Mr. HALE. As a Senator suggests to me, it would apply not simply to a contract of a day laborer to perform work upon any building or any farm or any estate, but a contract for larger services, for the superintendence of an estate, of a plantation, or a mill.

Mr. SPONNER. Will the Senator from Maine allow me? Mr. HALE. Certainly.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. NELSON. Will the Senator allow me one word here?

Mr. SPONNER. I thought the Senator from Maine yielded to me.

Mr. HALE. I yield to all.

Mr. NELSON. I think the Senator from Maine misapprehends the point of the amendment. The effect of the amendment of the Senator from Massachusetts is simply to prevent the enforcement of certain contracts by specific performance and to prevent criminal prosecution. That is exactly the law all over the country, in every State in this Union. It has always been the law, by specific performance a court for personal labor in any case, from the President of the United States down to the commonest laborer. Neither can you prosecute it criminally. This leaves the law, I want to say to the Senator from Maine, just as it is in respect to remedies for breach of civil contracts. That is all.

Mr. HALE. I understand. I do not know so well as the Senator from Minnesota that there are not anywhere in any State provisions or laws or decisions which authorize the enforcement of a specific contract for labor of any kind. Certainly this strikes all that at once, and I should understand that it is a very wide-reaching, far-reaching provision. It may be right. It may be that other States have such laws. I do not think we have in Maine. But it ought to be understood how far this provision goes.

There are plenty of things in this bill I can see as plain as day that will come up to perplex us hereafter. The relations are new. It is bringing into our system something about which none of us have any knowledge or experience—the application of laws to these people, the sustaining and upholding of certain other laws in its operation, and making them certain in the future. All the complications in this bill, as I look at it and as I hear discussion upon it, grow in my mind, and I am afraid we will find, with all the care the committee has bestowed upon it and the scrutiny which Senators have given it, that when we get to the passage of this bill we will come back to trouble us in a great many ways, and that we are going very far in certain directions and not far enough in certain other directions. Therefore I call attention to this provision, which may be all right. It may be all right that every kind of contract involving personal labor shall only be enforced to a limited extent, as everybody knows that in a great many cases of that kind it is of no avail and has nothing on which it can base a judgment. But it may be better to apply it here. We ought to understand it, of course, and I think we do understand the extent of the amendment of the Senator from Massachusetts.

Mr. HOAR. Mr. President, as is very well known, I have not been in favor of undertaking the government of subject populations, and all the reflection I have given to the matter increases my opinion that it is not desirable, either for such populations or for us, that we should do it. But I am in favor of giving a code to a people whom I hope and expect some time may become a prosperous and strong American State; and it seems to me that when we are legislating for Hawaii, in regard to which I have such a hope and expectation, we ought, when we deal with any subject, to make our legislation perfect as far as possible in that particular.

Now, if it be sound public policy, in the judgment of the Senate, to prohibit a contract from ordering anybody, humble or not humble, to be taken by the power of a sheriff or a marshal and led out to his work in the most disgraceful manner, not exactly like a galley slave, but to his dungeon, but sent back, confined and bound and held in durance, I can not for the life of me see why that doctrine ought not to be applied now to the island of Hawaii by proper enactment while we are dealing with the specific subject. They are not going to make a law this year or next year, or the next year, or any other year, they are not going to make a code which involves other relations, and we are going to say something in that code about the legal remedy on contracts to labor. We have the subject up. The question is, having the subject up, whether we shall make a law or only half of the law or a law and not make the whole, which we have half done. As the Senator from Maine has so well said, we are only enacting in this code what other States, some of which have codes and some have not, have for their law now.

Mr. CULLOM. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Illinois as modified by the Senator from Massachusetts.

Mr. RAWLINS. I ask that the amendment may be stated.

Mr. CULLOM. It is proposed at the end of section 4 to insert the following:

Provided, That no proceeding shall be maintained for the specific performance of any contract for personal labor or service, and there shall be no civil proceeding for the breach of any such contract.

Mr. HALE. Would that description, no "contract for personal labor or service," mean the contracts that the committee originally intended to provide for—foreign labor? I do not know enough about it to know whether they are made with the persons who labor or whether they are made with parties who agree to furnish contract labor. I present this in a highly formal sense that the Senator might not want to have this enacted and find that there is nothing much that we started to put in affecting contracts for imported foreign labor. I do not know whether the contracts are made with those persons or with agents.

Mr. CULLOM. If the Senator will allow me, I have before me a copy of the containing a contract.

Mr. HALE. The Senator from Illinois knows about that.

Mr. CULLOM. I will read a contract.

Mr. HALE. Read a portion of it.

Mr. CULLOM. Very well.

AGREEMENT BETWEEN JACOB COOPER AND CERTAIN JAPANESE WORKMEN.

This agreement made and entered into this 19th day of February, A. D. 1888, by and between Jacob Cooper, party of the first part, of Kahului, North Kona, Hawaii, and Koyogawa Y., Inouye T., and Tanaka (k), of Kohala, North Kona aforesaid, witnesseth:

That the said parties have agreed and do agree by these presents as follows: The said Jacob Cooper for himself, his Executors, Executors and Administrators, and by the advice of said party of the first part, commencing within ten days from date, all that portion of land situate in Kahului, aforesaid, and described as follows:

The Senator need not go on. It appears that it is a contract made with each of the persons who are to perform the labor.

Mr. CULLOM. Who are to perform the labor.

Mr. HALE. And is signed by each of them personally?

Mr. CULLOM. It does not say how it is signed.

Mr. HALE. I suppose it must be.

Mr. CULLOM. I suppose it is.

Mr. HALE. In some of the California contracts the persons who performed the labor never signed any contract.

Mr. CULLOM. The Senator will see that this contract is not only to labor, but it involves a sort of partnership in which these men are to raise sugar on certain terms.

Mr. HALE. The last observation of the Senator from Illinois, that this does not come up to the legal description of a personal contract, raises a doubt. Has the Senator any doubt as to the amendment which he has accepted does entirely cover the system of foreign-labor contracts?

Mr. CULLOM. I have no doubt it will destroy the business, and my own understanding without this amendment, the Convention and the laws of the United States being extended over those islands, it will break up the whole thing, and there will be no more of it than there is in the United States.

Mr. PERKINS. I should like to ask the Senator from Illinois if, in his opinion, the agents in the Hawaiian Islands have been imported into the Hawaiian Islands. They come there under contract made with the management of those contracts. As evidence of that fact, perhaps it may be read from the report of Commissioner Powery, made one year ago to our committee:

Detailed information of a confidential nature has been received, showing that since the passage of the Joint Resolution annexing the Hawaiian Islands, the manager of that island has been entirely stimulated; as many as 7,000 Japanese laborers have been imported into these islands; such number as have been imported have been engaged in sugar plantations. Those laborers were engaged in the sugar plantations under the passage of the Joint Resolution, such number as have been engaged in sugar plantations, and the sugar plantations in the Hawaiian Islands. They come there under contract made with the management of those contracts. As evidence of that fact, perhaps it may be read from the report of Commissioner Powery, made one year ago to our committee:

It is a notorious fact that since this, one year ago—

Mr. JONES of Arkansas. I wish to ask the Senator what is the date of that report? I believe he said it was a year ago.

Mr. CULLOM. February 10th.

Mr. JONES of Arkansas. How many of these Japanese laborers have been imported into Hawaii since that time?

Mr. PERKINS. The report is dated February 10, 1889.

Mr. CULLOM. Well, the Senator will allow me to interrupt him?

Mr. PERKINS. Certainly.

Mr. CULLOM. I stated yesterday what seemed to be as far as