought to insist upon them.

Mr. CULLOM. I do not care to say anything now. I ask for a vote on my motion.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate concur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferences on the part of the Senate; and Mr. CULLOM, Mr. LODGE, and Mr. MORGAN were appointed.

Mr. ALLISON. I wish to call attention to the form in which this bill is printed. The original bill is not printed.

Mr. TELLER. It is omitted.

Mr. ALLISON. It is omitted. I think on the record this copy is attached to the original bill.

Mr. CULLOM. The bill as it passed the Senate is in print, and there will be no difficulty in the matter on the part of the conferees.

Mr. ALLISON. Is that the original bill on the Senator's desk?

Mr. CULLOM. This is the original bill, and here is the print which I got from the House before it was printed here.

Mr. PETTIGREW. I should like to ask the Senator from Illinois if the bill is in print exactly as it passed the Senate?

Mr. CULLOM. It is, exactly as it passed the Senate.

Mr. PETTIGREW. Then there should be a reprint of it, together with the House print.

Mr. ALLISON. That should be done. There should be a reprint of the original bill with the amendment of the House.

Mr. PETTIGREW. I ask that we may have a reprint of the bill as it passed the Senate, together with the House amendment.
CIVIL OFFICES IN OUTLYING DEPENDENCIES.

Mr. ROSS. I ask unanimous consent for the present consideration of the bill (S. 2000) regulating appointments to and removals from civil offices in outlying dependencies of the United States.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent for the present consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee to Examine the Several Branches of the Civil Service with an amendment, to strike out all after the enacting clause and insert:

That all appointments to civil offices made by the President or any head of a Department in Alaska, Hawaii, or any place brought within the jurisdiction of the United States by the recent treaty with Spain, shall be made irrespective of the political opinions of the persons appointed, and, so far as consistent with the proper performance of the duties of the office, in such a manner as to represent the entire country. In case of removal from any such office, whenever practicable, charges shall be made in writing and a copy thereof furnished to the accused, who shall be afforded reasonable opportunity to make answer thereto; and the President or head of a Department making the appointment may, wherever the public interest shall seem to require it, suspend the official pending hearing or investigation of such charges.

Mr. GALLINGER. I feel constrained to object to the present consideration of the bill.

The PRESIDENT pro tempore. Objection is made.

WINSLOW WARREN.

Mr. HOAR. Will the Senator from Maine allow me to ask for the passage of a bill which I think will not take two minutes?

Mr. HALE. I will if it will not give rise to debate.

Mr. HOAR. I am sure it will not.

Mr. HALE. I yield for the moment.

Mr. HOAR. I ask unanimous consent to call up the bill (S. 248) for the relief of Winslow Warren.

HAWAII.

The SPEAKER. The Chair lays before the House the bill to establish the Territory of Hawaii, returned to the House with the information that the Senate has disagreed to the amendments of the House, and asks for a conference.

Mr. KNOX. I move that the House insist on its amendments, and agree to the request for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. KNOX, Mr. Hirr, and Mr. Moon as the conferees on the part of the House.

Senate Bills Referred:

S. 2. An act to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable - to the Committee on Interstate and Foreign Commerce.

Mr. Shoup, from the Committee on Territories, to whom was referred the bill (S. 4075) 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 it without amendment, and submitted a report thereon.
April 14, 1900
House
v. 33 (5)
p. 4204

By Mr. Wilson of Arizona: A bill (H. R. 10737) to amend an act entitled "An Act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth" - to the Committee on the Territories.

April 16, 1900
Senate
v. 33 (5)
p. 4210

Mr. Perkins introduced a bill (S. 4229) to amend an act entitled "An Act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth," which was read twice by its title, and referred to the Committee on Territories.

April 18, 1900
Senate
v. 33 (5)
p. 4357-4358

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TERRITORY OF HAWAII.

Mr. CULLOM. I sent to the desk some time ago a conference report which I should like to have laid before the Senate before any other business is taken up, if I may have it.

The PRESIDENT pro tempore. The Senator from Illinois presents a conference report.

The Secretary proceeded to read the report of the committee of conference, but was interrupted by—

Mr. PETTIGREW. Mr. President, I should like very much to have this conference report printed in the RECORD and go over until to-morrow. I therefore ask that that may be done.

Mr. CULLOM. Of course if the Senate desires to have the report printed—

Mr. PETTIGREW. Simply in the RECORD. That is all.

Mr. CULLOM. I suppose I have no right to object to the request, and shall not do so.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] asks that the report of the conference committee on the Hawaiian bill may be printed in the RECORD.

Mr. PETTIGREW. And also as a document.

Mr. CULLOM. If the report goes over, I should like also to have the bill printed as it has been agreed upon, so that Senators can see exactly what it is.

Mr. PLATT of Connecticut. That is right.

Mr. PETTIGREW. I simply want the information in the easiest possible way.

Mr. CULLOM. That will be the best way.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota [Mr. PETTIGREW] as it has been modified by the Senator from Illinois [Mr. CULLOM]?

The Chair hears no objection, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 225) to provide a government for the Territory of Hawaii, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Section 1. line 8, after the word "Hawaii," insert the words "in force."

Section 4, line 5, after the word "States," insert the words "resident in the Hawaiian Islands."

Section 5, line 5, strike out the words "in the Hawaiian Islands" and insert in lieu thereof the word "there."

Section 5, line 1, strike out all after the word "That" to and including the word "provided."

Section 5, line 2, after the word "Constitution," insert a comma; after the word "and" insert a comma and the words "except as herein otherwise provided:" after the word "States" insert the words "which are not."

Section 5, lines 2 and 3, strike out the word "applicable" and insert in lieu thereof the word "inapplicable."

Section 10, line 1, strike out the words "obligations, contracts."

Section 11, line 2, after the word "shall," insert the word "hereafter."

Section 18. Strike out the whole of said section and insert in lieu thereof the following:

"Section 18. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, who shall with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of the government unless the person so convicted shall have been pardoned and restored to his civil rights."
Section 34, line 4, strike out the word "twenty-five" and insert in lieu thereof the word "thirty."
Section 37, line 1, after the word "vacancies," insert the words "in the office of representative." Section 57, lines 2 and 3, strike out the words "general or."
Section 60, add at the end of said section the words "in the district from which he is selected."
Section 67, lines 3 and 4, strike out the word "chairman" and insert in lieu thereof the words "presiding officer."
Section 69, line 5, strike out the word "shall" and insert in lieu thereof the word "may."
Section 82, line 9, after the word "on," strike out the word "of," also strike out the word "Hawaii" and insert in lieu thereof the words "the Territory of Hawaii."
Section 85, line 25, strike out the word "or," after the word "acquire," and insert in lieu thereof the word "and."
Section 55, line 37, after the word "allow," strike out all to and including the comma after the word "allowed," in line 36, and insert in lieu thereof the words "nor shall spirituous intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide."
Section 85, line 23, strike out after the word "States," and insert in lieu thereof the words "on or before the 31st day of March next preceding the date of registration, all taxes."
Section 82, in the title of the section, after the word "Senate," insert the words "and in all other elections."
Section 84, lines 15 and 16, strike out all after the word "each," and in line 15 to and including the words "party," in line 16.
Section 73, line 4, strike out all after the word "provide," to and including the word "him," in line 17.
Section 73, line 19, after the word "granted," strike out the words "in good faith."
Section 78, line 6, strike out all to and including the word "be," in line 7, and insert in lieu thereof the words "shall be the duty of the commissioner of Labor," also, after the word "reports," in line 8, strike out all to and including the word "States," in line 9; also, after the word "Territory," in line 10, insert in lieu thereof the words "the words "the legislature" and insert in lieu thereof the words "Congress;" also, strike out all after the word "to," in line 20, and insert in lieu thereof the word "Congress."
Section 80, in line 9, after the word "forestry," strike out the words "commissioner of labor.
Section 80, line 14, strike out all to the end of the section.
Section 82, line 2, after the word "and," strike out the words "not less than."
Section 83, line 6, strike out the words "house of representatives" and insert in lieu thereof the words "senate."
Section 84, line 1, strike out all after the word "that," to and including the word "States," in line 4, and insert in lieu thereof the following: "There shall be established a said Territory a district court of one judge, who shall reside therein and be called the district judge." Section 85, line 7, after the words "said district," insert the words "and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President."
Section 86, line 10, after the words "The district court for the said district," and insert in lieu thereof the words "said court."
Section 86, line 10, after the word "court," insert the words "of the United States."
Section 86, line 11, after the word "court," insert the words "and said judge, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States. Writs of error and appeals from said district courts shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of the United States as provided by the laws of the United States relating tojuris and jury trials shall be applicable to said district court."
Section 88, line 4, after the word "dollars," strike out the word "and."
Section 88, line 6, after the word "and," insert the word "the," after the word "justices," insert the words of the supreme court of the United States, $5,000 each."
Section 89, line 7, after the word "court," insert the words "Territory of Hawaii and insert in lieu thereof the words "United States."
Section 92, line 1, after the word "thousand," insert the words "five hundred."
Section 92, line 13, strike out the word "two," and insert the word "three." Section 95, line 9, after the word "in," strike out the word "a," and insert in lieu thereof the words "such."
Section 96, line 10, before the word "provided," insert the words "as may be."
Section 97, line 19, strike out all after the word "States," and insert in lieu thereof the words " States."
Section 98, line 2, strike out the words "permanent or temporary, on August 12," and insert in lieu thereof the words "on the 12th day of August."
Section 99, line 9, after the word "and," strike out all to and including the word "act," in line 10.
Section 99, lines 14 and 15, strike out all of said lines.
Section 99, line 3, after the word "on," insert the words "the 12th day of;" and in the same line, after the word "August," strike out the word "twelfth."
Section 101, line 12, strike out all after the word "certificates," to and including the word "acta" in line 22.
Section 104, line 1, after the word "effect," strike out the word "sixty," and insert in lieu thereof the word "forty-five."
Section 104, line 3, after the word "section," strike out the word "fifty-two," and insert in lieu thereof the word "fifty-three."
And the House agree to the same.

S. M. CULLOM,
H. G. LODGE,
Managers on the part of the Senate.
W. S. KNOX,
B. R. HUTT,
JOHN A. MOON,
Managers on the part of the House.
April 19, 1900

Senate

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p. 4409-4411

TERRITORY OF HAWAII.

Mr. CULLOM. I now ask for the consideration of the conference report, which I submitted yesterday, on the bill providing a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The Senator from Illinois asks for the consideration of the conference report submitted by him yesterday; which will be read.

Mr. BACON. Do I understand that this is a report of the conference committee on the Hawaiian bill?

The PRESIDENT pro tempore. It is.

Mr. BACON. May I inquire whether or not it has been printed?

The PRESIDENT pro tempore. It has been printed.

Mr. CULLOM. It has been printed, and it is probably on the Senator's table.

The PRESIDENT pro tempore. The reading of the report will be proceeded with.

The Secretary read the report as printed in the proceedings of the Senate of yesterday.

Mr. CULLOM. There is a mistake in the last clause of the conference report, which reads:

Section 104, line 3, after the word "section," strike out the word "fifty-two" and insert in lieu thereof the word "fifty-three."

I failed to correct the error resulting from the numbering of the sections. It should be 52.

Mr. SPOONER obtained the floor.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin has been recognized.

Mr. LODGE. I beg pardon. I was not aware of that.

Mr. SPOONER. Mr. President, it is quite impossible to gain any very definite information from the reading of this report as to what changes have been made in the bill as it passed the Senate. I should like to have the Senator explain, if he will, briefly the essential changes, particularly with reference to the provision incorporated in the bill by the Senate concerning contract labor.

Mr. CULLOM. Mr. President——

Mr. BACON. Before the Senator from Illinois proceeds with his explanation, I should like to make a suggestion. It seems to me impossible to understand this conference report from its mere reading at the desk, and it will be equally impossible, after the explanation of the Senator from Illinois, for us to intelligently contrast, as we should do, the Senate bill with the House bill as it came to us and as it has been brought back to us by the conference. Of course we all know this is a voluminous bill, 35 pages long. I hope I may have the attention of the Senator from Wisconsin [Mr. SPOONER] and the Senator from Illinois [Mr. CULLOM], if of no other Senators, because I wish to make a suggestion for a practical purpose.

Mr. CULLOM. Excuse me; I was interrupted and I did not hear the last remark of the Senator from Georgia.
Mr. BACON. The last remark I made was that I hoped I might have the attention of the Senator from Illinois.

