

About 700 Chinese have been naturalized into the Hawaiian republic, and many Chinese and Japanese are there under government permits and labor contracts, under which they are bound to work for a term of years and to return to their own countries at the end of their term of service.

(This bill provides (section 5) "that except as herein otherwise provided the Constitution and all laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States," and thereby simply reenacts section 1891 of existing law, with the specified exceptions of sections 1850 and 1890. This puts the Chinese-exclusion law and alien contract-labor law immediately in force in the Territory of Hawaii whenever this bill becomes a law. At present, and pending the passage of this bill, the joint resolution of annexation provides that there shall be no further immigration of Chinese into Hawaii except as allowed by the laws of the United States, and that no Chinese, by virtue of anything contained in the joint resolution of annexation, shall come to the United States from Hawaii.)

Americans, although in a small minority, practically dominate the governmental, financial, and commercial affairs of the islands. The Chinese and Japanese possess no political power.

The Portuguese are largely immigrants or descendants from immigrants from the islands and colonies of Portugal in the Atlantic and are not closely allied in sentiment to their native country.

The public-school system makes the study of the English language compulsory. There are 132 public and 60 private schools, and education is compulsory and free as to all public schools, American text-books are used in the schools. The language of business in English and the decisions of American courts prevail as precedents.

#### LEGISLATIVE POWER.

1. The legislative power of the Territory of Hawaii is carefully guarded by this bill. The Territorial legislature is given power to legislate on "all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, locally applicable." The scope of the power of the Hawaiian legislature is limited, so that special and exclusive privileges, immunities, or franchises may not be granted to any corporation, association, or individual without approval of Congress.

2. Nor shall the Hawaiian legislature grant private charters, but it may pass general acts permitting incorporation for certain specific purposes.

3. Nor may it appropriate money for sectarian, denominational, or private schools, nor for any schools except schools exclusively under governmental control.

4. Nor may the government, or any political or municipal subdivision thereof, take stock in or lend its credit to any incorporated company.

5. Nor may the legislature contract any debt on behalf of the Territory or any political or municipal subdivision thereof, except to pay interest on existing indebtedness, suppress insurrection or provide for the common defense, and except that the legislature may authorize loans by the Territory or any such subdivision thereof for the creation of penal, charitable, and educational institutions, and for public buildings, wharves, harbors, and other public improvements.

The total indebtedness, however, that may be incurred in any one year by the Territory, or any such subdivision thereof, is limited to 1 per cent of the taxable property of the Territory or any such subdivision as shown by the last general assessment; and the total indebtedness of the Territory at any one time shall not exceed 7 per cent of assessed valuation; nor shall the total indebtedness of any such subdivision of the Territory at any one time exceed 3 per cent of any such assessed valuation. However, the Government is not prevented from refunding existing indebtedness at any time.

6. No loans are to be made upon the public domain, and no bonds or other instruments of indebtedness are to be issued unless redeemable in five years and payable in fifteen years.

7. No retrospective laws are to be passed.

8. No legislative divorces can be granted.

The legislature is expressly given power to create county, town, and city municipalities and to provide for the government thereof.

#### PUBLIC LANDS.

Of the various offices, officers, and boards which this bill provides for, that of commissioner of public lands has attracted most attention.

This bill provides that—

The laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this act, shall continue in force until Congress shall otherwise provide.

The public-land system of the Hawaiian Islands has been evolved

out of local conditions and is peculiar to them. After careful consideration it has not been thought advisable to attempt to extend our public-land system as it exists here, so as to include Hawaii. In some respects such extension would be absolutely impossible. Under the constitutional provision in that behalf Congress has from time to time made laws "respecting the territory or other property belonging to the United States."

At the outset the original thirteen States contained 218,721,280 acres; by the definitive treaty of peace with Great Britain in 1783 our territorial extent was increased to 531,200,000 acres; in 1803, by the Louisiana purchase, we obtained 756,961,280 acres; by the Florida cession in 1819 we obtained a further tract of 37,931,520 acres; by the annexation of Texas in 1845 we obtained 175,587,840 acres; in 1850 we purchased of Mexico 334,443,520 acres; in 1850 the Federal Government bought of Texas 65,130,880 acres; in 1853 we bought of Mexico 29,142,400 acres; in 1867 we bought of Russia Alaska, containing 369,529,600 acres, and by the joint resolution of 1898 we annexed Hawaii, containing in all 4,313,600 acres, of which 1,720,055 acres are public domain.

The greater portion of lands which we have so acquired were unoccupied except by Indian tribes, whose Indian titles have been extinguished. In many cases, also, we acquired these lands subject to previous grants, which were protected by treaty stipulations in the treaty of acquisition.

Up to 1812 the Secretary of the Treasury had supervision of the sale of public lands; then the Land Office was established as a separate Bureau of the Treasury Department, and in 1846 the Interior Department was organized and the Land Office was transferred to that Department. The Land Office is charged with the survey and disposal of the public lands.

The system of survey is the rectangular system established in 1785 by a Congressional committee, of which Jefferson was chairman, by which base lines and meridian lines are first determined and townships 6 miles square are laid out and numbered north and south from base lines and ranges are laid out and numbered east and west from meridian lines.

Obviously, our laws as to public lands are not applicable to Hawaii. Our lines of survey have generally been run over new country, like lines upon clean paper. Then settlers have filled up the lines. The exceptions to this have not been difficult to deal with.

#### HAWAIIAN LANDS.

In Hawaii, however, the lands are already occupied, and, from the very nature of the soil and the character of the inhabitants, are cut up into holdings of all shapes and sizes; the shape being generally that of an irregular triangle, with its base on the coast line and its apex toward the center of the island.

There has already been established there a system of survey adapted to the natural formation and contour of the islands. For illustration, all the islands rise from the sea level, in some parts abruptly and in some parts gradually, to a central elevation, and for purposes of cultivation the land is naturally divided into lowland, fitted for the growth of taro and rice; next above this is sugar land, next coffee land, and then comes grazing and timber land.

It is obvious that it would be impossible to overlay this system which has been long in practice and under which the land is occupied with an arbitrary rectangular system.

As to the history and manner of disposal of public lands in Hawaii:

1. Up to 1846 all the lands of the Hawaiian Islands belonged in legal contemplation to the king.

The chiefs and the people, under a feudal system closely resembling the old English feudal system, held their respective parcels by rendering service or payment of rent.

2. In 1846 King Kamehameha III granted: (1) To his chiefs and people certain portions; (2) for government purposes certain portions, (3) and reserved the remainder.

3. By an act, June 7, 1848, the legislature accepted the king's grant and confirmed to the king, his heirs and successors, certain described lands which were thenceforth known as crown lands.

Under an act organizing executive departments, a land commission was provided whose duty it was to receive and pass upon the claims of occupants and lands to their respective holdings in that portion of the land set apart for the chiefs and people. This commission heard the testimony of claimants, caused surveys to be made, and issued to the occupants entitled thereto certificates called "Land commission awards." These awards established the right of the grantee to the possession of the land and entitled him upon payment of one-fourth of the value of the bare land to receive a royal patent. These awards and patents issued pursuant thereto are the source of all title to all lands not public lands or crown lands.

By an act of July 9, 1850, one-twentieth of all public lands are