1890
contracts for labor. The situation is and has been peculiar in Hawaii and in marked contract to our conditions here. I have not been able to find—because I have not examined the volumes of the statutes referred to—just what is the theory of the committee with reference to this subject, and what the bill contains and carries.

Mr. CULLOM. Mr. President, to begin with, as I stated yesterday, there are about 40,000 laborers in those islands, about half of whom are supposed to be under contract, and who were brought there under contract.

Mr. HALE. Under existing contracts?

Mr. CULLOM. Under contracts now existing in the republic, as far as I can understand, there is no provision that when the labor laws of the United States are extended over these islands by the passage of this bill nothing more can occur in the way of the importation of contract labor. Then, in addition to that, we go forward and repeal all the penal laws which justify the punishment in any way of violation of labor contracts. So that, as the committee think, and as I think, the whole question is put beyond the control of the islands in undertaking to make any further labor contracts.

Mr. HALE. If the Senator will allow me, what troubled me was the repeal of all legislation which punishes the violation of the labor-contract provisions. As I understand the Senator, the bill proceeds upon this proposition, that there shall be no future contracts for the importation of foreign labor.

Mr. CULLOM. There can not be after our laws are extended over the islands.

Mr. HALE. The operation of this bill is to extend our laws, which provide, just as they do for Illinois or for Maine, that there shall be no importation of foreign labor by contract.

Mr. CULLOM. Yes.

Mr. HALE. And those laws which make that provision also provide punishments for their violation. The Senator does not mean that there is anything in this bill which prevents the operation of the penal force of our laws or permits any violation of the labor-contract laws that we have.

Mr. CULLOM. Certainly not. We have just adopted a provision which I offered here—as I stated yesterday, and I desired to do so specifically—requiring by this bill that all prosecutions for violation of labor contracts should be prohibited. In addition to that, we repeal all the local laws which in any way authorize such things.

Mr. HALE. All prosecutions not for the violation of labor laws, but labor contracts, so that they can not be enforced.

Mr. CULLOM. They can not be enforced.

Mr. HALE. Now, what does the Senator believe is the condition of the contract-labor system there?

Mr. CULLOM. That raises a constitutional question, I might say, as to whether Congress or any other body can legislate rightfully, thereby invalidating a civil contract.

Mr. PLATT of Connecticut. No doubt they can.

Mr. HALE. I think they can; but does this bill attempt to do that?

Mr. PLATT of Connecticut. No, it does not.

Mr. HALE. Then this bill excludes that in so many words.

Mr. PLATT of Connecticut. I so understand. This bill in terms' excludes the power to contract for labor to run away and so forth. Now, from the Senator's examination, what does he think is the actual operation of existing contracts for labor upon persons who have been brought in under those contracts, as to what numbers and what time, and how long they will continue? I do not know any of the things about that myself.

Mr. CULLOM. Those contracts run usually, I think, three years. That is my impression; but after the passage of this bill, the repeal of the laws authorizing labor contracts to be made, and the prohibition of an attempt to punish anyone for violating such contracts, what the result will be I do not know; but my judgment is it will result in the liquidation of that system there.

Mr. HALE. The Senator believes that. Then, certainly in not more than three years it will all pass away.

Mr. CULLOM. My judgment is that it will pass away in less than one year, because they can not enforce such contracts by punishment. Therefore, after the passing of this bill, any district magistrate of the republic, upon complaint, as one of them has done, and upon hearing of the complaint, shall be bound to hold the offender to answer to the master, and the magistrate shall order such offender to be restored to his master, and he shall be required to serve the remainder of the time for which he originally contracted.

Mr. HALE. The Senator thinks that it is practically abolished by this bill?

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. Will the Senator read the laws which are repealed?

Mr. CULLOM. If I should read all the laws which are repealed by this bill, I would be reading nearly all day.

Mr. PLATT of Connecticut. I mean the penal laws with regard to the punishment of contract labor.

Mr. CULLOM. I have the chapter here before me. Here is the chapter with the title "Masters and servants." I shall not undertake to read all of that.

Mr. PLATT of Connecticut. That is repealed.

Mr. CULLOM. A part of that is repealed, I see. Here is one of the provisions:

Section 1. All contracts for service between masters and servants, where only one of the parties is a native Hawaiian, shall be written or printed in both the Hawaiian and English languages. No such contracts shall have any validity whatever unless the master or any person on his behalf, and the servant on his behalf, have executed the same under the same condition that the contract shall be void if the servant shall leave the service of the master, except in case of the servant's death or disability. The signature or mark of each party to the contract shall be attached to the contract, and such signatures or marks shall be witnessed by competent witnesses, and the certificate of acknowledgment shall be substantially as follows:

And so it goes on here for pages.

Mr. TILLMAN. But if the Senator will permit me, do not the provisions apply to the breaking of a labor contract still obtain? Are they not left?

Mr. SPOONER. They are eliminated by the amendment offered by the Senator from Illinois.

Mr. TILLMAN. If you will read it, you will see that they are not eliminated.

Mr. CULLOM. I did not hear it read distinctly.

Mr. TILLMAN. They apply to contracts made since the islands have been in our possession, and not at all the time.

Mr. NELSON. If the Senator from Illinois [Mr. CULLOM] will allow it, shall I insert the new section as an amendment to the amendment I offered can do no harm. It covers the exact case which he intends to reach. Here is the phrasing of the bill, commencing in line 5, on page 8:

All offenses which by statute then in force—

That means in August, 1898—

were punishable as offenses against the republic of Hawaii shall be punishable as offenses against the Territory of Hawaii, unless such statute is inconsistent with this act or shall be repealed or changed by law.

It may be that your repeal covers the case; but should there be any question about it, it will do no harm to insert this clause, as I suggested, after the word "offenses, " in line 6; so that it will read:

All offenses except for the violation of labor contracts.

There can be no harm in that, and it “makes assurance doubly sure” on this point.

Mr. MONEY. Will the Senator from Illinois allow me to say a word to the Senator from Minnesota?

Mr. CULLOM. Certainly.

Mr. MONEY. If the statute which defines the crime and provides the penalty is repealed, then how can it be in force?

Mr. NELSON. That may be true, technically.

Mr. MONEY. It is absolutely so.

Mr. NELSON. I have not had time to examine it.

Mr. MONEY. All demonstrations are repealed by this bill. If a part of a statute falls, everything else goes with it.

Mr. NELSON. Is the Senator sure that the repeal will all of those laws?

Mr. MONEY. They are named by sections in the bill itself; and the Senator will compare that—I suppose he has the penal statutes of Hawaii before him, has he not?

Mr. NELSON. No; I have not.

Mr. MONEY. I thought perhaps the Senator had a copy of the penal statutes. He will find that those statutes are repealed by this bill.

Mr. PLATT of Connecticut. I think they are.

Mr. MONEY. If they are repealed, there can be no offense and no punishment; and therefore the amendment would be entirely unnecessary.

Mr. CULLOM. The committee thought and believed that the bill so framed that it would get rid entirely of the contract-labor system which has prevailed in Hawaii.

Mr. PLATT of Connecticut. Chapter 78, if the Senator will permit me, which relates to masters and servants, reads:

If any person lawfully bound to service shall willfully absent himself from such service after the time fixed for his performance, any district magistrate of the republic, upon complaint made, under oath by the master or by anyone on his behalf, may issue a warrant to apprehend such person and bring him before the court for the purpose of determining whether he shall be held in custody; the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

That has all been repealed, and those were the objectionable features, as I understand.

Mr. CULLOM. On page 6 of the bill the Senator will find that