Mr. CULLOM. I was trying to give it to the Senator from Oregon.

Mr. BACON. For the reason that the suggestion I propose to make is for a practical purpose, I was trying to show the difficulty of our contrasting the two measures, which it is recognized by every one we should have a fair opportunity to do. We passed the bill in a form which we believe is one of the important ones in the history of the government of the Hawaiian Islands. We sent it to the House. The House sent us back a bill in the form of a substitute.

In other words, they sent back what purposed to be an entire bill, which we passed the Senate bill, but still, from the fact that they sent it back not in the shape of amendments to the various provisions of the Senate bill, but in the shape of a substituting entire bill, it would be with the utmost difficulty that we could take the Senate bill and compare it with the House bill, for the reason that in the Senate bill it is simply put down as part of the House bill, and where it differs from the Senate bill there is nothing to indicate that that is something in which it differs. It is all printed as a new bill, and the only thing that appears to us from this by which we cannot form any accurate judgment as to differences is as to amendments proposed by the committees to the House bill. In other words, the whole of the bill before us, the House substitute, which is a bill in its entirety, is printed in the ordinary roman text. The House substitute, so far as it stands, has been rejected in the ordinary way, and part substituted printed in italics in the ordinary way.

The report of the conference committee shows what the substitute bill differs from the provisions of the House bill, but there is this important point, that so far the Senate bill has been changed, and I think it ought to be printed in some way that when we read a section we will be able to see that that section is as it left the Senate, or, if that section has been changed, it ought to be so indicated. The purpose of it is to show that we are reading the provision in the Senate bill for the purpose of determining whether or not there has been any change in the Senate provision by the House provision, and vice versa.

Now, I fully understand, of course, that the Senator from Illinois will as clearly and as accurately as it is practicable for anybody to do, point out to us the changes; but I do say it is impossible for anyone verbally to point out the changes in such a way that it will be as clear as it has been nor not they are such changes as will meet with our approval.

Mr. CULLOM. The Senate in the course of this bill from one House of Congress to another has made it clear that this is not a bill that we can compare. It went to the House, and instead, as we naturally supposed they would do, of amending the Senate bill in the ordinary way, they did as the Senator has stated—struck out all after the enacting clause and substituted the bill called the House bill. Did it make any difference what very many of the same sections, without amendment, that the Senate passed. For instance, I have here a bill not exactly as it passed the Senate, because it is printed with the amendments made by the House incorporated; and, for instance, section 2, section 8, section 7, section 8, I believe section 9 is exactly as it was.

Mr. BACON. I would inquire of the Senator whether he is prepared to take up the two bills, section by section, and show the changes which are identical and those in which changes have been made.

Mr. CULLOM. I can as to most of the bill. I wish to say that I do not want anything unreasonable in reference to this matter.

Mr. BACON. All I want is to get the conference report considered as soon as we can consistently, and with the information that anybody wants, as to the land matter, as to the tariff, as to the number of very important consequential amendments made to the Senate bill, which constitute what is called the substitute or House bill, to which the Senate bill was substituted, but the substantial provisions of the bill, or many of them, are the same as in the Senate bill. Since, therefore, the Senate provisions on that subject are accepted by the House. As to the Federal court, the Senate provision was accepted by the House. As to the revenue matters, the Senate provisions are accepted by the House. As to the revenue matters, the Senate provisions are accepted by the House.

Mr. BACON. The Senate will be advised of the changes which are made. We want to know two things. We want to know, in the first place, what changes the House bill makes in the Senate bill. That does not appear as anything different.

Mr. CULLOM. We have not only that information. We have the printed House bill, the one to be compared with the other. The other thing we want to know is this: After the Senate, by means of a substitute, has amended the Senate proposition, in what particulars has the conference committee changed the provisions of the bill?

Mr. CULLOM. That is shown in the bill which the Senate has before him.

Mr. BACON. I understand that thoroughly.

Mr. CULLOM. Then why do you ask the question?

Mr. BACON. I am raising the question. I am stating what is the issue we have to make. I say there are two things upon which we are to be informed when we come to pass upon this question. We have the amendments proposed by the conference committee to the House substitute, but there is nothing there
Mr. BACON. Showing what was the Senate bill and what was changed.
Mr. CULLOM. Showing what the Senate did with the House bill.

Mr. BACON. The Senator means what the House did with the Senate bill.
Mr. CULLOM. Showing what amendments the House bill makes to the Senate bill.

Mr. BACON. The House bill I want.
Mr. CULLOM. We could not consider it in that way in conference, because the bill before us was the Senate bill with the number and title only and the House bill in place of all after the enacting clause. But if it will satisfy the Senator, I am willing to postpone the further consideration of this matter to-day and to prepare a Senate bill with every amendment in it made by the House.

Mr. BACON. That is everything I could possibly ask.
Mr. CULLOM. And then that will have to be compared with the substitute bill as amended by the conferences.
Mr. BACON. As amended by the conferences. The substitute bill, in other words, will correspond with the bill which the Senator proposes to prepare.

Mr. CULLOM. What does the Senator want; the Senate bill with the House amendments as it passed the House or the Senate bill with the House amendments as amended by the conferences?
Mr. BACON. That is shown now, Mr. President. The amendments of the conferences are shown.

Mr. CULLOM. But it would not be on the same paper.
Mr. BACON. So far as the amendments of the conferences are concerned there is no trouble about them.

Mr. CULLOM. No.
Mr. BACON. But the trouble is that the Senate conferences agreed to the House bill with certain changes; and we are unable to see what changes have been made in the Senate bill by the House; and if the House will prepare that which will show in what part of the Senate bill it came back from the House and before it went to the conferences changed the Senate bill, that is all that is necessary.

Mr. CULLOM. I will undertake to do that to satisfy the Senator from Georgia and Senators generally. I will prepare a Senate bill with all the amendments made to it by the House and have it printed and before the Senate as soon as I can get it ready. It may be a day or two, as it involves considerable work.

Mr. TILLMAN. Do I understand that the Senate conferences agreed absolutely to the changes of the House? Are there no changes in the House bill?

Mr. CULLOM. If the Senator from South Carolina will look at his bill he will see that there are a great many changes.

Mr. TILLMAN. Unless you point out the changes which the House made to the Senate bill and also the changes which the conferences made in the House bill, we will still be at sea.

Mr. CULLOM. The bill reported shows the amendments made by the conferences. So I do not need to go over that any more, I think.

Mr. CLAY. I desire to ask the Senator from Illinois whether it is not a fact now that we have before us the bill as it passed the Senate and went to the House, and that which the House reported as a substitute, and then the conference report inserting certain amendments to that substitute?

Mr. CULLOM. Certainly.

Mr. CLAY. We have the two bills printed in one. If you take up section 1 of the Senate bill and section 2 of the House bill you can not compare them and thoroughly understand them?

Mr. CULLOM. Certainly.

Mr. CLAY. And then simply see the amendments inserted by the conference committee?

Mr. CULLOM. Certainly; it is all there.

Mr. CLAY. It strikes me we have the bills before us now.

Mr. CULLOM. The lines are marked out, according to the Printer's rule, but you can read it easily enough. But if it is insisted that I shall prepare the bill as the senior Senator from Georgia suggests I am willing to do it, so that it shall be perfectly plain.

Mr. BACON. I hope the Senator will do that.

Mr. CULLOM. I withdraw the report for the time being, and will comply with the wishes of the Senate as nearly as possible as regards the printing.
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By Mr. Wilson of Arizona: A bill (H. R. 10843) to amend an act entitled "An act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth" - to the Committee on the Territories.

Mr. Hale introduced a bill (S. 4290) to provide for the acquirement by the United States of lands and rights therein necessary to the establishment of a naval station in Pearl Harbor, island of Oahu, Hawaii, and for the dredging of approaches to said harbor; which was read twice by its title, and referred to the Committee on Naval Affairs.

April 20, 1900
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p. 4452

TERRITORY OF HAWAII.

Mr. WARREN. I ask leave to call up Senate bill 2610. The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1890, as follows:

Resolved, That the Hon. Mathew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CULLOM. Mr. President, I made a conference report the day before yesterday, which was withdrawn. I now present it again, and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Illinois presents a conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 222) to provide a government for the Territory of Hawaii, which has heretofore been read to the Senate. The question is on agreeing to the report.

Mr. PETTIGREW. Mr. President, it seems to me that this report ought to be rejected and sent back to the conference committee, and for this reason: On page 87 of the bill, paragraph 5, under "Qualifications of voters for representatives," occurs this provision:

Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

This provision practically disfranchises most of the people who are citizens of the United States and citizens of Hawaii, for the reason that the Hawaiian government imposes a poll tax of $5 upon every voter—that is, they impose a tax of $5, which they call a poll tax; $2 as a road tax, and $2 as a school tax; making a poll tax, in all, of $3. This provision is that every person must have paid this tax before the 31st day of March next preceding the date of registration.

There were only 2,600 voters in Hawaii according to the last election, and this provides that those who wish to vote at the next election for members of the legislature shall have paid their tax previous to the 31st day of last March. Of course, that is previous to the passage of this bill, and it therefore disfranchises everybody who has not paid this five-dollar tax.

The people of Hawaii—

Mr. SPOONER. Will the Senator be kind enough to read that again? I did not hear it.

Mr. PETTIGREW. I will complete my remarks, and in the meantime the Senator can look at the provision in the bill.

Mr. SPOONER. I want to understand what the Senator is stating; that is all.

Mr. PETTIGREW. The provision is that—

Prior to such registration have paid, on or before the 31st day of March next preceding the date of registration, all taxes due by him to the government.

He must have paid this poll tax of $5 before the 31st day of last March or he is disfranchised from voting for members of the next legislature. The next legislature will have the power to impose a tax of $15 if they choose, or a tax of any other sum, and thus forever exclude nearly all the voters of that country from participation in the government.

It is no defense to say that this was a provision in the bill as it passed the Senate; for the bill as it came from the Committee on Foreign Relations contained so many iniquities that the Senate overlooked this one, and it is not strange that they did overlook
it, because no one told us that the tax law of Hawaii imposes a poll tax of $6 per capita. It was simply overlooked. The House amended this provision by providing for the payment of $4 per capita for the current year due by him to the government.

That left the voter a chance to qualify under this bill; but the Senate conferees, it appears, have insisted upon the Senate provision, and insisted, therefore, upon disfranchising everybody but the sugar planters of Hawaii and their employees.

Who owns the wealth of Hawaii? The men who have received the $20,000,000 bonus paid to the sugar raisers of that country by the people of the United States. Who can pay the taxes? These men interested in their own affairs. Who, then, can qualify? No one but those whom they may desire to have qualify and for whom they will put up the money.

Are we going to have this thing, Mr. President? It seems to me this bill; for that provision alone, should be sent back to the conference committee and amended. I do not desire to disfranchise all the people of that country. I do not believe that a man because he is not able to pay this five-dollar tax should be deprived of the right of voting at the next election. If such a restriction as that were imposed in this country, it would disfranchise millions of voters all over the North.

The Ohio coal miner earned, according to the chief mining inspector's report for 1897, $192 annually; and if he had a family of five, that would be less than $39 per capita, with which to educate, feed, clothe, and house an American citizen. In 1898 the report shows that the coal miners in Ohio earned $301 each, which, if there were five in a family, would be $48 per capita; and this was the average wage in the whole State. These figures are official. If you should impose a tax of $5 upon them, they could not vote.

Are we going to spread this system from our dependencies to the rest of our country? Is this a precedent to be established by the Senate of the United States, by the Republican party, for the future government of this country? I hope not. Therefore, Mr. President, I hope the report will be rejected and this correction made.

Mr. CULLOM. Mr. President, I am inclined to do what I hesitate somewhat to do, and yet perhaps I ought to do it, and that is to take up each of the sections of this bill, with the changes which have been made, and point them out briefly, so that Senators may know what the bill contains somewhat easier and more quickly, at least, than they would be able to do if the discussion should go on without any notice of that kind.

There are comparatively few amendments to the bill that are of very great importance and consequence. The first amendment which is found in the substitute is in section 4. That section provided:

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August 13, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

The amendment made to that section by the House, to which the conferees agreed, provides:

And all citizens of the United States who were resident in the Hawaiian Islands on or since August 13, 1898, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

The last provision was added by the House and agreed to by the conferees. It will be found in the print of the bill which has been furnished to the Senate to-day.

Before I go further, I desire to state that the amendments as they appear in the bill which was printed for the use of the Senate to-day only take in the amendments made by the House of Representatives, and not as they were finally agreed to by the conferees in the two Houses.

