Mr. CULLOM. It does not refer to it in so many words, but the purpose of this amendment, while its phraseology may not exactly state it, is to prevent a criminal prosecution against a person for having brought into the United States a laborer who is brought into Honolulu from Japan, if you please, under a contract, and then violates it. We do not want him sent to jail.

Mr. HALE. It goes much farther than that.

Mr. CULLOM. Well, I do not want him prosecuted.

Mr. HOAR. The Senator was going to have the amendment read at the desk or read it himself, as he prefers.

Mr. CULLOM. I will read it myself. It is proposed to add to section 10:

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

Mr. HALE. What do you not say contract for foreign labor?

Mr. CULLOM. It means almost the same thing, because there are so many foreign laborers there.

Mr. PERKINS. I wish to ask the Senator from Illinois a question.

While in the islands investigating the question of labor, did the commission hear any testimony as to the abuse of contract laborers, the number in which labor was performed, and the penalties imposed for violations of their contracts? I should also like to inquire if they ascertained whether there were any large contracts for the construction of canals or railroads or aqueducts on the islands. We made every effort in the last session to extend to the islands our laws relating to contract labor and immigration, and it failed by reason of an objection upon this floor near the closing hours of the session. It is a notorious fact that since Congress adjourned many thousands of laborers have been brought into the islands of the Hawaiian group under contract for labor. It is so certain and so definite that there can be no ambiguity whatever in its language and so that it will not require a judicial body to construe its meaning.

Both of the Senators on this floor who are members of the commission are thoroughly conversant with these abuses, and I trust that they will not question the amendment that there can be no question or doubt about it.

Mr. HOAR. I suggest to the Senator from Illinois this phrase, which I think will accomplish all Senators desire and which goes as far as we ought to go:

Provided, That there shall be no remedy for the specific performance of a contract made to compel the specific performance of ordinary labor contracts which have been made for the labor of laborers for a period of less than five years, and I suppose they did in most of the other States.

Mr. HALE. A contract for labor sometimes involves a large transaction, like the building of structures.

Mr. HOAR. That is not a contract for labor.

Mr. HALE. It is.

Mr. HOAR. Say "personal service."

Mr. HALE. I do not understand that the committee intends to go into that large domain of regulating contracts and controversies about labor outside of foreign contract labor.

Mr. HALE. That is all.

Mr. HALE. Why not, then, limit by this term so that it shall only apply to the subject the committee intend to take up, and not take up that larger domain the Senator from Massachusetts suggests, which we have not had up? Let it apply only to contracts for labor.

Mr. HOAR. I have an impression that we have passed, certainly through the Senate, and I think through both Houses, a general domestic statute containing that provision so far as the United States courts go. I do not believe, in other words, that it is not expedient that labor contracts shall be enforced by specific performance. Any other contract where specific performance is enforced is discharged by the payment of a sum of money, or the making of a deed of conveyance, or something of that kind, but holding a man to labor or service by law is repugnant to the dominion of the States over the laborers. Mr. CULLOM. It declares that no proceeding shall be instituted to enforce it. Mr. HALE. That has been accepted. "Personal" has been incorporated.

Mr. HOAR. "Anything that involves personal labor" is not the language.

Mr. HALE. Let us have it exact.

Mr. HOAR. "Any contract for personal labor.

Mr. HOAR. Any contract that involves personal labor, and no proceeding—

Mr. HOAR. The words "involving personal labor" are not there.

Mr. HALE. Well, for the enforcement of any contract for personal labor, it would apply to any large contract.

Mr. NEILSON. Mr. President, will the Senator from Maine yield to me?