

Mr. CULLOM. And by that means amend the annexation act.

Mr. HALE. The annexation act is not so specific; and it is important that this matter should be provided for here.

Mr. CULLOM. It says, "for educational and other public purposes."

Mr. HALE. Even that is simply amending by way of limitation. I would add a provision which would make the intention of Congress certain.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WARREN] is entitled to the floor, the discussion having proceeded for some time by his courtesy.

Mr. WARREN. Mr. President, I have obtained some of the information I wanted to get. I should like to know something about the final disposition of the lands. I assume from what has been said that there will be some amendments offered, because we seem to be sadly out of line in the proposition contained in the bill, whichever way we turn it, with our own land policy. Take our Territories, and even our States. Local legislation as to public lands is not considered either safe or desirable, notwithstanding we have unrestricted suffrage.

If I understand the measure before us, the disposition of these lands will lie with the local legislature. I should like, before we get through with this discussion, to know just what the proposition is. Is the legislature of Hawaii to dispose of the lands, and how? I should also like to know what are the reasons, if there are such, for such a different departure from our present land laws, and why it is that the public lands there are to be handled so differently from the manner in which they are handled here. In that connection I hope Senators will consider the subject of what we are going to do eventually with our own United States Government public lands to relieve the situation between the United States and the several States and Territories.

Mr. TILLMAN. With the consent of the Senator from Illinois [Mr. CULLOM], I call the attention of the Senator from Wyoming [Mr. WARREN] to the provision in the joint resolution for the annexation of Hawaii, which is as follows:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition.

Therefore, we are not going to turn them over to the Hawaiian local legislature unless we abrogate the implied contract we made with those people when we annexed them. We are doing, however, what we think is right in not turning them over to the selfish fellows there, who are going to steal the balance of the lands.

Mr. MORGAN. Mr. President, I dislike to interrupt the Senator from Illinois, even for a moment, because he has been interrupted until his speech is now scattered over many pages of the RECORD.

Mr. CULLOM. That does not make any difference. We want to get at the facts.

Mr. MORGAN. The question suggested by the Senator from Maine [Mr. HALE] and also by the Senator from South Carolina [Mr. TILLMAN] seems to make it necessary for me to enter into an explanation of some things which I think escaped the attention of the Senator from Illinois [Mr. CULLOM].

When the commission got to Hawaii they found a land system there which had sprung from the ancient customs of the Hawaiian people, the chiefs, who are the owners of all the soil. Some time after Kamehameha I established his dynasty there—I think it was in the time of Kamehameha II or III—the government undertook to divide the lands into three parts; one part for the people for homesteads, places to reside, who before that time had no title whatever, but only the mere right of occupancy at the will of the feudal lords; another for the Crown lands proper—lands that belonged to the Crown as an emolument of the Crown and descended with the Crown upon the royal family, or whoever might be inducted into the ruling office; and the other for the chiefs. Thereupon the government of Hawaii surveyed the lands that went to the people, and included in those surveys the homesteads on which they resided.

A Hawaiian plantation, a very good one, ranges all the way from 3 acres up to 20. A 20-acre Hawaiian plantation is a very large one. The people live almost entirely upon taro, a little root which grows in the water and furnishes them with bread. So a man with an acre of taro plant can keep a family of five or six persons supplied with food through the year, hire a Chinaman to do the work for him, and pay him out of the profits of the crop.

Those homesteads were located and the people were located upon the homesteads, plats were made, and title given to every individual who was the head of a family. For those who were not connected with families a separate provision was made. That left, then, the residue of the land to the government—that is to say, to the King and to the nobles and the chieftains.

By a later provision the King was prohibited from alienating the Crown lands, because speculators were going in there, getting the King drunk sometimes, and getting deeds from him for lands that

ought not to be sold. So the people demanded of him, and he conceded very readily to that demand, that none of the Crown lands should ever be alienated. The nobles holding their lands in fee simple alienated them to different persons. Out of those lands have come the larger amount of the sugar estates in Hawaii—the lands that belong to the chieftains. Some of the smaller holders, the homestead holders, have sold their lands also; but the larger body of the people of Hawaii still live upon their homesteads and cultivate their taro patches, living as they did originally, having a fee simple title, each one of them, to his own tract of land. The government was benevolent and just in the distribution of the land among the people, and they have always been entirely satisfied with it.

Now, when we look at that situation and look at the fact that each one of those respective homesteads and all of those princely estates held by the chieftains had to be surveyed, mapped, and plotted, and when we come to the fact that they all have been regularly surveyed, mapped, and plotted, we find that a very great work has been done there by the white people who have been in their midst in distributing the land and giving them for the first time homes upon their own property and in their own country.

The government of Hawaii, commencing with the King, not having the right to alienate them, leased the Crown lands to sugar planters. The chiefs, however, sold their lands to the sugar planters. So there are two classes of owners of sugar lands in Hawaii—those who have leased from the government the Crown lands and those who have titles in fee simple derived from the chieftains.

Those Crown lands are assumed by the act of Congress annexing Hawaii to belong to the government and to have passed from the Crown when royalty was banished out of the island, to have passed from that royal government into the hands of the republic.

Mr. DAVIS. And became public domain.

Mr. MORGAN. Yes; became public domain. Off of that public domain the Hawaiian government has been selling lands in small quantities to actual settlers. It has not sold any land in large bodies at all, unless it may be a few pieces of land very far up on the heights of Mauna Loa, where there is nothing to be raised except cattle—sold in larger bodies for grazing purposes—but the arable lands, the agricultural lands, have been sold in very small bodies, particularly the coffee lands, to actual settlers, and they had not exactly a homestead right there, but one very similar to it. That was a very just and wise law.

In consequence of this, the number of titles, and the source of title, there has been a great deal of legislation and a great deal of judicial action in Hawaii upon which titles are now based. The Congress of the United States has, since its attention has been called to the subject by the Senator from South Carolina [Mr. TILLMAN], reserved to this Government the final right of the disposal of those lands and of the proceeds, with the qualification that whatever proceeds were realized from them should be given for the benefit of the people of Hawaii, but in what particular way is not designated in that statute.

There were some funds in the treasury when we got there, derived from the sale of the public lands, and the commission supposed, under the arrangement that was made under this act of Congress, that the local government there, having a general right of legislation and the powers of government, would proceed to sell those smaller parcels of this land and realize funds from those sales. The commission concluded, therefore, that the money that was received from such sales and the money that was in the treasury derived from such sales should be disposed of by the local government; but they provided in section 75 for the investigation of all of these land questions, hoping that Congress would provide for the investigation in this bill, and that it could be sooner accomplished and that we could have a thorough statement of the entire situation there, which, I think, is covered by section 75, which reads:

SEC. 75. That the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, to enable the Secretary of Agriculture to examine the laws of Hawaii relating to public lands, agriculture, and forestry, the proceedings thereunder, and all matters relating to public lands, forests, agriculture, and public roads, bearing upon the prosperity of the Territory, and to report thereon to the President of the United States, which duties shall be performed with all convenient speed.

The first question that arises in the mind of everyone who hears this language is, Why do you propose to confer this power upon the Secretary of Agriculture instead of the Secretary of the Interior? The main reason is that the cultivation of trees in Hawaii is a necessary pursuit for the good of the people. That government now is cultivating large orchards of trees upon the heights of the different ranges of mountains and hills, where the land is very fertile but still high, and distributing those trees through the islands, and thousands and hundreds of thousands and millions of trees have been grown on the islands at places that were hitherto entirely barren.

I will give an illustration. There is a tree that is well known