Mr. COCKRELL. I did not understand that last expression.

Mr. CULLOM. I will state it again. On yesterday the Senator from Georgia [Mr. Baxo], and others made a question of how they could tell what portion of the substitute bill which was reported to the Senate and which was passed by the House was originally passed by the Senate; and hence I made the statement yesterday, and I have tried to comply with it, that the Senate bill was taken up and every amendment made to it by the House has been incorporated in the print of the bill that is now before the Senate, so that Senators can see just what changes the House made in the bill as it passed the Senate; but I am stating now that this bill does not show the amendments or changes made by the conferees to the substitute bill, because Senators had that before them yesterday, and I have it before me, and can have it to-day. It would have been impossible, without printing almost a book, to get all of the subject before the Senate, so that one could see at a glance exactly what changes have been made. Hence, I have taken this course; and I am calling the attention of the Senate to the amendments to the Senate bill made by the House, and as agreed to by the conferees, so that Senators get it all practically, though I do not propose to go into the details of the amendments in the remarks I am making.

Mr. COCKRELL. What change is made in section 4 as to citizenship?
Mr. CULLOM. I have just stated; but I will state it again, so that it may be understood.

Section 4, as passed by the Senate, provided—

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

The House amended it, and the conference agreed to the amendment by adding this provision:

And all citizens of the United States who were resident in the Hawaiian Islands on or since August 12, 1898, and all citizens of the United States who shall subsequently be citizens of the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

Mr. BACON. Will the Senator right there permit me to ask a question for information?

Mr. CULLOM. Yes.

Mr. BACON. I desire to ask the Senator—I probably knew, but you have forgotten the proviso of the constitution of Hawaii on the subject—as to the extent of citizenship under the republic.

Were all the inhabitants made citizens?

Mr. CULLOM. No. sir. There are a class of citizens existing under the republic who declined to take the oath of allegiance.

Mr. BACON. And they were In consequence not citizens?

Mr. CULLOM. They were in consequence not entitled to vote.

Mr. BACON. But were they citizens of the republic?

Mr. CULLOM. I suppose they might be regarded as citizens of the republic.

Mr. BACON. The Senator will see the pertinency of that inquiry when that part of the section is taken in connection with the amendment to which the conference has agreed, because if they were not citizens of Hawaii on August 12, 1898, they are not now under this bill made either citizens of the United States or citizens, of the Territory of Hawaii.

Mr. SPOONER. And they could not become citizens of the United States except by naturalization, and I do not know that they could by naturalization under the existing law.

Mr. BACON. Yes.

Mr. CULLOM. I think the Senate will find that there is scarcely anybody over there who is not entitled to vote, except the Chinese and Japanese.

Mr. BACON. The Senator will pardon me for interrupting him. I am not speaking of the right to vote. A man can be a citizen under the constitution, and I am speaking of whether or not on the 12th day of August, 1898, all the inhabitants were citizens, because those of them who were then not citizens are excluded by this bill from being now made citizens. I suggest to the Senator that is a matter of such vital importance that we ought to have definite and absolutely accurate knowledge upon it. It ought not to be a matter of doubt.

Mr. TILLMAN. Has the Senator from Illinois got the Hawaiian code before him at his desk?

Mr. CULLOM. I was just going to say that after I get through with my comments I will get the Hawaiian code and give the exact state of the case in reference to that question.

Mr. TILLMAN. If the Senator will send for it now, I can be looking it up whilst he is speaking.

Mr. CULLOM. I do not know whether or not it is in my committee room. It has been carried off, I think, but I shall look to have it.

The fifth section was changed by the conference so that it might be more certain that the Constitution of the United States was extended over the Territory by the act. That is the chief purpose of the amendment to section 5 by the House of Representatives agreed to by the conference.

Mr. BACON. What I wanted to know was whether or not the Senator was prepared to say that, under the constitution of the republic of Hawaii, all residents, all bona fide inhabitants—I do not mean visitors, but those who do not mean to reside permanently—were on that day, under the constitution of the republic of Hawaii, citizens of the republic.

Mr. CULLOM. I understand the Senator's question, and I will state that later on I will get the statutes of the Hawaiian republic and see exactly how they are in that respect. Mr. BACON. I suppose the Senator desires that we should, as he takes these sections up, ask him such questions as may suggest themselves. I think we shall save time by following that course.

Mr. CULLOM. I have no objection to that.

Sections 6, 7, 8, and 9 were not at all changed after the bill passed the Senate, but they remain in the bill just as it was passed.

Section 10 was amended by the House, but all the amendments made by the House were receded from except the last paragraph, which was added to the bill by the House and agreed to by the conference. The Senate will remember that the first line of section 10 referred to obligations and contracts. The Senate struck those words out, and then added a section or two with reference to the attitude of contract laborers over there, which was agreed upon by the Senate, I think, as substantially if not absolutely right. Those sections remain in the bill exactly as they were, except that there was a provision added to the section to which I will call the attention of the Senate.

The last paragraph of section 10 provides:

"To prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the Districts of Columbia, and to provide that the same shall not be recognized as applicable and in force in those islands. So, with that addition to section 10, as the Senate passed it, the bill stands to-day as it is before the Senate in the conference report.

Section 11, providing for the style of process, was amended by the conference, and I wish to insert the word 'hereafter.' That is all that amounted to. Some of us did not think it was necessary, but one of the conference thought it was, and so the word was inserted. Sections 13, 14, 15, 16, and 17, as they passed the Senate, have not been changed.

The eighteenth section, providing that every citizen entitled to vote shall take an oath to support the Constitution, was stricken out, and only that portion retained relating to idiots, insane persons, persons receiving bribes, etc.

Mr. BACON. That has been retained.

Mr. CULLOM. But in relation to idiots, insane persons, person receiving bribes, etc., remains in the bill, but the first part of the section is stricken out.

Mr. BACON. I notice that the clause to which the Senator refers, beginning on page 11, at line 24, in the copy I have, is stricken through, and the House provision on that subject in the House and has been restored by the conference. Is that so?

Mr. CULLOM. What clause is that?

Mr. BACON. On page 11 of the reprint, the last clause to which the Senator has just referred.

Mr. CULLOM. Which I read is retained.

Mr. BACON. It has a line stricken through it.

Mr. CULLOM. But it was reinstated by the conference.

Mr. BACON. That was the question I asked.

Mr. CULLOM. Sections 10, 20, 21, 22, 23, and 34 were not in the conference report, but in the Senate report, no changes were made in those sections as passed by the Senate.

The twenty-fifth section was amended so as to punish persons for disorderly or contemptuous behavior in committee, as well as in the house of representatives, to which the conference agreed; in other words, it strikes out the House provision on that subject instead of the Senate provision, which seemed to be a little more satisfactory. I do not think there was much difference in the two sections: but the Senate yielded on that score.

There was no change made in the Senate bill in the twenty-sixth section, but in the twenty-seventh section the provision of the Senate was stricken out and in lieu of it the following was inserted:

"Sec. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member."

That is the provision I referred to.

There was no change made by the House or by the conference in sections 28, 29, 30, 31, 32, and 33, and they remain in the bill as it was passed by the Senate.

In the two hundredth section, relating to the qualifications of senators, an amendment was made requiring senators to have attained the age of 30 years instead of 25 years.

There was no change made in sections 35 and 36. In section 67, after the word 'vacancies,' the words 'in the office of representatives' were inserted.

Mr. BACON. The Senator will pardon me a moment. The Senator will recognize that section 34 may be very materially dependent on its construction upon the section to which I first called the attention of the Senator, which relates to the question of residence. If one passes out citizens on the 15th of August, 1898; because if it should be found to be, as has been suggested, that there was a large part of the then inhabitants not citizens, they would be made ineligible, of course, under this language inserted in section 34, to any office, because they could not vote.

Mr. CULLOM. I was going to say that this section provides that a person, in order to be eligible to the office of senator, shall be a male citizen of the United States and shall have attained the age of 30 years, instead of 25 years, and must have resided in the district not less than three years, and shall be qualified to vote for senators in the district from which he is elected.

Mr. BACON. I understand; but I was simply calling the attention of the Senator to the fact that it may be necessary to recur to that section if it is found necessary to amend section 34.

Mr. CULLOM. The purpose of the committees of both Houses
that restriction was not intended to be placed upon the representation.

Mr. CULLOM. I find that the House bill as amended by the conference does have the provision in it, and it reads:

And shall be qualified to vote for representatives in the district from which he is elected,

Mr. JONES of Arkansas. What section?

Mr. CULLOM. That is section 40.

Mr. JONES of Arkansas. Then it is a mistake in the print we have on our desks.

Mr. CULLOM. That has been dropped out by my clerk.

Mr. JONES of Arkansas. It is in the official copy—the conference report.

Mr. CULLOM. It is in the copy before the Senate.

Mr. JONES of Arkansas. In the conference report, signed?

Mr. CULLOM. The report is signed.

Mr. JONES of Arkansas. Are those words added?

Mr. CULLOM. The words are added in red ink in this copy?

Mr. JONES of Arkansas. In this copy there is nothing to show there is an amendment of that kind, but if it is in the conference report, of course it is all right.

Mr. CULLOM. I will read it. The original provision as it passed the House simply read as follows:

And shall be qualified to vote for representatives—

The conferences then added the words:

in the district from which he is elected.

Mr. BACON. It is in the reprint which we had on yesterday, which was a mistake.

Mr. CULLOM. It was left out of it by mistake. There is no possible doubt about it being in the bill to be adopted.

Mr. SPOONER. That is all right.

Mr. CULLOM. Is that satisfactory to the Senator from Arkansas?

Mr. JONES of Arkansas. Entirely so. If it is in the official copy, it makes no difference whether it is in this copy or not; it will be all right.

Mr. CULLOM. It is. I ran over the numbers of the sections of the Senate bill wherein no changes are made, being sections 41, 43, 44, 45, 46, 47, 48, 49, 50, and 51, except the last clause of section 51, which was stricken out of the Senate bill, and in lieu of it a paragraph was inserted by the House which stated the law more clearly, but which, I think, is substantially the same thing.

Mr. JONES of Arkansas. Is there not a change in section 47?

The word “chairman” is stricken out and the words “presiding officer” inserted in italics. I do not know what this print means exactly.

Mr. CULLOM. That is in the bill. It is pretty difficult in handling so many bills to state the facts on the floor. To what section does the Senator refer now?

Mr. JONES of Arkansas. Section 47. The word “chairman” is stricken out and the words “presiding officer” inserted. It is a very small matter.

Mr. CULLOM. That is in the bill before the Senate. I recollect it very well.

I wish to say that some of the sections I regarded as of very little consequence, and I did not incorporate them in this statement, because I did not have the time, and it would have required a good deal of work to do it so as to have what I stated my remarks accord exactly with the facts in the bill.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. SPOONER. I see that in section 46 of this reprint, with respect to the reading of bills, it is provided—

That a bill, in order to become a law, shall, except as herein provided, pass through the three readings in each house on separate days.

The words “on separate days” are in italics, and of course that is an amendment. Was that agreed to by the conferences?

Mr. CULLOM. I would rather read it, so as to be sure. What section is that?

Mr. SPOONER. Section 46.

Mr. CULLOM. This is the way the bill reads as reported:

That a bill, in order to become a law, shall, except as herein provided, pass through the three readings in each house, on separate days, except a bill upon which the majority vote of all the members to such house is entitled, taken by yeas and nays and entered upon its journal.

That is the section as it appears in the conference report. Is that satisfactory?

In section 52, as will be seen by the Senate, the word “Hawaii” was stricken out, and the words “Territory of Hawaii” substituted, to make it more clear and so that it should be more properly stated. That is the only change from the Senate section. I think I would rather use the conference report for the next item.

In section 53 there was no change made in the Senate section. I now come to section 54, and here is a provision about which I
have no doubt there will be difference of opinion in the Senate, and I will read the whole of the section:

That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government of the State, the appropriations provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills—any and all that may be necessary, and including that word it reads exactly as does the Senate bill. The Senate struck out the remainder of the section, the House restored it, and finally the conference agreed to it. It reads as follows:

and until the legislature shall have acted the treasurer may, with the advance of appropriation bills, make such advances for the purpose provided for in the last appropriation bill shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the due date when such advance shall take effect shall be available to the government of the Territory of Hawaii.

That provision was not in the Senate bill; it was in the House bill, and the Senate conference agreed to it. Mr. SPOONER. The Senate struck it out.

