I think the bill already provides for it; but I have no objection to it myself. They can have that privilege anyway.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Wyoming [Mr. Warren].

Mr. HALE. On page 33, line 3—

Mr. CULLOM. What section?

Mr. HALE. It is chapter 3, under the head "The executive." It is the appointment of a governor, the executive power; that the Governor shall be resident within the Territory, and that he shall reside within the Territory. If it is intended that a resident of the Territory shall be appointed, I should prefer the words "be a resident of" to the word "resident," because the governor may be appointed a resident who does not reside there at the time he is appointed governor. I suppose the design is to appoint an actual resident at the time of his appointment. How is that?

Mr. CULLOM. I think that is a fair construction of the language as it is in the bill.

Mr. HALE. Then there certainly will be no harm, and it would make it more clear, to strike out the word "reside" and insert the words "be a resident of."

Mr. CULLOM. I have no objection to that.

Mr. HALE. I move that amendment.

Mr. CULLOM of Wyoming. I think the Senator from Maine will allow me, I have an amendment prepared upon that same line, which proposes to strike out all of the words "shall reside within the Territory and be a citizen of the Territory of Hawaii." I believe that all of these offices should be filled from citizens of Hawaii, but this is a limitation upon the power of the President to appoint officials. Both political platforms in late years have declared that it is the policy of both parties to appoint residents of the Territories to office, and oftentimes conditions have arisen when the President could not, with justice to the people or with justice to himself or the people of the whole country, appoint the agent of that particular locality.

I have no fear that the President of the United States would abuse his power of appointment, and I think there ought not to be a limitation upon him, but that he should be allowed to make these appointments from whatever part of the United States he should desire to do so, and upon the condition that the duties to be performed by the persons appointed from the contracts which have been made in the past.

Mr. SPOONER. I move to amend the amendment, if I may do so. Has the amendment been accepted?

Mr. CULLOM. Yes.

Mr. SPOONER. I move to amend the amendment of the Senator from Massachusetts by inserting after the word "contract" the words "heretofore or hereafter entered into."

Mr. HOAR. I accept that amendment.

Mr. CULLOM. So do I.

The PRESIDING OFFICER. The Senator from Massachusetts accepts the proposed amendment. The amendment offered by the Senator from Massachusetts will be read as modified.

The SECRETARY. As modified the amendment will read as follows:

Provided. That no proceeding shall be maintained for the specific performance of a contract entered into for personal labor or service, and there shall be no criminal proceeding for the breach thereof.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Massachusetts.

Mr. RAWLINS. I ask if that would cover cases involving a relation of confidence—for instance, contracts with agencies where there might be embezzlement? Would that exclude a transaction of that kind?

Mr. HOAR. I believe it would be like larceny, and that class of service is not usually spoken of in law. "Personal labor or service" is a well-understood legal term in the statutes.

The PRESIDING OFFICER. The question is on adopting the amendment.

Mr. WARREN. I offer the amendment which I send to the desk.

The SECRETARY. On page 25, after the word "language," in line 2, insert:

Provided, however, That the legislature of the Territory of Hawaii may at any time after January 1, 1908, submit to the lawfully qualified voters of such Territory such changes and modifications in the qualifications for electors as the legislature may determine, and the amendment hereinbefore adopted by a majority vote, taken in the mode prescribed by the legislature, shall be valid and binding by law.

Mr. CULLOM. I think that provision is entirely unnecessary.