Mr. TILLMAN. But, if the Senator from Illinois will permit me, while they repeal those statutes which are for the punishment of contract laborers who break their contracts, section 10 provides that the obligations of action, suits at law, etc., shall be continued as effectually as if this act had not been passed.

Mr. PLATT of Connecticut. Those are contracts.

Mr. TILLMAN. Is not a contract for labor a contract?

Mr. CULUM. I propose yesterday the following amendment:

Provided. That no contract for labor or personal service shall be enforced either by injunction or by legal process.

Mr. TILLMAN. That applies to all contracts. Make it a little more comprehensive, to apply either before or after annexation.

Mr. CULUM. It applies back to the beginning of time, so far as that is concerned.

Mr. HALE. It applies to all contracts that are subsisting at the time of the passage of this bill.

Mr. CULUM. To all contracts.

Mr. HALE. Yes. Is that in the bill?

Mr. CULUM. It is in an amendment which I propose, and which I referred to yesterday.

Mr. TILLMAN. You have not put it in the bill.

Mr. CULUM. No; it is not in the bill, but I will offer it.

Mr. Spooner. Is not a contract for labor from Illinois if we do not by this bill confirm some labor contracts?

Mr. CULUM. I think not.

Mr. Spooner. Are there none entered into prior to 1898 still in force?

Mr. CULUM. I suppose there are. I do not know about that; but if any Senator can draw an amendment which will close out those contract-labor importations and the enforcement of such contracts afterwards, and show that his proposition is constitutional, I shall be glad to vote for it.

Mr. Spooner. I have no doubt about the constitutionality of it, as the passage of laws impairing the obligation of contracts is upon the States. It is not quite enough to eliminate punishment by the court after the fashion of the violation of some criminal act. The provisions themselves may be of a character which are offensive to our sense of what is just, and I called upon him to ask the Senator if we are expressly affirming here and continuing any alien-labor contracts in Hawaii; and if so, to what extent? I wanted to follow that question another, which perhaps I have not any need to ask, as to the general character of these contracts.

Mr. HALE. The statute covers that.

Mr. Spooner. No; it does not.

Mr. CULUM. I have a document which shows that. I have it not on my table at present, but I can get it in a little while. It shows copies of numbers of contracts, the exact contracts in letter and terms, I have not that here, but I will furnish it to the Senator when he can see exactly what the terms of the contracts are.

Mr. Spooner. My recollection of these contracts, growing out of the debates on the annexation of Hawaii, is that they were brutal contracts that would not be tolerated at all in this country.

Mr. TILLMAN. Here are some provisions which are on a par with the black codes of some of the Southern States, and you gentlemen of the Republican party are in honor bound not to leave the people of Hawaii in the same condition in which the former slaveholders wanted to put their ex-slaves. If it is intended to repeal the provisions regarding these contracts and to annul them, why not say expressly that the contracts for labor heretofore existing whether of their nature, are annulled, so as to make assurance double sure that you do not intend to leave those people over there in slavery?

Mr. CULUM. That is just what we are trying to do, if the Senator will take notice. In the amendment which I propose to offer, but he can see exactly what the terms of the contracts are.

Mr. PLATT of Connecticut. Where does that come in?

Mr. CULUM. I propose to offer it at the end of section 10, which gives the power to keep alive all obligations, contracts, rights of actions, etc., as Hawaii passes from one form of government to another. I inquire of the Senator from South Carolina whether he does not think that amendment would accomplish just what he wants?

Mr. TILLMAN. Will the Senator indicate where he proposes to insert the amendment?

Mr. CULUM. At the end of section 10.

Mr. TILLMAN. I hope the Senator will offer the amendment.

Mr. CULUM. I will move to add to section 10 the following:

Provided. That no contract for labor or personal service shall be enforced either by injunction or by legal process.

Mr. NELSON. You ought to insert "criminal process."

Mr. CULUM. This refers to any legal process. If the Senator thinks he can help the amendment or strengthen it in any way, I shall be glad to have him do so.