Mr. BACON. I understand that. The Senate struck it out after elaborate debate. It is true it is limited to current expenses; and if it is limited to current expenses the governor should call the extra session of the legislature. I do not know that there would be any very great objection to it. But there is no limitation of time; and if the governor—of course we will not presume that he will fail to do his duty.

Mr. SPOONER. If the Senate will pardon me, it says the governor shall, upon the adjournment of the legislature, call an extraordinary session.

Mr. BACON. I understand, but it does not state within what time it shall be convened. He might put it off ten months.

Mr. JONES of Arkansas. Upon the adjournment of the legislature, I should think means immediately.

Mr. SPOONER. Yes.

Mr. TILLMAN. What about the situation in Pennsylvania?

Mr. BACON. Very well, it will be so construed.

Mr. SPOONER. Yes, and since that is not a usual provision in legislation, yet after considerable discussion, discussion and discussion the Senate conference agreed to it, believing that if it did not turn out to be satisfactory and work well it could be repealed hereafter.

Section 55 contains an amendment made by the House and agreed to by the conference, which is to strike out the word "or" and insert "and," so that it will read:

That no corporation, domestic or foreign, shall acquire and hold real estate, etc.

Mr. BACON. It is not quoted the whole section, but Senators can see the provision in the bill. The purpose of it is to limit the holding of real estate by corporations to a thousand acres.

Mr. BACON. It seems to me that this is an exceedingly drastic amendment. I think the limitation of the number of acres a corporation may hold is all right. We have a similar law in my own State. I think this is a provision that title shall pass to a corporation it shall immediately escheat to the Government of the United States, it seems to me, is an extremely rigid provision. There ought to be rather than that some provision by which the court could distribute the property or administer the property in the interest of those justly entitled to it. But it ought not to be that if, by any means, title shall vest in a corporation.

Mr. SPOONER. It may take it in payment of debts.

Mr. BACON. Certainly. There are a number of ways in which a corporation may come into title, legal or equitable, to property, and to say that it shall be immediately forfeited—I do not know that there is any parallel to such a provision in any law, State or Federal. I certainly have never heard of one.

Mr. CULLOM. The Senate knows and the country knows that this is a provision that corporations are not entitled to escheat it anywhere else in this country—is for corporations to accumulate immense tracts of land and prevent the ordinary citizen or newcomer from getting a footing at all in real estate; and the purpose of this was to stop that if we could.

Mr. BACON. flatly out and unqualifiedly I oppose it.

Mr. CULLOM. And let the people get homesteads and tracts of land to cultivate, and for other purposes.

Mr. BACON. I think it is entirely proper to stop it, but the question is whether the remedy is a proper one. It would be very well to let the people go to the courts to say what shall become of the property. Of course, if the corporation were not in it, and legal proceedings were not had to prevent a corporation from holding it, the courts would distribute the property necessarily to those who are entitled to it. They would administer it in the interest of those who are entitled to it. But here is an amendment that is that a corporation ever does acquire such a title, it shall immediately, without any possibility of appeal or redress of any kind, be forfeited, and escheat to the Government of the United States. I think, if there is no other thing, that that single provision ought to be sufficient to induce the Senate to send the report back to the conference committee in order that it may be corrected.

Mr. CULLOM. My judgment is that it is a tolerably salutary provision for that Territory for a while, if not always, and I hope it will be amended, if not in this Committee, in the Senate.

Mr. TILLMAN. I notice that accompanying the same provision there is no interference with existing or vested rights, and therefore the question arises at once whether or not there are now corporations which hold in excess, and a good many of them, and whether or not it is within the power of the government in which capacity or being planted in sugar to be tributary to them by reason of the fact that no other corporations could organize. There must be some hidden purpose here. I am not now insinuating that the Senator from Illinois is cognizant of it or in any way mixed up in it. I am not now powerful to get possession of a bill put in here.

Mr. CULLOM. If the Senator wants to find out how it got in here, he will have to go to the House of Representatives.

Mr. TILLMAN. It was put in in the House, and the Senator said he thought possibly it was a salutary one. I threw out the idea which might, with the Senator's permission, be redrafted. I do not know, if he knows anything about it.

Mr. CULLOM. The Senator knows, and he has already stated, that there are very large corporations there.

Mr. TILLMAN. And they are not interfered with.

Mr. CULLOM. If the Senator is going to interfere with them?

Mr. TILLMAN. If one corporation is good—

Mr. CULLOM. How can you do it? You can pass a law that will prevent a continuation of the grasping spirit of these people and do this for the benefit of the country. Does the Senator from Illinois admit that corporations now holding more than a thousand acres would not be limited by this provision?

Mr. CULLOM. They will be limited as to buying any more, and can not interfere with what they have if they have a deed to it.

Mr. JONES of Arkansas. I should think the Government has power to limit their right to hold real estate. In this paragraph the language is to acquire or to hold.

Mr. PETTITGREW. The Senator will see in the latter part of the paragraph a provision for the protection of corporations now in existence.

Mr. SPOONER. It is prospective in its operation.

Mr. CULLOM. It is prospective entirely.

Mr. PETTITGREW. The paragraph will be entirely harmless for the corporation can organize as many corporations as they please, each holding a thousand acres, and run them all under one management. Further than that, the land is all taken up anyway. There remain nothing but volcanic fields of lava and a few thousand acres of high ground between the two great mountains of the island of Hawaii, which is adapted to grazing purposes. The missionary has captured it all and organized corporations, and got the control of everything worth having.

Mr. TILLMAN. Then why put in this provision prohibiting the granting of that beautiful paradise any more?

Mr. CULLOM. I do not know whether or not the Senator from South Carolina is answering the Senator from South Dakota, but the provision is in there, and on its face it is for the future; to prevent hereafter the accumulation of these immense estates as they have been allowed to exist in the future. It is to go there and get homes, if they can. That is all there is of it.

Mr. BACON. You allow corporations which have land in excess of the limitation to retain it?

Mr. CULLOM. Will the Senator tell me how he is going to get rid of that? There is no strip of land by the corporations or individuals, either to which there is title.

Mr. JONES of Arkansas. I think the Government has the right to limit the power of these corporations to hold real estate.

Mr. CULLOM. Certainly it has.

Mr. JONES of Arkansas. They are under the control of the Government, and the Governor can do what it pleases with them.

Mr. CULLOM. That is the purpose of this provision.

Mr. JONES of Arkansas. No.

Mr. CULLOM. Are you going to take away from them what they already have?

Mr. JONES of Arkansas. Why not say that no corporation in the islands shall hold more than 1,000 acres of real estate?
Mr. CULLOM. You may do that, and compel them to sell; but it seems to me there is no occasion for it.

Mr. JONES of Arkansas. Then there is no occasion for preventing any other corporations from holding any more than that hereafter.

Mr. CULLOM. Let me say that most of the corporations that exist there have already acquired large tracts of land. In the interest of the production of sugar, they have been compelled to expend very large amounts of money, and if they had not done so the sugar plantations which they have established would not have been made at all, because otherwise they could not do it. I know that is true, and I do not believe that there has been an honest discussion. The sugar lands and sugar cultivation begin at the foot of the hills, and they go up the hill as far as they can get water on the land—on the island of Hawaii, for instance.

At one time they supposed that they had got as high up the hills as they could go, because they could not get water, but it turned out finally that they could erect pumping works, which cost hundreds of thousands of dollars, and I do not know but that some of them cost millions of dollars, by which they throw the water up the hill say 500 feet more, and that makes an additional amount of land which becomes good sugar land. Such corporations exist there where they had to have water, and I do not think it is fair to tax them.

Mr. TILLMAN. I agree with the Senator from Illinois that it would not be fair to try to take those vested rights away. But I do not see why we should limit it and prevent new capital from going into and pumping water up other slopes elsewhere, unless the same condition has not been occurring there.

Mr. CULLOM. The House passed the bill, and it seems to me it is plain what was desired. The Senate conference believed that the words "shall" was not necessary, and finally agreed to the House amendment. That is all I can say about it, and I think it will work to the advantage of the people out there, stopping the abuse as well as we can under the general law.

Mr. PETTIGREW. It is practically true, Mr. CULLOM. If it is true, as he says, this does not amount to anything.

Mr. TILLMAN. If it had not been true, this provision would not have been put in the House.

Mr. CULLOM. I suppose not.

Mr. JONES of Arkansas. It does seem to me that this sort of legislation is absolutely indefensible. I do not see why you should undertake to make a rule applicable to people who may enter into this business that is not applicable to those already engaged in it.

Mr. CULLOM. The next is section 56. There is a slight amendment in it.

Mr. PETTUS. Before the Senator passes from this section, I wish to ask him a question. I see an amendment in this section—

Mr. CULLOM. It is in the copy.

Mr. CULLOM. I suppose not.

Mr. TILLMAN. It does not need to be true, this provision would not have been put in the House.

Mr. CULLOM. I suppose not.

Mr. JONES of Arkansas. The amendment appears in the bill which the Senate has. Is that satisfactory to the Senator?

Mr. PETTUS. That is to be the law, it is.

Mr. CULLOM. That is in the bill reported by the conference.

Section 56 and 58.

Mr. SPOONER. Will the Senator allow me? There is an amendment marked here at the end of section 56—

Mr. PETTUS. No retrospective law shall be enacted.

Mr. CULLOM. That was stricken out.

In section 58 the minority protest with respect to voting for representatives by the House and agreed to by the conferences. The Senate had a provision in the bill which provided for what we call minority representation. They had it out there, and it being in Illinois, so far as I was concerned, I was willing that it should stay in the bill. The House struck it out, and I was entirely satisfied to let it go. I suppose the Senate is.

Mr. TILLMAN. Will the Senator tell us why he changed the mandatory provision in regard to taxation of counties? It was "shall" in the Senate bill and is "may" in the conference report.

Mr. JONES of Arkansas. What section is that?
Then there is a tax on personal property, and then there is this provision:

Sec. 514. All male animals of the dog kind shall be subject to an annual tax of $1 per head, and all female animals of the dog kind shall be subject to an annual tax of $1 each, to be paid by the owner thereof.

So if a man has a dog or two dogs, there is an additional tax of 

Sec. 514. If any property taxes shall remain unpaid after the 15th day of November in any year, 10 per cent of such taxes shall be taxed by the assessment roll, 10 per cent of such taxes as said date, and shall become and be collected as part of such taxes.

It is possible the dog tax shall remain unpaid after the flush of March, 10 per cent of such taxes as said date by the assessor, and shall be collected as part of such taxes.

Therefore if those people have to pay for two or three years, the tax is not due until December 31. The problems are that there is an exceedingly small number of people who will be able to vote under this provision. At the last election in Hawai‘i I understand that there were about 3,200 votes cast. Under this provision I believe the number must certainly sink far below that figure.

Yet at the last election held under the monarchy, before they established a republic in that country, there were between 18,000 and 14,000 voters in Hawai‘i, and that excluded all the Asians.

I wish to ask a question of the Senator from Illinois, who is more familiar with this subject than I am. I want to know whether this provision has been repealed?

Mr. CULLOM. The provision is that?

Mr. PETTIGREW. It is paragraph 584 of the laws of the Hawai‘i.

Mr. CULLOM. I would not be able to answer that unless I took the time to go over in the sections, paragraphs, chapters, etc., which have been repealed.

Mr. PETTIGREW. I wish to call the attention of the Senator

Mr. CULLOM. But I can answer in general way that all the laws of Hawai‘i do not necessarily stand in the laws of the United States or with the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawai‘i.

Mr. PETTIGREW. Now, here is this provision:

Sec. 583. In case of personal taxes due and unpaid on the 1st day of January, in the year next ensuing, the said taxes and taxes to be collected thereon, and to be collected for the year, shall be assessed and paid in the manner and form hereinbefore provided, and the person assessed and the tax due, shall be payable by the person assessed in the manner and form hereinbefore provided.

The assessment of the property of any person in the Territory of Hawai‘i, shall be made in the manner and form hereinbefore provided.

Sec. 586. The assessment of the property of any person in the Territory of Hawai‘i, shall be made in the manner and form hereinbefore provided.

Section 586. The officer receiving such warrant shall forthwith arrest the person therein named and take him before the district magistrate named in the warrant. Such magistrate shall, if no legal cause be shown for the nonpayment of said personal taxes, sentence such person to be imprisoned at hard labor until he discharge the amount of such taxes and costs as are hereby imposed.

The payment at any time of the amount of taxes and costs due shall release the person arrested.

I have seen the Republican papers of the North protesting very loudly that some of the Southern States had enacted a provision like this.

