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 $2 each, and all female animals of the dog kind shall be subject to an annual tax of $3 each, to be paid by the owner thereof.

So if a man has a dog or two dogs, there is an additional tax of $4.

Then there is this further provision:

Sec. 522. If any property taxes shall remain unpaid after the 15th day of November in any year, 10 percentum of the amount of such taxes shall be added by law as a fine, and such amount of taxes at said date, and shall become and be collected as part of such taxes.

It is possible the dog tax shall remain unpaid after the 15th day of March, 10 percentum of such taxes shall be added to the amount of such taxes at said date by the assessor, and shall be collected as part of such taxes.

Therefore if those people who have failed to pay for two or three years, the tax is not due to the government. The probability is that there is an exceedingly small number of people who will be able to vote under this provision. At the last election in Hawaii I understand that there were about 2,200 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 Hawaii, 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 I want to know whether this provision has been repealed?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. Which provision is that?

Mr. PETTIGREW. It is paragraph 964 of the laws of Hawaii.

Mr. CULLOM. I would not be able to answer that unless I took the time to go through the sections, paragraphs, chapters, etc., which have been repealed.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, that all the laws of Hawaii are not inconsistent with the Constitution of 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 the United States.

Mr. PETTIGREW. Now, here is this provision:

Sec. 963. In case of personal taxes due and unpaid on the 1st day of January in any year, or any part thereof, and whereas to distract the assessor may cause the arrest and detention of the person of such taxpayer by and under a warrant issued and signed by the assessor or his deputy, in substance in the form filed in the Territory of Hawaii, Island of -

division of -

To - chief sheriff, or any constable or police officer of the district of - island of -

Island of -

Because, having failed and neglected to pay the sum of - dollars assessed upon him for personal taxes for the year - now due and unpaid, and no property being found belonging to him whereby to levy by distress.

Therefore, by virtue of the authority vested in me by law, I hereby order and direct you forthwith to arrest and take said - as aforesaid, before the district magistrate of the island of -

Because, having failed and neglected to pay the sum of - dollars assessed upon him for personal taxes for the year - now due and unpaid, and no property being found belonging to him whereby to levy by distress.

Hereof fail not, but with your proceedings thereof, make due return. Given under my hand, the -

Assessor of - Island of -

Sec. 964. 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 discharges the amount of such taxes and costs of arrest and hướng at the rate of $5 per day. Costs shall be the usual costs of district courts.

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 964, from the laws of Hawaii, page 121, sections 863 and 864. 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 will leave the Republican party where it can no longer complain, no matter who is the candidate, that this is the disfranchisement of 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 the sentence of the person should be made 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. TILLMAN. 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 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” 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. JONES of Arkansas. I am reading it, which is the best that I can say “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 tax as the commission who visit the district during the time prescribed by law for registration, have cause to believe to have been assessed for purposes of voter registration in the district.

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.

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” that 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 at any election.

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 in the 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 will allow me, it is well known to the committee 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 because 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 the reason for the Senator.

Mr. JONES of Arkansas. Does the Senator from Illinois admit as correct the facts stated by the Senator from South Carolina [Mr. TILLMAN], as he understands it, that the present poll tax in the Hawaiian Islands is $5 per head?

Mr. CULLOM. I do not know that it is.

Mr. PETTIGREW. I have just read the law.

Mr. TILLMAN. Here is the law of Hawaii, with the section providing for a capital tax.

Mr. JONES of Arkansas. If that is the case, aside from every other factor faced 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.