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# NEULANDS RESOLUTION

To Provide for Annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining; Therefore

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled,* That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

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: *Provided,* That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have the power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed four million dollars. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. That the sum of one hundred thousand dollars, or so much thereof as may be necessary; is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

SEREXO E. PAYNE,  
Speaker of the House of Representatives Pro Tempore.

GARRETT A. HOBART,  
Vice-President of the United States and President of the Senate.

Approved July 7th, 1898.

WILLIAM McKINLEY.

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This is Resolution No. 55, known as the "Newlands Resolution," 2nd Session, 55th Congress, July 7, 1898; 30 Sta. at L. 750; 2 Supp. R. S. 895. The consent of the Republic of Hawaii, referred to in the preamble, was signified by the resolution of the Senate of Hawaii ratifying the treaty, ante, p. 36. The terms of the joint resolution differ in some extent from the terms of art. I of the treaty. The formal transfer took

place Aug. 12, 1898, the date mentioned in ss. 1, 4, 10, 98 and 99 of the Org. Act; (see also **Hawaii v. Mankichi**, 190 U.S. 197); but for some purposes at least, the powers of the Hawaiian government may have ceased on July 7, 1898, the date of the joint resolution, as, for example, the power to dispose of public lands or to grant public franchises: 22 Ops. 514, 627; or to issue registers of vessels: 22 Ops. 578.

During the period between annexation and the establishment of Territorial government, June 14, 1900, the relations between Hawaii and the United States remained practically unchanged; the laws of Hawaii continued in force; and the constitution and laws of the United States in general did not extend to Hawaii, except as otherwise provided by the resolution: 22 Ops. 150, and authorities infra.

**Public lands.** Power of Hawaii to dispose of, ceased though resolution continued "civil, judicial and military powers:" 22 Ops. 574; and this abrogation of power extended to sales or confirmations of title afterwards in cases of conditional sales or entries made before the passage of the resolution, and though it continued the "municipal legislation" of Hawaii: 22 Ops. 627; but the dispositions of public lands and grants of franchises made during that period were ratified by Org. Act 5. 73, which see, with ss. 75, 89, 91, 95, 97, 99, and notes on public land, and public property in general ceded by Hawaii.

**Registry of vessel.** Hawaiian laws relating to, abrogated: 22 Op. 578. Contra: **Spencer v. McStocker**, 11 H. 581; **Spencer v. Collector**, 12 H. 66. But registers that were issued during this, period were in effect ratified: Org. Act, s. 98.

**Customs duties.** Hawaiian customs laws remained in force: **Peacock v. Republic**, 12 H. 27; **Ex p. Ah Oi**, 13 H. 546; **Crossman v. U. S.**, 105 Fed. 608; 22 Ops. 565. See Org. Act. 88. 7 .88, 93.

**Tonnage tax.** Hawaiian ports. foreign, within tonnage tax law; 22 Ops. 150.

**Chinese exclusion.** United States laws applicable: 22 Ops. 249; **In re Wong Tuck**, 11 H. 600; **In re Ah Ho**, 11 H. 654; but Chinese who had previously acquired a residence in Hawaii and were temporarily absent could return, as that was not "further immigration:" 22 Ops. 353, and minority opinions in 11 H. 600, 654, supra. Contra. 11 H. 600, 654, supra. "Further immigration" means from other countries than the United States 28 Ops. 481. See also Org. Act, ss. 4, 101, and notes.

**Claims against Hawaii.** Should be presented to State Department and by it referred to Hawaii for settlement out of its separate assets: 22 Ops. 583.

**Copyright law.** Not applicable to Hawaii: 22 Ops. 268. Contract labor. Hawaiian laws relating to, continued in force: **Honomu S. Co. v. Sayewiz**, 12 H. 96. See also **Hilo S. Co. v. Mioshi**, 8 H. 201, and **Ex p. Edwards**, 13 H. 71. These laws were repealed by Org. Act, ss. 7 .10.

**Juries, grand and trial.** Hawaiian laws permitting indictments without grand juries, and verdicts by nine out of twelve trial jurors in civil and criminal cases, continued in force; In continuing municipal legislation not contrary to the constitution, and intention was not shown to extend to Hawaii the constitutional amendments relating to these subjects: **Hawaii v. Mankichi**, 100 U.S. 197; **Rep. v. Edwards**, 11 H. 571, and 12 H. 55; **Haw. Star v. Saylor**, 12 H. 64; **Honomu S. Co. v. Sayewiz**, 12 H. 96; **Rep. v. Yamane**, 12 H. 189; **Ter. v. Marshall**, 13 H. 76; **Ex p. Ah Oi**, 13 H. 534; **Ex p. Mankichi**, 18 H. 570; **In re Marshall**, 1 Estee 34, and minority opinion in 13 H. 32, infra. Contra: **Ex p. Edwards**, 13 H. 82; **In re Marshall**, 1 Estee 303, and minority opinions in 13 H. 76. 534. 570, supra. See Org. Act, s. 83, and note,

**Admiralty jurisdiction.** Continued in circuit judges of Hawaii: **Coigrove v. S. S. City of Columbia**, 11 H. 693. See also Org. Act, ss. 10, 86, and notes.

**Power of appointment.** Of circuit judges, probably continued in President of Republic of Hawaii. but, if not, still appointees were de facto judges: **Hind v. Wilderis S. Co.**, 14 H. 229. See Org. Act s. 80.

See Org. Act, ss. 102. 108, on postal savings bank referred to in this resolution. The commission referred to in this resolution prepared the Organic Act, post p. 44, which see, with notes thereto, for extension of Federal constitution and laws generally to Hawaii and for other legislation relative to Hawaii.

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