Mr. TILLMAN. What is the number of the section that the Senator from South Dakota has read?

Mr. PETTIGREW. It is paragraph 584 from the laws of Hawai‘i, page 121, sections 583 and 584. As I understand it, this provision is not repealed. In other words, we reenact it, and that, along with the disfranchisement of these people, it seems to me I will leave the Republican party where it can no longer complain, no matter what is done. It will disfranchise any locality to disfranchise the inhabitants of any State or locality.

Mr. CULLOM. Mr. President, I am not able to get my eye on all of the sections that bear upon this question. Of course at the regular election that provision could be enforced. My belief is, however, that it is the belief of the Republican party that it should be read by the governor before the regular session, there would be no requirement on the part of the governor and no rule by which he could be governed as to the registration at all, and he could register everybody if he wanted to do so.

Mr. PETTIGREW. It does not say so.

Mr. CULLOM. I think there are sections which result in that conclusion. Of course it applies to regular elections; but if it applies to regular elections, perhaps it will be said it might as well apply to all.

Mr. JONES of Arkansas. If the Senator’s construction of that is correct, do you think you put in the words “prior to such registration”?

Mr. PETTIGREW. Why did you not agree to the House provision?

Mr. JONES of Arkansas. Yes. It is “prior to such registration” that this tax has to be paid. So when the registration is made, the question whether he has paid this tax will be raised.

Mr. CULLOM. The provision reads “prior to such registration,” not special but regular election.

Mr. JONES of Arkansas. I am reading it, which is the best that can be done. I say it “prior to such registration.”

Mr. CULLOM. I understand. From what section is the Senator reading?

Mr. JONES of Arkansas. I am reading paragraph 5 of section 60, the one which contains the language the Senator read a few minutes ago.

Mr. CULLOM. Let us see how it reads in the bill. Section 60 reads as follows:

Sec. 60. That in order to be qualified to vote for representatives a person shall:

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of 21 years.

Fourth. Pay such sum as may be prescribed by the law for registration, as the Secretary of State may prescribe for the period of time on which the registration is made.

Fifth. Prior to such registration have paid, on or before the 1st day of March next preceding the date of registration, all taxes due by him to the government of the United States or the Territory.

All that refers to the regular election.

Mr. JONES of Arkansas. But the language of the law that you propose distinctly says that “prior to such registration” this tax must be paid.

Mr. CULLOM. Yes.

Mr. JONES of Arkansas. The person can not be registered unless the taxes are paid.

Mr. CULLOM. That is true.

Mr. JONES of Arkansas. Then the purpose of it is to cut him out. That is exactly the complaint made by the Senator from South Dakota.

Mr. PETTIGREW. He can not vote at any election.

Mr. CULLOM. That connects with the fourth paragraph, referring to the regular election.

Mr. PETTIGREW. If the person is not registered, he can not vote.

Mr. CULLOM. I think he can; but whether he can or not, in the first place, the people who I suppose the Senator would think were affected most by that paragraph are the native Hawaiians.

The truth is that they have never had any trouble with the native Hawaiians. All that has been a matter of preparing themselves for voting.

Mr. TELLER. Why?

Mr. CULLOM. Because they are always ready to pay their tax. Mr. JONES of Arkansas. There will be trouble after this.

Mr. PETTIGREW. If the Senator wants to tax them, it is well known that the commission who visited the islands and to everybody else that the native Hawaiians did not register and did not vote because they protested against the overthrowing of their government by these people.

Mr. CULLOM. Of course many of them did not vote.

Mr. PETTIGREW. They are not registered, and they have not voted.

Mr. CULLOM. But it was not true of them. They did not pay their taxes. It was because they did not know what was going on and did not feel satisfied at first to vote under the republic. That is their reason for it.

Mr. JONES of Arkansas. Does the Senator from Illinois admit as correct the fact stated by the Senator from South Carolina [Mr. TILLMAN], as he understands it, that the present poll tax in the Hawaiian Islands is $3 per head?

Mr. CULLOM. I think that it is.

Mr. PETTIGREW. I have just read the law.

Mr. TILLMAN. Here is the law of Hawai‘i, with the section providing for a capitation tax.

Mr. JONES of Arkansas. If that is the case, aside from every other facet of this provision with this matter in the Senate, the House ought to reject the conference report for that reason. Here is the provision that went to conference:

Prior to such registration have paid a poll tax of $1 for the current year.

The Senate conference agreed to strike that out, and the House put in the provision that “on or before the 31st day of March next preceding the date of registration all taxes due by him to the Government shall be paid. To leave that poll tax of $5 per head in force against the poor people of that island is a shame, as it seems to me, and it ought not to be tolerated.”
I believe that for that reason, and that alone, the Senate ought to send this conference report back to the conference committee and let them bring back a provision for a tax of not more than a dollar a head. The truth is, that with the wealth that has been accumulated in this great country of ours I have begun to believe and to feel that to collect a tax from a man who has no property, simply because he breathes the air of this free Republic—a tax of even $1 a head—is wrong; that it ought not to be tolerated. None of our States, so far as I know, collect more than a dollar a head of poll tax, and that is enough in all conscience. That is one which has been sanctioned a long time, and I would make no special objection to it, though I would very much prefer to have none. When the proposition is that we shall pass a law here that shall impose a collection of $5 per head of poll tax, I for one am not willing to submit to it under any conceivable circumstances.

Mr. CULLOM. The Senator gets very much excited about a small thing.

Mr. JONES of Arkansas. Five dollars a head is no small thing for a poor man.

Mr. CULLOM. I never thought much of a poll tax; and when that poll-tax provision was stricken out, I supposed, as a matter of fact, that the people there who are entitled to vote would probably have no tax to pay at all; that if they do not own anything they would not have to pay a tax; and if they do own anything on which they should pay a tax, they ought to pay it. That is all there is of that.

Mr. JONES of Arkansas. Yet the Senator admits that there is a poll tax of $5 a head on all those people, as was read from the law here. This is a proposition to keep that in force.

Mr. CULLOM. But it remains for the legislature to wipe that poll tax out, and any other tax that is burdensome to the people.

Mr. JONES of Arkansas. When you allow a handful of men who own the property and are interested in making the poor people pay a poll tax to select a legislature, it is something like submitting the lamb to the tender mercies of the wolf.

Mr. CULLOM. The Senator goes on the theory that if a man owns anything, he is bound to oppress somebody. I do not believe in that doctrine myself.

Mr. TELLER. I wish to ask the Senator from Illinois, if it is agreed that this principle shall be applied only to taxes on property, what is the objection to letting the report go back and have the poll-tax provision stricken out?

Mr. CULLOM. I would abolish the poll tax if I did anything with it. I do not believe in it.

Mr. TELLER. I do not, either. I do not believe that anybody ought to be compelled to pay a tax before he votes. I do not think anybody ought to buy his suffrage in that way.

Mr. CULLOM. The Senator is aware that in some of the States they have a poll tax, and probably the Senator knows how it works. The politicians or candidates run around and try to find everybody who is not able to pay the poll tax to vote for them, and they offer to pay the poll tax.

Mr. TELLER. I want to say to the Senator that is the only objection I have to a poll tax. Since I have been a member of the Senate I was told by a man in public life, holding a high office, that he had bought $40,000 worth of poll taxes in his State. Now, that is an indirect way of purchasing votes.

Mr. CULLOM. Exactly.

Mr. SPOONER. It is not so very indirect, either.

Mr. TELLER. Well, it is just about as direct as when a candidate pays any indebtedness. If a man owes $5 and some candidate desires his vote and pays it and gets his vote, that is a purchase of that vote. I say it is absolutely inconsistent with the principle of good government to make the suffrage conditioned upon paying taxes. I am in favor of striking out all that provision, and I think the Senate would be in favor of it if we could get a vote on that proposition. It certainly is not a wise thing to do. A man may have but little property and not be able to pay the tax. Should he be deprived of his citizenship?

Mr. SPOONER. If the Senator will allow me, we struck out the property qualification.
Mr. TELLER. Certainly; we intended to give free suffrage there, and we did not intend to give it after this legislature had given it to them. We intended to give it to them ourselves, so that they might be able to vote in the next election.

Mr. CULLOM. As a matter of fact, when we struck out the poll tax, if I may be allowed to state the fact—

Mr. TELLER. Certainly.

Mr. CULLOM. It was largely on my motion. I did not believe in it.

Mr. TILLMAN. You mean the property qualification?

Mr. CULLOM. No: I mean in conference. When it was suggested that a voter before registering should pay his taxes, it occurred to me that the poor man did not have any to pay if he did not own property; that the great mass of the poor people not owning much, if anything, would not have any tax to pay at all, and therefore it would be much easier for him to pay a little tax, if he had anything to pay it on, than to be constrained to pay a poll tax.

Mr. JONES of Arkansas. Now, as the Senator finds there is a tax of $5 a head, I suppose he will be perfectly willing to have the report go back to the conference committee and let that be stricken out.

Mr. CULLOM. If it should go back, I would be in favor of striking it out; of course I would.

Mr. CHANDLER. I will ask the Senator from Illinois whether he will have concluded his remarks upon the conference report before the close of the routine morning business to-morrow?

Mr. CULLOM. It looks a little bit uncertain as to when I shall get through. But I am trying as best I can to give all the information that the Senate wants with reference to this bill.

Mr. STEWART. Will the Senator allow me to make a suggestion right here in regard to that point?

Mr. CULLOM. Yes.

Mr. STEWART. I am so unalterably opposed to making the payment of a poll tax a condition precedent to voting, and I am so unalterably opposed to a property qualification for voting, that I think it is a matter that should not be left in doubt in this case. I advise the Senator by all means to withdraw his report if there is any uncertainty about it and have it made certain. If we adopt
an educational qualification, that I think is all right, and I agree to it. I agree that suffrage will be sufficiently exclusive in those islands with that qualification, but it ought not to go any further.

I have seen some of the operations of a poll tax. We had it in Nevada as a condition of voting, and it was a very demoralizing and unpleasant experience, and the people grew sick of it, and repealed it. There is a general sentiment against it in the country where it has been tried. Any man who wants the vote will pay the tax, and the rich man will have it all in his hands. The poor man cannot pay the tax, and it is just like buying his vote when he pays the tax, and he goes along.

Mr. CULLOM. Certainly I have not shown any disposition not to give all the information I could.

Mr. JONES of Arkansas. I thought the Senator said he did not want to be interrupted.

Mr. CULLOM. I have adopted this course, referring to each section and calling the attention of the Senators to each provision so that when they come to vote they may have, as far as I am able to give it, the exact information in reference to the action of the conference.

Mr. STEWART. Has the Senator any objection, when he calls up a particular subject, to have us make some remarks in regard to it with a view of having it understood? If we wait until he gets clear through and then take it up, we would have to make long speeches before we would get to understand it.

Mr. TILLMAN. Mr. President, does the Senator from Illinois yield to the Senator from South Carolina?

Mr. CULLOM. I do.

Mr. TILLMAN. I wish to direct the attention of Senators to the parliamentary status. If I am correct, it is that the Senate passed one bill and the House amended it. Now, I understand that the conference can not bring in anything that is outside of both bills unless it is germane to the subject under consideration. Can they bring in anything outside and not germane?

Mr. CULLOM. No, sir; after it has been disposed of by both Houses. This provision, however.

Mr. TILLMAN. The conference must either take the House provision or the Senate provision or some compromise that is germane to both.

Mr. CULLOM. So far as the provision under discussion is concerned, it is clearly within the control of the Senate as to what it shall do with the provision.

Mr. TILLMAN. You mean that you could strike out all taxes?

Mr. CULLOM. I mean to say that if it was referred back to the conference they would have jurisdiction of it so that they could do as they chose about striking out the provision requiring that the one is outside the other, which is not the case. That this is a fair parliamentary practice to strike out a whole bill, and without reference to what was passed in the Senate and to what was passed in the House, say that the entire subject is open for legislation in conference committee.

Mr. CULLOM. We have no right to criticize what the House has done.

Mr. PLATT of Connecticut. It has been ruled so over and over again. It may not be good practice, but it is in the parliamentary power of the conference.

Mr. JONES of Arkansas. I do not dispute that, but I say it is bad practice.

Mr. CULLOM. I thought myself when it was done that it was not exactly the right thing to do in dealing with the bill, especially as the greater part of the bill was retained by the House. So it entered into the whole situation as to the conduct of the proceedings. But still we are trying to deal with it the best we can.

Mr. SPOONER. We do that every day.

Mr. CULLOM. We do it almost every day between the two Houses, but it is not usually done on a bill so large and so important, I think.

