

The joint resolution declared also that said cession is accepted, ratified, and confirmed and that the islands and their dependencies are annexed as part of the territory of the United States and subject to the sovereign dominion of the United States. The joint resolution of annexation also provided that the laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but that the Congress of the United States should enact special laws for their management and disposition, and that all revenue from or proceeds of the same should be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Mr. LINDSAY. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. CULLOM. Certainly.

Mr. LINDSAY. With the Senator's consent, I will ask him whether the provisions of the joint resolution of the two Houses of the American Congress were ever ratified or accepted by any legislative action on the part of the government of Hawaii?

Mr. MORGAN. They were.

Mr. CULLOM. I think they did accept it.

Mr. MORGAN. Yes.

Mr. CULLOM. As I said, the joint resolution followed the voluntary cession by the Hawaiian government, as expressed in the treaty which we failed to ratify.

Mr. LINDSAY. The treaty failed?

Mr. CULLOM. The treaty failed here.

I will not discuss the other provisions of the joint resolution further than to say that the public debt of the Republic of Hawaii, existing at the date of the passage of the joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, should be assumed by the Government of the United States, but the liability of the United States in this respect should in no case exceed \$4,000,000.

Mr. President, the commission charged with the duty of investigating and reporting to Congress undertook the duty imposed upon it by the act, and made their report, which is before the Senate, and a year and more ago reported the bill which was referred to the Committee on Foreign Relations, considered and reported to the Senate, but not acted upon by the Senate during that session, but which was reintroduced at the beginning of this session, acted upon by the Foreign Relations Committee, and reported again to the Senate.

The bill under consideration is the result, first, of the work in part by the commission, but subsequently amended in a number of particulars and reported to the Senate for consideration.

I will not undertake to call attention of the committee to each of the sections as they appear in the bill, because it would require more time than I deem necessary to claim at the hands of the Senate, and secondly, because I do not think there will be much opposition to many sections of the bill. The committee undertook to prepare a bill which would be most in the interest of the people of those islands and as near as possible, as we thought, satisfactory to the people of the States. In the first place, we regarded it as proper to name the islands as the Territory of Hawaii, the island of Hawaii being much the larger island of the group.

The bill under consideration provides substantially for a Territorial government, very largely in harmony with the governments of our Territories as they have existed in this country. There is, however, this difference: We found in Hawaii a very substantial, well-administered government existing, and which has existed for very many years. I desire that the Senate shall realize that the government over there; now called the republic, has existed very nearly as it is now for very many years, in other words, that that is an old country and an old government. It is true it has been most of the time under a monarchy, but it is now called the republic of Hawaii. As I said, it has existed for many years; first, under a monarchy and, secondly, under what was styled the republic of Hawaii, with a president and cabinet, with a legislature and constitution and a code of civil and penal laws, with a supreme court, and with circuit courts and other minor judicial offices.

When the commission visited those islands we found that, according to their last census, the population numbered from 110,000 to 120,000 people and that there is about 7,000 square miles of territory, much the larger island being the island of Hawaii and containing 4,210 square miles, the other islands ranging from 760 to about 100 square miles. The population of those islands is composed of about 31,000 native Hawaiians, about 8,000 half-castes, about 2,500 British, 1,400 or 1,500 Germans, between 3,000 and 4,000 Americans, 15,000 Portuguese, 24,000 Japanese, 21,000 Chinese, and then a few hundred from several other nations. It is believed now that there are perhaps 150,000 people in the Territory.

The commission and the committee deemed it wiser to prepare and report a measure disturbing conditions there as little as might be consistent with the best interests of both the islands and

this country. Hence the bill under consideration recognizes the existence of their system of courts, recognizes their legislature, and provides for many local offices for administering the laws of the Territory.

The commission also made a pretty thorough examination of the laws then in force, and, in view of the change from an independent government to a Territorial government of the United States, propose to repeal in the bill before us such laws as we found in their statutes would necessarily have to be repealed either by their legislature or by the Congress of the United States; so that in the work which the commission performed the laws to be left in force, if the bill should pass, are embodied as an appendix to the report itself made to the President and laid before Congress.

Mr. President, I know it will be said that these laws referred to to be repealed and laws referred to to be continued are unknown as to exactly what they are by the Senate or by Congress or by anybody else outside, unless they have looked into them. But the laws to be retained are in a volume connected with the report, and the subject was thoroughly investigated by the commission, having on it two gentlemen, President Dole, of the republic, and Judge Frear, of the supreme court, both of them very familiar with the statutes, and both of them assisted largely, if they did not do most of the work, in selecting for repeal those laws which would evidently and plainly be in antagonism with the provisions of the bill which we reported; and most of them also are unnecessary in view of the changed condition of that government into a Territorial government belonging to the United States.

The bill also by its fourth section declares that all persons who were citizens of the republic of Hawaii on the 12th of August, 1898, are declared to be citizens of the United States, and in the fifth section it is declared that all the laws of the United States not locally inapplicable, except as specified, shall have the same force and effect within the Territory as elsewhere in the United States. The section provides, however, that section 1850 of the Revised Statutes of the United States shall not be applicable to the Territory. But it is provided in the sixth section that the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of the bill when it shall become a law shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

The question is raised whether, under that section, any act passed in the future would be subject to repeal or amendment by the Congress of the United States. That section ought perhaps to be amended so that it shall read that the laws of Hawaii now in force or hereafter to be enacted not inconsistent with the Constitution or laws of the United States shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Section 1890, referred to in the fifth section, provides that no corporation or association for religious or charitable purposes shall acquire or hold property valued at over \$50,000. This section, if allowed to apply to the Territory of Hawaii, would interfere with the Kamehameha schools and the Young Men's Christian Association ownership of property, as either amounts to more in value than \$50,000. Hence it was insisted by the friends of the school as well as of the Young Men's Christian Association that their educational and charity work should not be interfered with.

Mr. PLATT of Connecticut. Would it interrupt the Senator if I should ask him a question?

Mr. CULLOM. No, sir.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. CULLOM. I do.

Mr. PLATT of Connecticut. I inquire of the Senator whether he thinks that the right to hold property by such a corporation should be entirely unlimited or whether some other limit ought to be fixed?

Mr. CULLOM. I think, perhaps, there ought to be a limit, but this school is a great institution, founded many years ago. I suppose that the property came from the Kamehameha estate. I think it would be very unfortunate that such an institution should be interfered with by limiting the amount to the sum specified in the original statutes.

Mr. PLATT of Connecticut. I think the Senator is quite right about that, but the question arose in my mind whether there should not be some limitation as to the amount of property to be held. There is almost always such a limitation in Territorial bills.

Mr. CULLOM. That is true; and if I knew how much the institution held, I might be able to answer definitely as to what the limit should be; but I really do not know. I should be willing to limit the amount to what the institution now has.

The eighth section of the bill provides for the abolition of the offices of president, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and