Mr. HAWLEY. Would that forbid a citizen to bring a civil suit against the person who engaged him in the ordinary contract for labor?

Mr. CULUM. It is a question with me whether that does not go so far as to interfere with civil contracts which are legitimate. There ought to be some way of enforcing contracts other than by imprisonment.

Mr. HAWLEY. Does the Senator mean contracts for labor made before the person contracted for arrived in that Territory?

Mr. CULUM. I mean contracts growing out of the importation of those men to that country.

Mr. HAWLEY. That can be easily defined, so as to leave all innocent contracts under the law.

Mr. HALE. The Senator proposes to leave the contracts as civil contracts existing and to strike out all penal regulations and laws for enforcing them.

Mr. PLATT of Connecticut. No; Mr. President.

Mr. HALE. Is not that so?

Mr. PLATT of Connecticut. The effect of the Senator's amendment is, I think, to prevent the enforcement by law of all contracts in the islands relating to labor.

Mr. HALE. Any kind of enforcement, not only the penal provisions and punishments, but a civil suit or a civil process can not be maintained.

Mr. CULUM. Yes.

Mr. HALE. Well, that in effect abolishes it in toto, does it not?

Mr. PLATT of Connecticut. I think it goes too far.

Mr. CULUM. As I said a while ago, my judgment is that if we repeal the penal provisions affecting such contracts the result will be that the whole business will break down, because it can not be enforced.

Mr. HALE. What does the Senator leave standing?

Mr. CULUM. The Senator leaves, then, all in the bill, in the hope that the insertion of a provision preventing criminal prosecutions for violating contracts is all that is necessary to be done by this bill.

Mr. PLATT of Connecticut. Mr. President, if I can have the attention of the Senator from Maine, it is proposed, at the end of page 8, to insert:

Provided. That no contract for labor or personal service shall be enforced either by injunction or application for specific performance, I do not know that I have any objection to it; but if it goes so far as to prevent an employer bringing a suit against a person who may have entered into a contract for labor to recover damages, I do not think that ought to be done.

Mr. HALE. Will not the Senator read that again?

Mr. PLATT of Connecticut. Provided. That no contract for labor or personal service shall be enforced either by injunction or application for specific performance, I do not know that I have any objection to it; but if it goes so far as to prevent an employer bringing a suit against a person who may have entered into a contract for labor to recover damages, I do not think that ought to be done.

Mr. HALE. It seems to me that, in connection with the repeal of the penal provision, is extirpation of the whole thing, is it not? Does it not go to the root?

Mr. PLATT of Connecticut. It does.

Mr. HALE. It seems to me it does.

Mr. PLATT of Connecticut. I do not know but that it goes too far.

Mr. HALE. It seems to me it is extirpation of the whole thing, and there is under that proviso no process that anybody on the other side can invoke in criminal form, or any injunction or by suit for breach of contract, for damages.

Mr. CULUM. I appreciate that, but it seems difficult to adopt an amendment that goes far enough and does not go too far. I think myself, and I believe everybody will agree, that if a business man, for instance, in this country or in Honolulu, makes a contract with another citizen there to perform work, building a house or whatever it may be, he ought to have the right to bring a suit against him, and I do not know but that this would interfere with that. If it does, it would go too far. If not, it does just what I want to have done.

Mr. HALE. I suppose the committee intended that it should apply to suits in the Regular Courts, affecting the importation of foreign outside labor, and nothing more than that.

Mr. CULUM. I am satisfied to have that adopted, and if on further investigation it seems to go too far, we can modify it.

Mr. FAIRBANKS. Read it again.

Mr. HALE. Have it read at the desk.

Mr. CULUM. Write to the Senator from Illinois that he change it to "criminal prosecution," so as to limit it to injunction and criminal prosecution. That would leave the matter of the validity of the contracts to stand.

Mr. CULUM. The amendment which is being discussed more or less is as follows——

Mr. PLATT of Connecticut. No; it does not refer to that.