If it may be allowed to go on—I do not know exactly where I quit.

Mr. JONES of Arkansas. You were on page 27 of the bill.

Mr. CULLOM. The sixth paragraph of the section was stricken out by the House and the conference agreed to the same. That referred to the previous enabling enabling.

Mr. JONES of Arkansas. Does the Senator say that was stricken out?

Mr. CULLOM. The sixth paragraph.

Mr. JONES of Arkansas. Then I do not understand.

Mr. CULLOM. I believe that is the section we were discussing.

Mr. JONES of Arkansas. I have in my hands the print of the 18th, which is said to be—

Mr. CULLOM. You have the wrong bill. The 19th is the last print.

Mr. JONES of Arkansas. I know the 19th is the last print, but the 18th—

Mr. CULLOM. The 19th has the House amendments in it.

Mr. JONES of Arkansas. Certainly; but I wanted to get the proposition of the conference.

Mr. CULLOM. Well, I shall have to read the conference report to show that. What section is the Senator on?

Mr. JONES of Arkansas. I was trying to find the section the Senator was reading. I understood he was reading the sixth paragraph of section 60.
Mr. CULLOM. The last paragraph I read was in reference to the register of voters, which we have been discussing.

Mr. JONES of Arkansas. The fifth paragraph?

Mr. CULLOM. Yes; the fifth paragraph. I now come to section 61.

Mr. JONES of Arkansas. I thought the Senator said the sixth paragraph of section 60 was stricken out. This bill does not show that.

Mr. CULLOM. I did. That refers to some other section, I think.

Mr. PETTIGREW. A portion of it is stricken out, probably.

Mr. CULLOM. Yes; I was referring to the sixth paragraph of section 60, which reads:

Sixth. Be able to speak, read, and write the English and the Hawaiian language.

Mr. PETTIGREW. Did the Senator say that was stricken out?

Mr. CULLOM. No.

Mr. SPOONER. The proviso is stricken out.

Mr. CULLOM. The proviso is stricken out, and that reads as follows:

Provided, however, that the legislature of the Territory of Hawaii may, at such time as it may determine, by law, permit to the English-speaking voters of such Territory such changes and modifications in the qualifications for electors as may be deemed advisable by the majority vote, taken in the mode prescribed by the legislature, shall be valid and binding as law.

That was stricken out, as it was not deemed necessary.

Mr. SPOONER. They have the power without it.

Mr. CULLOM. They have the power without it.

There was no change in section 61. Section 62 was amended as it was read:

Sec. 62. That in order to be qualified to vote for senators and for voting in all elections of a political character in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

That was agreed to.

Section 63 provides:

Sec. 63. That the voters shall be allowed to vote who are in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States.

In section 64 there is a slight change from the Senate bill.

Mr. SPOONER. The Senate has stricken the proviso in section 63, for instance, with regard to the board of registration as the bill as passed it, I think, provided—

Mr. CULLOM. The provision was stricken out which required them to be of different parties.

Mr. SPOONER. The Senate passed this provision: “No more than two of whom shall be of the same political party.”

Why was that stricken out by the conference?

Mr. CULLOM. That was stricken out by the conference on the theory that there were no parties in Hawaii.

Mr. JONES of Arkansas. In what section is that?

Mr. CULLOM. In lines 17 and 18, on page 39 of the bill, “no more than two of whom shall be of the same political party.”

There was some discussion on that subject, which did not amount to much, but the suggestion was made that there were no parties in the Territory; and I did not think it was necessary to insert such a proviso in the bill.

There is no change in section 65, and there is no change in section 66 except that the House adopted an amendment that the governor shall be a citizen of the Territory, and so on, which was agreed to by the conference.

In section 67 a proviso was added, and agreed to by the conference, that a labor law or the suspension of the writ of habeas corpus should not continue longer than until communication could be had with the President and his decision thereon made known.

There is no change made in section 68.

Mr. PETTIGREW. Unless the Senator objects to being interrupted, I should like to ask why an exception was made in the case of Hawaii, which requires that the governor shall be a resident of the Territory?

Mr. CULLOM. Be a citizen of Hawaii.

Mr. PETTIGREW. Be a citizen, yes. None of the other Territories of the United States have any such provision. A man may be selected from anywhere to be governor of Arizona or New Mexico or Alaska or Porto Rico, for that matter. Why should an exception be made in Hawaii?

Mr. CULLOM. Mr. President, I think the Senator himself has been a stickler for what is called home rule in Territorial appointments; but not in that regard. The people of Hawaii, however, are a large degree a different class of people from those in the United States; they are of mixed races and from different countries. It was the opinion of all the conferences, I may say, except myself, that the provision requiring the appointee to be a citizen of the Territory ought to be retained in the bill.

Mr. PETTIGREW. Was that because of their incompetence?
establish and to maintain order and secure good government, that persons other than citizens of that Territory shall be appointed to official positions there. I confess that I am a little tired of having the Congress of the United States dictated to by the people of Hawaii in this and other respects. I think we ought to legislate from this side, not from the other side.

Mr. CULLOM. Well, Mr. President, that has been discussed more or less herebefore. All I can say in reply is that I have not the least idea that it will work badly in that Territory; but, on the contrary, I am very sure it will do no damage, but will probably work for America.

Mr. PETTIGREW. Mr. President, unless the Senator desires not to be interrupted, I wish to say something in this connection.

Mr. CULLOM. I have no objection. I want this talked out, so that we shall get a vote at some time.

Mr. SPOONER. If the Senate is to vote on the other Territories of the United States, we do not require that the appointees shall be citizens and residents at the time of their appointment in order to hold the positions of judges, governors, etc. Why, then, should we make an exception as to Hawaii? I perceive no reason why this should be done.

The character of the population of Hawaii is certainly not a reason, because there are only 3,000 people of American descent or American blood upon the islands, and of those about 1,900 are males of all ages. Therefore, the field from which to select these officers is exceedingly small, unless we appoint them from among the Hawaiians. The native Hawaiians there are about 40,000; of the Chinese and Japanese between sixty and seventy thousand, and they are coming in constantly. There are about 16,000 Portuguese there. Is that the kind of a population which entitles Hawaii to be specially favored over Arizona and over New Mexico, where we have 100,000 Americans, and of the very best blood of America also?

The fact of the matter is that these men—about 19 Americans out of 1,900 males—have established an oligarchy. They control the sugar plantations and the sugar industry. They are men of wealth, they own the property of 500,000,000 dollars, and they are remitted in duties; and they want to control and manage the government. There has been a steady effort from the start to fix this bill so that they may be able to manage the government. The bill that came in here put it absolutely in their hands, and now it is proposed that the Senate release their grasp.

Mr. SPOONER. That is left in force.

Mr. PETTIGREW. Mr. President.

Mr. CULLOM. Are you sure about that?

Mr. PETTIGREW. I can not find it in the list of repealed sections, and I have examined in order to find it.

Mr. CULLOM. We have a provision in this bill which repeals all the sections with which we are now considering.

Mr. PETTIGREW. I can not find that this law of Hawaii is repealed. I may be mistaken, but I can not find any such repeal, and I have been examining the matter very diligently.

Mr. HOAR. Before we pass from that, I should like to ask the Senator if he understands it to be the intention to repeal that part of the law which gives control of the governor, of the courts, and of the enormous veto power, so as to require two-thirds of the members of the legislature to overturn the veto, and so that they can use the courts for other purposes.

Mr. CULLOM. Mr. President, the Senator knows just as well as anybody else, when he compares the qualifications of the people of Porto Rico as equal to those of Hawaii, that it is contrary to the law.

Mr. PETTIGREW. I am a member of the Committee on Pacific Islands and Porto Rico, and before the committee came men from Porto Rico equal in intellect and ability to these Hawaiians, and I believe watching them in character.

Mr. CULLOM. The Senator knows, I think, that the great body of the people of Porto Rico can neither read nor write.

Mr. PETTIGREW. About 20 per cent of them.

Mr. CULLOM. He knows, I think, that nearly every man in Hawaii can read and write.

Mr. PETTIGREW. That is true; but this bill as it now stands excludes them, even if they can read and write, from any participation in the Hawaiian government.

Mr. CULLOM. That is very easy said.

Mr. SPOONER. I should like to ask the Senator from South Dakota—I ask him only for information—what warrant he has when he makes the statement that under this bill or under the law a man in Hawaii can be imprisoned for failure to pay his taxes? It may be true, but I have not noticed it.

Mr. PETTIGREW. We have not repealed this law of Hawaii; Sec. 563. In case of personal taxes due and unpaid on the 1st day of January, and in case of failure to pay the same, the assessor may issue a warrant for his arrest and at any time before he is convicted as aforesaid the warrant may be quashed by the judge, and the warrant may be presented to the person to whom it was issued by the judge and held in evidence.
to bills of exceptions, etc., and added at the end of the section the following:

And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force in the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

That section, perhaps, would be better understood if I should read it. There is nothing in section 81, however, except to restore the words "circuit courts" in the section. The Senate, I believe, has only provided that the President shall appoint the judges of the supreme court to be elected, that the judges of the supreme court shall be appointed by both the supreme court and circuit court judges, and the judges of the supreme court to the circuit court judges. All the rest is covered in section 81.

Mr. JONES of Arkansas. Is it a question of section 81?

Mr. CULLOM. No; section 81.

Mr. SPOONER. If the Senate will allow me, does that section leave in all cases the decisions of the supreme court of the Territory in which any right of appeal in any case to the Supreme Court of the United States?

Mr. CULLOM. I think the section did not apply to that.

Mr. SPOONER. Yes, it did. There was a provision in the Senate bill for an appeal from the supreme court of Hawaii to the circuit court of appeals of the United States - the circuit court of appeals of the Nith judicial circuit, and an appeal on writ of error to the Supreme Court of the United States upon any writ of habeas corpus involving a question of personal freedom. Is that all struck out of the bill?

Mr. JONES of Arkansas. From where was the Senator reading?

Mr. SPOONER. I was reading from page 48, section 81, of the print of April 19.

Mr. CULLOM. I think, if the Senate will allow me to go on until we get entirely through with the court business, Senators will probably be better able to understand what is in and what is out of the bill.

Mr. JONES of Arkansas. I wanted to ask the Senator a question about something that has been passed; but if the Senator prefers to conclude before I ask the question, I shall wait.

Mr. CULLOM. I am getting a little tired of standing so long. I have to be at the Hotel at 1 o'clock. There are some questions that I want to ask the Senator, but I will take the question.

Mr. CULLOM. In section 81, as I stated, the House inserted a proviso that -

The laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

Section 82 is amended so as to require that the judges of the supreme court shall be elected by the President of the Territory of Hawaii; that they shall be appointed by the President of the United States, and that they may be removed by the President.

Section 83 is amended by the insertion, in line 21, on page 44, of the word "male," and also the words "and 21 years of age" are inserted; so as to make the provision that no person shall be a qualified juror unless he is a male citizen of the United States and 21 years of age, etc.

Mr. CULLOM. The amendment which provides that no person shall be convicted in any criminal case except by unanimous verdict of the jury.

Mr. JONES of Arkansas. Where is that?

Mr. CULLOM. In section 83. That, of course, is making the law conform to the laws of the United States.

Mr. SPOONER. It will be found in lines 1 and 2, on page 45 of the last print.

Mr. CULLOM. I will say that the laws of the Territory allowed a verdict by two-thirds of the jury, I think, instead of unanimously.

Mr. CULLOM. In the Senate bill there is an amendment referring to grand jurors which was struck out in the conference bill, and included in the last part of section 83.

There is no amendment to section 84 of the Senate bill.

Referring to the Delegate in Congress, section 85 of the Senate bill is to amend the Constitution so as to require that the Delegate shall possess the qualifications necessary for a member of the House of Representatives of the legislature of Hawaii, and he is also to have a seat in the House of Representatives with the right to debate, but not to vote, the same as a Delegate from any other Territorial council to Congress.

Section 86 was amended by the House, but the amendment was receded from in conference, and the section stands in the conference bill as it was passed by the Senate.

Sections 87, 88, 89, and 90 were not changed.

Section 91 was amended by the House, and the conference agreement on amendment to the amendment is: that all money in the Hawaiian treasury, all the revenues and other property acquired by the government of Hawaii since the cession, shall be and remain the property of the Territory of Hawaii.

Section 92 provides for the salaries of certain officers appointed by the President, namely, the governor, $5,000, and so on, giving the salaries of the respective officers provided for in the bill.

