Tellers were refused, 16 members, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment of Mr. Snodgrass was rejected.

The CHAIRMAN. The Chair will state that the gentleman from Tennessee [Mr. Richardson] sent to the desk an amendment to this section, and that a copy of the same will be read, for the information of the committee the Clerk will read it.

The Clerk read as follows:

"Strike out, in line 24, section 5, the words "except as herein otherwise provided," and insert the same words after the words "United States," in line 25 of the same section, and insert a comma after the word "Constitution," in line 28 of the same section.

Mr. BARTLETT. Mr. Chairman, that was intended to meet this situation. The gentleman from Tennessee and a number of others on this side of the House contend that the provison—

The CHAIRMAN. The Chair will state to the gentleman from Georgia that on the motion of the gentleman from Massachusetts the provision on this section was declared.

Mr. BARTLETT. On what?

Mr. WILLIAMS of Mississippi. On the amendment?

The CHAIRMAN. On the section.

Mr. KNOX. Do you consider this anything more than a mere verbal amendment?

Mr. BARTLETT. Yes; I do.

Mr. KNOX. A matter of substance?

Mr. BARTLETT. I think so.

Mr. KNOX. And that by inadvertence or by accident it was not presented?

Mr. BARTLETT. The gentleman from Tennessee [Mr. Richardson] wrote it and sent it to the desk for the purpose of presenting it, and while the discussion was going on he went out, and will be back in a moment. I know he intends to present it, and he sent it to the desk for the purpose of having it pending. I am not in a position to finish any statement.

Mr. KNOX. I do not object to anything that went out by a misunderstanding.

Mr. BARTLETT. I can not say it went out by a misunderstanding.

The CHAIRMAN. The section might be passed over until the return of the gentleman from Tennessee.

Mr. KNOX. Pass it until he returns. I will agree to that.

The CHAIRMAN. The gentleman from Massachusetts asks that this section be considered for the present. Is there objection?

[After a pause.] The Chair hears none.

CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, proceedings, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed; and all suits at law and in equity, proceedings, and judgments in the courts of the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii; and all actions at law, suits in equity, and other proceedings then pending in the courts of the United States shall be as valid and as effectual as if the same were commenced and heard in the courts of the Territory of Hawaii; and all process issued and sentences imposed before this act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii.

Mr. KNOX. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk reads as follows:

On page 58, section 10, line 23, add the following:

"Provided further, That the provisions of this section shall not apply to merchant seamen."

Mr. ROBINSON of Indiana rose.

Mr. KNOX. I yield to the gentleman from Indiana.

The CHAIRMAN. The gentleman can not yield to another gentleman under the rules.

Mr. MCRAE. I offer an amendment to the amendment.

Mr. ROBINSON of Indiana. I move this as a substitute.

The CHAIRMAN. The gentleman from Arkansas offers an amendment to the amendment, which will be reported to the committee.

Mr. MCRAE. Following the language of the gentleman from Massachusetts.

The Clerk reads as follows:

That the act approved February 28, 1888, "to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

Mr. KNOX. That is already provided by the bill, our entire immigration laws.

Mr. MCRAE. I think there is something about that. I do not think you will lose anything by expressly and positively extending it.

Mr. KNOX. We might then go on and extend all the laws separately.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. ROBINSON of Indiana. I propose this as a substitute for the amendment.

The CHAIRMAN. The Chair will say that as the bill being considered by the committee is itself an amendment, it is not in order to consider any other amendment than that proposed by the gentleman from Massachusetts until that amendment is disposed of.

Mr. NORTON of Ohio. Then would it be in order to move to strike out the last word of the gentleman's amendment, because that would be an amendment?

Mr. ROBINSON of Indiana. Have I not the floor? I present the section as a substitute.

The CHAIRMAN. The gentleman presents a substitute, which will be read in the time of the gentleman from Indiana.

The Clerk reads as follows:

"Strike out all of section 10, on page 58, and insert:

"CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all obligations, contracts, rights of action, suits at law and in equity, proceedings, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if this act had not been passed; and all suits at law and in equity, proceedings, and judgments in the courts of the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii; and all actions at law, suits in equity, and other proceedings then pending in the courts of the United States shall be as valid and as effectual as if the same were commenced and heard in the courts of the Territory of Hawaii; and all process issued and sentences imposed before this act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii; and all process issued and sentences imposed before this act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii.

Mr. ROBINSON of Indiana. Mr. Chairman, the substitute proposed for the amendment is the provision adopted by the Senate after a most careful consideration. I took the time to go to individual Senators—Senator NELSON, Senator PETTIGREW, and others—and all agreed that it wipes out effectually this contract labor in Hawaii. It was suggested to me by those Senators that this would be the proper and the best provision to pass upon this subject. I believe the chairman of the committee will accept this. The only difference between this and the main portion of the provision of the gentleman from Massachusetts is the words "obligations, contracts, rights of action, suits at law, and in equity," which are eliminated from the first line, and then the Senate's last section, which is wiping out the labor contract, is appended. That is the only difference.

Mr. MCRAE. I did not understand it from the reading of it.

I would like to hear some explanation from the gentleman.

Mr. ROBINSON of Indiana. It is the Senate's provision, drawn by Senator PETTIGREW.

Mr. MCRAE. It does not make any difference who it was drawn by; it is not clear to me.

Mr. ROBINSON of Indiana. It says:

That all contracts made since April 12, 1888, by which persons are held for service for a definite term, are hereby declared null and void, and such contracts shall not be binding in any way, and shall not be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts.

Mr. MCRAE. What we want and what the law gives us in this country is to prohibit the shipowners from bringing these people here to work for the special purpose of labor in Hawaii. If we take away all of that, we think it is wiping out effectually this contract labor in Hawaii. It was suggested to me by those Senators that this would be the proper and the best provision to pass upon this subject. I believe the chairman of the committee will accept this. The only difference between this and the main portion of the provision of the gentleman from Massachusetts is the words "obligations, contracts, rights of action, suits at law, and in equity," which are eliminated from the first line, and then the Senate's last section, which is wiping out the labor contract, is appended. That is the only difference.

Mr. KNOX. Those laws are all extended by the bill.

Mr. ROBINSON of Indiana. Yes; but that does not go far enough on the labor contract.