Mr. Reifeld introduced a bill (S. 4075) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth; which was read twice by its title, and referred to the Committee on Territories.

GOVERNMENT FOR HAWAII.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I will briefly ask that the bill lie on the table and be printed, before I request a conference.

The PRESIDENT pro tempore. Without objection, the bill will lie on the table and be printed.

GOVERNMENT FOR HAWAII.

Mr. CULLOM. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 222) to provide a government for the Territory of Hawaii.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the bill.

Mr. CULLOM. I move that the Senate nonconcur in the amendment of the House and request a conference on the disagreeing votes of the two Houses.

Mr. PETTIGREW. Mr. President, I see that the House have passed a substitute for the Senate Hawaiian bill and that on page 6 of the bill, section 10, they provide "that all obligations, contracts, rights of action, suits at law and in equity," etc. "shall continue to be as effectual as if this act had not been passed." This would allow the enforcement of all existing civil contracts. Contract or slave labor is held by the courts of Hawaii to be a civil contract, and under the Hawaiian law these civil contracts by imprisonment and can go to the extent of imprisonment for life. I trust the conferees will see that this provision is so amended as to prevent the enforcement of the existing slave-labor contracts of that island.

The House have adopted the provision that all contracts made since August 12, 1898, are declared null and void and shall terminate, but section 10 also provides:

That no suit or proceeding shall be maintained for the specific performance of any contract hereinafter or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach.

Inasmuch as the courts have held that these contracts are civil contracts, I do not know but that there are laws existing in Hawaii that we perpetuate (for we perpetuate a large body of their laws) which provide that damages for a breach of one of these contracts may be collected, and that prior to their collection the person against whom the recovery was secured could be imprisoned. Perhaps their laws so provide. If they do, then until we repeal these contract-labor laws and provide that a suit for damages for the breach of these contracts may be had, these men might still be held for service and compelled to work out the damages upon the plantations under the whip and lash of the slave master. I hope the conferees will carefully guard that provision and see that there is no question about it.

The House bill also provides that the provisions of this section 10 shall not apply to merchant seamen. In other words, it indirectly provides that the existing laws with regard to merchant seamen may be enforced. The existing law of Hawaii makes a seaman a slave during the term of his contract. If he is engaged in foreign service, that is the law of the United States. But in 1898 we passed a law by which a seaman engaged in the domestic trade of the United States could not be compelled to carry out the provisions of his contract or be imprisoned if he failed to do so. I hope the conferees will see that this provision is modified so that at least the laws of the United States with regard to seamen, so far as they apply to our domestic trade, shall apply to seamen engaged in the trade with Hawaii.

I am particularly anxious about this for the reason that on page 60 of the bill the House have provided—

At the expiration of one year after the passage and approval of this act, all coasting trade between the islands aforesaid and other portions of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great commercial nations.

We put off the time when the coasting laws of the United States shall apply for one year, and I hope this provision will be stricken out entirely. It seems to me that the provision in relation to our coasting trade should apply at once, and I can see no good reason why this provision should be continued.