Mr. CULLOM. The bill, as amended by the House, provided for a salary of $5,000 or $5,000, but I think it was only $5,000. That is increased to $5,500. The salary of the associate justices is $3,000 each and that of the secretary of the Territory $3,000.

Section 98, providing for the payment of salaries to the governor, the secretary, the chief justice, and the associate justices, is amended as I have stated.

The House provided for the salaries of the circuit judges to be paid by the Territory of Hawaii, but as we finally agreed that they shall be appointed by the President, the conference report declared that the salaries of the circuit judges would be paid by the President, the salary to be $5,000 or $5,000, and that the President shall be paid by the government of the United States.

Mr. JONES of Arkansas. They are territorial judges?

Mr. CULLOM. Yes, it is.

Mr. CULLOM. The bill, as amended by the House, provides that the Territorial circuit judges shall be appointed by the President and paid by the government of the United States.

Mr. CULLOM. I think we pay all the officers in our Territories where we provide for their appointment by the President. In such cases the salaries are paid by the United States Treasury.

Mr. JONES of Arkansas. These are simply temporary appointments until such time as the local government there shall be able to administer affairs in its own way, is it not?

Mr. CULLOM. No, sir; the President is to continue to appoint them.

Mr. JONES of Arkansas. The President is to continue to appoint all of them?

Mr. CULLOM. Yes, sir.

Mr. TILLMAN. If the Senator will permit me, I understand under the agreement which was made with the Territories, that the President elect all of these officers from citizens of the Territory of Hawaii, and we are given the great privilege of paying them their salaries out of our own Treasury. Why does not Hawaii support her own government?

Mr. CULLOM. That is just what the commission started in to require them to do; but under the direction in part of Congress, as it has been manifested here, the judges are all to be appointed by the President; and if they are appointed by the President, I think their salaries ought to be paid out of the Treasury of the United States, just as we do for our other Territories.

Mr. TILLMAN. Why not let the President select them, just as he does for all other Territories—wherever he can find the best talent?

Mr. CULLOM. That is a question I do not care to discuss any further now.

The section as reported by the conference also provides for the salary of the United States district judge at $5,000; the United States marshal, two thousand five hundred; United States district attorney, three thousand. And the governor shall receive annually, in addition to his salary, the sum of $500 for stationery, postage, and incidental expenses, and that his traveling expenses while absent from the capital on official business, and the sum of $2,000 annually for his private secretary.

Section 99 of the Senate bill was not amended.

Section 100, requiring the Commissioner of Fish and Fisheries to report a report, etc., the House striking out the last four lines beginning after the word "fit," on page 51, line 18, of the Senate bill, being an appropriation of $5,000 for the purpose of examining into the subject of fisheries surrounding that Territory.

Section 101 remains in the bill reported by the conference as it passed the Senate.

Section 106 was amended by the House striking out "shall," and inserting "may," and inserting "such" between "in" and "man- ner," and inserting after the word "manner" the words "as may be proper." The intention was to make it read more clearly, as the conference thought.

Mr. JONES of Arkansas. What section is that?

Mr. CULLOM. Section 98.

Mr. JONES of Arkansas. Some of these prints have no section 98.

Mr. CULLOM. You have got hold of the wrong bill, I reckon.

Mr. JONES of Arkansas. I have both.

Mr. CULLOM. It will now read as follows:

That such fishing right be established, the attorney-general of the Territory, or in such manner as may be provided by law, etc.

Section 107 was amended by striking out all the latter portion of the section, requiring the United States to pay in part the expenses of the leper settlement on the island of Molokai and the leper hospital at Kalahi, and the homes at which the children of lepers are received, etc.

The people of the Territory, so far as I could learn, prefer to pay the expenses of those settlements, and I thought it better to allow them to do so, and so did the conference and the commission.

Section 108 was amended by the House striking out "the 12th day of August" and inserting "permanent or temporary, on
August 19," and also inserting the words" together with the follow- ing-named vessels claiming Hawaiian register." That refers to the vessels which were incorporated in the bill, which are named and the names of which I presented to the Senate when we considered the bill; but there seemed to be some confusion as to what ought to go in, and I asked to withdraw the amendment, and it was done. The House put it back again.

Mr. BACON. In this connection the Senator will remember that there was a provision which elicited considerable debate in the Senate, and after that debate it was the judgment of the Senate that the ships should not be named as entitled to registration. In the view of the Senate it was the question of registration should be determined by the class to which a vessel belonged, and it should not be designated and taken out of a class and given this special favor. The judgment of the Senate was that the registration of those vessels was limited to those which were in the class named.

Now, what I desire to ask the Senator is this: The Senate, of course, is familiar with the reasons which were given in the Senate why the designation of particular ships as entitled to registration was not favored by the Senate and why the Senate decided against it; and in order that I may be informed as to whether the change should be made, I should like the Senate to inform us as to the reasons—

Mr. CULLOM. The Senator does not recollect the exact facts with reference to the matter as it occurred in the Senate. I myself introduced the amendment.

Mr. BACON. Yes; I remember.

Mr. CULLOM. It was given to me by a Senator, I think, and I suppose there would be no objection to it. I introduced it in the Senate, and I think it is a matter of common knowledge that the distinguished Senator from South Dakota [Mr. PETTIGREW] proposed to insert the names of a large number of vessels about which nobody seemed to know anything except, perhaps, the Senator himself. Rather than delay and indulge in a long discussion on it, I withdrew the amendment. That is the truth about it. The Senate really did consider this subject, except for a very few moments.

Mr. BACON. Is the Senator prepared to state now—my recollec tion having been refreshed—why these vessels named, which are admitted by the amendment to registration, should be admitted under the former law?

Mr. CULLOM. The only reason I know is that as to these particular vessels everyone said that while there was a little question about their being legally registered in Hawaii, because of the change of government in the meantime, yet they were in fact entitled to registration, and provided the government over there had had such an existence as to give registration at all; and so far as I was concerned as one of the conferees I allowed the provision to go in as it is reported.

Mr. PETTIGREW. The Senator from Illinois made a remark that a year ago, saying I wanted to add the names of a lot of other vessels.

Mr. CULLOM. I think the Senator did have a list of eight or ten, he said.

Mr. PETTIGREW. I objected to adding the names of any vessel I read a list of those which had received Hawaiian register since our flag went up. I protested against adding the names of any ships, and the Senate decided misrepresents me by any such statement.

Mr. CULLOM. I certainly did not mean to do so, if the Senate so desired.

Mr. PETTIGREW. I objected to any being put in.

Mr. CULLOM. I remember the Senate had a list of ten vessels.

Mr. PETTIGREW. I had a list from the records of Hawaii, showing that they had registered only or ten ships, perhaps, after our annexation. I thought I should not think it ought to be ratified by our act. It was a lawless act on their part, and it ought not to be ratified on our part. I objected to adding any names and giving registration in this manner. I want that distinctly understood.

Mr. CULLOM. I did not remember that the Senator made any objection, but thought that he wanted more ships added.

Mr. PETTIGREW. I objected to those that were in and to the adding of any more. A year ago I defeated a separate bill brought in here to give those ships a register by refusing to concur. I believe this amendment ought to be ratified to give an American register, which I cannot ratify it, of course.

Mr. CULLOM. Of course I do not desire to misrepresent the Senator from South Dakota. I was merely stating in his presence what my recollection was. If he says that he first objected to all of them, I withdraw it, of course.

Mr. PETTIGREW. I do not say I first objected to all of them. I say I objected at all times to all of them, and I simply read an additional list to show what they were doing over there.

Mr. CULLOM. I remember when the Senator began to read the long list I concluded to withdraw the amendment, and did so in order to get rid of the subject.

Mr. PETTIGREW. And they are all put back in conference?

Mr. CULLOM. The list of five are put back in conference.

Mr. PETTIGREW. So my protest, by showing an additional list, succeeded in knocking it out in the Senate and preventing a discussion of this question; and then they are put back in conference.

Mr. CULLOM. I withdrew the amendment without any reference to the question of the merits of the case, because I did not want at that time to delay the bill by a long discussion as to what vessels should be registered. That was then settled.

Section 99 remains in the bill reported by the conference substantially as in the Senate bill, except a different use of language, meaning the same thing.

Mr. TILLMAN. Before we pass from section 99, I see there is an amendment to the bill which limits or rather puts off for a year our coaling laws. Why is that?

Mr. CULLOM. That was put in the House and withdrawn by the conference.

Mr. TILLMAN. But it is in the bill.

Mr. CULLOM. No; it is not. I have said to the Senator several times that the amendments of the conference to the House bill are not in this print, because the Senators desired to see just what the difference was between the House and the Senate, and not between the Senate and the conference.

Mr. CULLOM. I am drawing bill. It is very hard to tell what is the conference report and what was passed by the House.

Mr. CULLOM. If the Senator would follow it closely he would find out.

Mr. TILLMAN. I am trying to follow it closely.

Mr. CULLOM. Section 101 was amended by the insertion of an amendment providing that "all Chinese and other Asians who come or were brought into Hawaii since August 12, 1898, under the provisions of this act, shall depart therefrom and from the United States within one year from the date of the taking effect of this act." That amendment was stricken out down to the proviso after the word "acts," in the last part of the paragraph, and the balance of the section remains in the bill reported by the conference.

One hundred and four, the last section of the bill, was amended by striking out "thirty" and inserting "sixty" by the House, but the conference struck out "sixty" and inserted "forty-five." In the last line of the section as appears in the conference bill the word "by" was replaced by the word "to" in section 52, relating to appropriations, which all take effect upon such approval, were inserted and agreed to by the conference. There was a mistake in the first conference report. It referred to a section of the bill as it ought to have been section 53. That is all there was of that.

Mr. President, I desire to make a few general remarks, and then I propose to take my seat.

Mr. BACON. If the Senator will pardon me before he begins the general discussion, I was not able to get out of the Chamber when one amendment was passed about which I wished to ask some questions. It may have been amended by the Senate, but I not having attended the Senate by which Hawaii is made a separate district and attached to the Ninth judicial circuit.

Mr. CULLOM. That is the bill verbatis et literatim as it passed the Senate, I think.

Mr. BACON. It is in full text here.

Mr. CULLOM. Yes, but it is—

Mr. BACON. If I recollect right, the Senator from Wisconsin succeeded when that was before the Senate in having it changed. The Senator from Wisconsin took the position and argued it with great earnestness upon authority that it would be an unconstitutional proceeding for us to put Hawaii in the Senate of the United States, and that was done.

Mr. BACON. I beg the Senator's pardon. I was misled by the printed copy of the bill as it came from the House.

Mr. CULLOM. I understand.

Mr. BACON. I supposed that was the status of the bill, but the statement of the Senator, of course, shows I am in error.

Mr. CULLOM. The Senator will find by looking at the conference report that the Senate provision was restored.

Mr. BACON. The Senator will see how it was that I made the mistake.
Mr. CULLOM. Certainly.
Mr. BACON. I got hold of the wrong copy.
Mr. CULLOM. It only verifies what has been often stated, that the action of the House in striking out all of the Senate bill in the first place makes it very embarrassing and difficult for any Senator to follow it.
Mr. President, I should be unfaithful to my conception of duty if I should fail to give to the Senate of the United States my views in regard to the annexation of the Hawaiian Islands.

The incorporation of these provinces of the sea into our political system, under the provisions of this bill, is the final great step taken in fulfillment of our duty in extending the salutary influences of the American spirit of public over the people who have for years offered to us a standing invitation to take them under our control. It is true, Mr. President, that the events of a score of years have tended toward this result, as a culminating which was certain to come and which has been constantly foreseen. That the President, the 40th and 41st Congresses, which have inherited or controlled in large degree the oceanic provinces in both the Atlantic and Pacific have, by the logic of the situation, become rivals for the control and ownership of the wonderful commerce of this portion of the semitropical world. This rivalry has been a cluster of growth, and not of choice, with the United States. The extent and the ramifications of this rivalry came naturally and logically, and it was not initiated by the United States, as in a race for territory or spoils. We all remember when the eyes of the civilized world were directed to the movements of the Oregon and later to the Mexican War, and when President Polk and the Whigs of 1846 captured the islands of Santiago and San Juan, and quickly recall Manila, and the rest, where the fortunes of war gave victory to our arms.

But, Mr. President, we have acquired Hawaii in the peaceful and proper way, as the logical and certain conclusion of great principles and policies which have guided our growth. In the early days of the century the American spirit of expansion carried our ships and our commerce and our whalers and our missionaries, as explorers and advance agents of civilization, into the far Pacific and established agencies for the humanizing of the native peoples. Now they are coming back to us, and will find thousands of dollars with that of their mother country. They have come back to us, with the wealth of education and prosperity and intelligence and asked us to be so lawless to be given to us as citizens of the United States. They do not come as beggars or paupers, but as a people who have at last become a nation and a power.

Mr. President, what do they bring? What have they got?

What will the United States realize as the return for the extension of sovereignty over Hawaii?

As preliminary to a general answer to these questions, I wish to show the prosperity on the part of Honolulu in December last past, the latest showing available. I learn from official and reliable sources that in December, 1899, the largest amount of imports ever recorded in a single month was received. Sixteen foreign steamers and 46 sailing vessels arrived with cargoes. This did not include the other vessels. The United States transports carrying nearly 10,000,000 feet of lumber. The revenue from import duties alone in 1899 was $400,000,000 in excess of the previous year.

The trade statement shows in some degree what is now following the evolution of the policy of expansion as applied to the Hawaiian Islands.

I append here a few extracts from the report of the collector general of customs for the year 1899. The extract in that year amounting to nearly $2,000,000. Of this amount, over $19,000,000 was imported from the United States and twenty-two and one-half millions exported to the United States. The value of the exports show an increase in 1899 over 1898 of five and one-half million dollars in value.

COMMERCIE HAWAII.

I take from the report of the collector-general of customs of Honolulu for the year ended December 31, 1899, the following figures:

Trade of Hawaii, by countries, in 1899.

<table>
<thead>
<tr>
<th>Country</th>
<th>Imports</th>
<th>Exports</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>3,020,830</td>
<td>3,517,750</td>
</tr>
<tr>
<td>Great Britain</td>
<td>9,775,745</td>
<td>7,957,530</td>
</tr>
<tr>
<td>China</td>
<td>1,065,106</td>
<td>1,048,906</td>
</tr>
<tr>
<td>Japan</td>
<td>595,147</td>
<td>587,597</td>
</tr>
<tr>
<td>Australia and New Zealand</td>
<td>293,880</td>
<td>296,708</td>
</tr>
<tr>
<td>France</td>
<td>1,095</td>
<td>1,095</td>
</tr>
<tr>
<td>Total</td>
<td>19,056,400</td>
<td>22,987,741</td>
</tr>
</tbody>
</table>

Twenty-nine articles of export.

Mr. Sewall, United States special agent at Honolulu, incloses a clipping from a local paper, which shows, in part:

During the month of December, 1899, the largest amount of imports ever recorded for one month in Honolulu was received.

Sixteen foreign steamers and 46 sailing vessels arrived in port with cargoes. These included 20 steamers and 46 vessels of the United States that entered the harbor bringing stock and quartermaster supplies.

The value of the exports show an increase in 1899 over 1898 of five and one-half million dollars in value.
of every description, and a large number anchored in the stream compelled to lay to, for the sake of protection, before being able to discharge, on account of the small accommodations.

The revenue from import duties in 1899, adds Mr. Sewall, was $400,000 in excess of that of 1898. The duty on the articles of "Trade by articles" gives the increases in both imports and exports of Hawaii for 1899 over 1898, which reach nearly all of the articles of trade.

It must be remembered that the duties collected upon this commerce have all gone into the Hawaiian treasury. So it has been with the tax on tobacco, the most popular tobacco of the country at this time. But both the customs and the postal receipts will, after the passage of this bill, come to the United States Treasury.

Now let us look a little at the geographical situation of Hawaii as related to other parts of the world, and especially to this country. The Hawaiian commission made to the President and published by the Fifty-fifth Congress:

The Hawaiian Islands are located in the Pacific Ocean, about 2,100 miles southwest from San Francisco, and are between 18° and 23° north latitude and 154° and 161° west longitude. The climate will probably be the same as that of Central America, but modified and equalized by the trade winds and mountains running north and south, which constantly neutralize the tropical heat, which would otherwise seriously affect the middle of the year. The highest point attained is 2,399 feet on Molokai, which is the highest in the islands, and 9,000 feet on Mauna Kea, the highest in the United States. Hawaii is the only island in the world that has mountains rising vertically to more than 15,000 feet.

The soil of Hawaii is generally sandy, with a thin layer of loam on the surface. There are several small rivers, but they are all very short and dry up quickly. The climate of Hawaii is generally mild and agreeable, with little variation during the year.

The population of Hawaii is estimated to be about 100,000. The majority of the inhabitants are of mixed blood, with a smaller proportion of pure-blooded Hawaiians.

The inhabitants of Hawaii are divided into several races, each with their own language and customs. The most common are the Hawaiians, who are the original inhabitants of the islands, and the Chinese, who make up a large proportion of the population.

The economy of Hawaii is based on agriculture, particularly sugarcane production. The islands have a warm climate and fertile soil, which makes them ideal for growing sugarcane. The sugar industry is a major economic contributor to the island economy.

The government of Hawaii is democratic, with a governor and legislature elected by the people. The capital is Honolulu, located on the island of Oahu.

The islands of Hawaii are a popular tourist destination, with their beautiful beaches, crystal-clear waters, and lush vegetation. Visitors can enjoy a variety of activities, including swimming, surfing, hiking, and exploring ancient Hawaiian ruins.

The islands of Hawaii are also known for their rich cultural heritage, with a blend of Polynesian, Asian, and American influences. The language, music, and food are all unique to the islands, and are celebrated in festivals and events throughout the year.

The islands of Hawaii are also home to a variety of wildlife, including tropical fish, coral reefs, and exotic birds. The islands are also a popular destination for scuba diving and snorkeling.

In conclusion, the islands of Hawaii are a unique and beautiful place, with a rich history and a vibrant culture. Visitors will find a diverse range of activities and experiences to enjoy, from relaxing on the beaches to exploring the ancient ruins and experiencing the local culture.
Molokai is a long, narrow, island, about 40 miles in length and less than 10 miles in width. The eastern half of Molokai has some very high mountain scenes, but the western part is level, with extensive irrigated areas, recently opened up to cultivation. The island is very rich in volcanic soil, and is devoted to pasturage. Quite a large number of deer have their haunts on this island.

Niihau.

Niihau is an island of nearly 100 square miles, the most of the land upon which has been leased to sheep raisers. There are about 100 native inhabitants, and their life is conducted in manner and style of living to the customs of their ancestors. The handiwork of the natives in the making of a kind of mats is known all over the islands. They are called "Niihau mats," and bring large prices in the market. A part of the island is owned by a missionary. Where possible the plan of placing one prisoner to a cell is adhered to.

The whole island is under the charge of a sheriff and several prison guards, the whole system being of the nature of a military post. The only export of this island is coal of high quality, some of which is bound for Japan. Under present health regulations, with the experience gained, the government can, it is thought, cope with epidemic diseases better than that of any other country.

The Hawaiian Islands maintain a prison system, the principal penal institution corresponding to the State prisons of the various States of the Union, and the general treatment of offenders is in strict regard of their respective local offenders is provided. In addition there is in each district a lockup, and detention calaboose, in some of which are detained small gangs held for various offenses. A part of this island comes under this system. Where possible the plan of placing one prisoner to a cell is adhered to.

The foregoing gives briefly a description of the principal features of the country. It is now about eighteen months since the Stars and Stripes were formally raised over the country, and during that period, although the extension of the laws of the United States has been held in abeyance until the further action of Congress, yet the business of Hawaii has experienced the greatest prosperity, and every material interest of the people and the country has participated in the general welfare.

Mr. President, I am more than pleased that the labors of the Hawaiian Commission, in which I had the honor of participating, now bid fair to result in the establishment of Territorial government as a part of the United States. I am highly pleased to think that the new Territory of Hawaii, which has come to us willingly and peacefully in the progress of the nation's evolution, will doubtless stand as a bright monument marking almost the sudden expansion of the island provinces of the Pacific. No citizen of the United States need ever have reason to doubt as to the intellectual, moral, or financial standing of the people who inhabit Hawaii. They bring to us a splendid educational system, a prosperous and profitable agricultural establishment, and large profits to the sugar planters and the coffee and rice growers.

Mr. President, it has been suggested to me and to the Senate that there are one or two provisions in the bill which are not satisfactory to the Senate. I do not know whether a majority of the Senate is in favor of these provisions. I am not controverted, but I desire to say that at the present moment the Senator from Massachusetts [Mr. Lodge] and the Senator from Alabama [Mr. Morgan], conferees on the bill, are absent. The Senator from Alabama, understand, is ill. He has not been out for two or three days, at least. So if the bill should go back to the conference, there could be nothing done with it until one or the other of the conferees of the Senate, both of whom are absent, can be secured to give attention to the subject.

Mr. ROOK. Put on other conferences.

Mr. BACON of Alabama is in town, but he has been ill for several days. The Senator from Massachusetts has been called to New York or somewhere East. I should like very much to get the report ratified and out of the way, but I want to be entirely fair and frank, as I think I have been in connection with this bill. The Senator from Alabama was stated when every fact connected with it, so that Senators would not be misled.

Mr. BACON. I should like to ask the Senator a question, in view of his expressed desire that the report shall be ratified. In the bill as agreed upon by the conference committee, the fifth subdivision of section 60 reads as follows:

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Mr. BACON. I should like to ask the Senator a question, in view of his expressed desire that the report shall be ratified. In the bill as agreed upon by the conference committee, the fifth subdivision of section 60 reads as follows:

Mr. CULLOM. If the Senator will pardon me, the course which
Mr. JONES of Arkansas. It seems to me also that this matter can only go back to the conference by the action of the Senate. The conferences have met, the report is made and signed, and it cannot go back to conference except by order of the Senate. Besides, the conferences ought to have the action of the Senate when they go into conference again to show the report and find in the objections that are made to the different amendments, and the reasons why the Senate will not agree to the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. President, it seems to me, if the Senate consents, that I have a right to ask that the report be postponed for the time being.

Mr. TELLER. What is the use of postponing it?

Mr. CULLOM. Because I want to consult the other conferees before taking action.

Mr. TELLER. Will the Senator's consultation amount to anything if he has not the power to change it, and can not change it until he gets it out of the Senate?

Mr. CULLOM. Of course we may consent to take the vote and let the report be agreed to or rejected. But I do not think it is exactly fair to press a disposition of it at this moment unless I consent to it.

Mr. TELLER. It seems to me that we might just as well dispose of it. I do not think under the parliamentary law the Senator can gain anything by taking a recess and consulting his colleagues on the conference report. The proper time is when the Senate has either accepted the report or rejected it. Now, if we are ready, if debate has gone on as far as it need to go, why not vote on it? I do not know whether any Senator desires to speak on it further, but I will say to the Senator I do not believe the Senate is very apt to accept the report with that provision.

Mr. CULLOM. The Senator himself says that he does not think it ought to be in there.

Mr. TELLER. I agree.

Mr. TELLER. He says that it may have been an oversight on the part of the conference committee. The orderly way is for us to reject the report and let the Senate take it back into conference. Then we may or may not have other objections, but that is certainly a fatal objection.

Mr. PETTIGREW. I want to call attention to another objection.

Mr. CULLOM. I simply made the suggestion in perfect good faith that I should like to have the report go over for one day so that I could consult with the Senator from Alabama [Mr. Morgan], who is interested in it and who is present in town, but not able to be here to-day. I think it is unreasonable for me to ask that privilege.

Mr. JONES of Illinois. I see no reason why the Senator from Illinois should not be gratified in this matter.

Mr. CULLOM. I have been perfectly square with the Senate, Mr. JONES of Arkansas. The report is in the hands of the Senate. The Senate can do with it what it chooses.

Mr. CULLOM. Certainly.

Mr. TELLER. That is all right, then.

Mr. SPOONER. I wish, if this matter is to go over, that the Senator from Illinois, who is more familiar with this subject than I, would take the initiative and give us an opportunity to discuss whether under the bill as it stands if it passes the law of Hawaii punishing a man by imprisonment and hard labor for failing to pay his poll tax would remain in force.

Mr. CULLOM. I shall certainly do so.

Mr. TELLER. That is a special objection.

Mr. SPOONER. I myself would not vote for any such provision.

Mr. TILLMAN. Sections 863 and 864 of the Hawaiian code are the points we want absolute certainty on, as to whether those statutes are repealed or not.

Mr. CULLOM. I would vote for that.

Mr. TELLER. I want to call the attention of the Senator from Illinois to the provision on page 9. We provide with regard to contract laborers—

That no suit or proceedings shall be maintained for the specific performan of a contract hereafter or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach.