

the labor laws of the United States over that Territory the extension carried with it the prohibition, either directly or indirectly, of any such contracts as exist there now in respect of laborers.

Mr. TELLER. Let me say one word. The difficulty I found was that there are a great lot of Hawaiian laws repealed, nullified, and not having the laws before me I could not tell by the references in the bill whether the Hawaiian labor law, which is practically an enslaving law, is to be repealed or not.

Mr. CULLOM. I think the Senator will find that all such laws are repealed in the repealing sections which we have here.

Mr. TELLER. I hoped to find it, but I could not. I hope the Senator will look it up and let us know about it.

Mr. CULLOM. I will be glad to look it up and find out the exact fact, and bring in an amendment to cover the case if it is needed.

Mr. FAIRBANKS. I have had the same difficulty that the Senator from Colorado has had. I have examined the bill with some care, and have failed to find any provision which would prohibit the introduction of contract labor. I would be glad if some reference to the provision of the bill which guards against its introduction would be furnished.

Mr. PLATT of Connecticut. I think, so far as that is concerned, that extending the laws of the United States over those islands will extend our laws against the introduction of alien contract labor. I think that is so.

Mr. CULLOM. Undoubtedly it does that.

Mr. TELLER. Why not say so in an emphatic manner?

Mr. PLATT of Connecticut. I think that is provided for in the bill. The only trouble I have had about it is whether the legislature, dealing with contracts between laborers and employers in the islands, made in the islands, could pass obnoxious laws.

Mr. CULLOM. I see the force of the Senator's suggestion.

Mr. PLATT of Connecticut. I do not know what the fact is.

Mr. CULLOM. I confess that I have gone on under the impression all the time that the extension of those laws would wipe out all such contracts as now exist and prevent such contracts being made at all hereafter. But we will look at the bill more carefully later.

Mr. FORAKER. Before the Senator from Illinois leaves this point, if he will allow me, I will call the attention of the Senator from Connecticut to section 10 of the proposed act. There is a provision which preserves and continues in force all obligations, contracts, rights of action, etc., which have been entered into or have accrued prior to the taking effect of this act. It may be that under that section there would result the consequences which the Senator apprehends. I think that is the section to which we should turn our attention when we take that up.

Mr. CULLOM. I should like to ask the Senator from Connecticut a question, to see what answer he, as a lawyer, will give. There are contract-labor laws there now existing, made perhaps a year ago, to run for three years. Now, what I should like the Senator to answer is whether, if such a contract as that exists and has not yet terminated, when this law takes effect, it abolishes or wipes out the contract or not. I assume that it would prevent the prosecution or punishment penalty of a contract laborer who violated it, but whether it annuls the contract civilly, absolutely, has been a question in my mind. I should like to have the Senator make a statement as to what he thinks about that.

Mr. PLATT of Connecticut. No, I think not; because section 10 provides that all obligations and contracts and judgments shall continue to be as effectual as if this act had not been passed.

Mr. CULLOM. Suppose that was not there?

Mr. FORAKER. I think it would be well to insert there an exception as to contract labor.

Mr. PLATT of Connecticut. If there is anything in their acts inconsistent with the laws of the United States, then their laws are so far repealed and modified?

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. But we have no laws on that subject.

Mr. CULLOM. Why have we not? Do we not prosecute people for—

Mr. FORAKER. We have laws prohibiting the importation of contract laborers.

Mr. PLATT of Connecticut. Exactly, and their laws of that sort are undoubtedly repealed.

Mr. FORAKER. But I ask the Senator, would it repeal such a law in view of the provisions of section 10, that every contract that shall have been entered into before this act takes effect shall remain in full force and effect as though this act had not been passed? That is a specific reference to that particular subject, and it seems to me it would control as against the general provision that the laws of the United States should take effect.

Mr. PLATT of Connecticut. If the contracts they have entered into there, running three years, with alien laborers brought in under contract are to be preserved to the end of the term—

Mr. CULLOM. Now, can they be annulled by a statute?

Mr. PLATT of Connecticut. Well, if they are to be preserved, I certainly want to know that the penal laws which they have passed punishing these contract laborers for not fulfilling their contracts shall in some way be abrogated and annulled.

Mr. CULLOM. In answer to that I desire to say that I have an amendment now attached to the bill, which I propose to insist upon being adopted, as to the penal portion of the law or the contract. Whether we could annul a civil contract by an act of Congress is more than I know.

Mr. PLATT of Connecticut. I have no doubt we could. Whether we ought to do it or not, whether it is policy to do it, or right and justice demand it, I do not know; but I suppose that we can interfere with the obligations of contracts if we choose to do so.

Mr. FORAKER. I suggest that we might amend section 10 without doing any violence to the vested rights, it seems to me, by excepting that class of contracts—certainly all such contracts belonging to that class that may have been entered into since the date when Hawaii was annexed—because if any such contracts have been made to run for a term of years they were made with knowledge to everybody concerned that they were in violation of the laws of the United States, which were shortly to be extended. They are certainly in violation of the spirit of our institutions, and such contracts ought to be abrogated if it is possible.

Mr. PLATT of Connecticut. What language does the Senator suppose there is in section 10 which operates to abrogate them?

Mr. FORAKER. No; I say it does not operate to abrogate, but it operates to confirm and to continue them; and I say in that section 10 I think there ought to be an amendment injected excepting the operation of section 10 from those contracts.

Mr. PLATT of Connecticut. I did not understand the Senator. I think he is quite right.

Mr. FORAKER. That is the point I make.

Mr. CULLOM. I have an amendment right here that I intended at the proper time to offer, and I will read it. It is to add to section 6, I believe, the following:

*Provided, That none of said laws nor the decisions of any of the courts of the Republic of Hawaii shall be in force or effect so as to allow imprisonment for debt or for the nonfulfillment of a labor contract.*

Mr. FORAKER. Is there anything in this act to the contrary notwithstanding, in view of section 10, that ought to be added?

Mr. CULLOM. The amendment is there, I think, as far as I have read.

Mr. PLATT of Connecticut. I think that is right.

Mr. CULLOM. Now, if Senators are satisfied—

Mr. NELSON. I suggest that the amendment ought to be inserted in section 10, "that all obligations, contracts, etc.," are ratified. There ought to be an amendment in that section excepting contracts for labor entered into subsequent to the time when the island was annexed to the United States.

Mr. CULLOM. I have got this amendment for that section. Perhaps that will help out some. On page 8, after section 10, add the following:

*Provided, That no contract for labor or for personal service shall be in force, either by injunction or other legal process.*

The PRESIDING OFFICER. Does the Senator desire to offer that amendment at this time?

Mr. CULLOM. I have no objection to both amendments being adopted now, if the Senate desire.

Mr. PLATT of Connecticut. I do not know that I want to have it adopted in that form.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Illinois.

Mr. PLATT of Connecticut. Which amendment?

The PRESIDING OFFICER. The amendment just read by the Senator from Illinois.

Mr. PLATT of Connecticut. I should like to be heard a little about that last amendment. I think we had better take those amendments up when we come to them.

Mr. CULLOM. All right.

The PRESIDING OFFICER. The Chair will state that the Senator from Illinois is in the midst of his speech, and it is by his tolerance that the question is presented.

Mr. CULLOM. My speech is more to get the attention of the Senate to the bill than for a set speech. I want the bill, in some form, adopted as quickly as we can, because it is needed exceedingly in that Territory, and I am ready, so far as I am personally concerned, to yield to any reasonable amendment that will perfect the bill; and of course the Senate has a right to that, whether I am willing or not.

Much complaint has been made against Hawaii because of the existence of these labor-contract laws. They have existed for many years back, and for the reason that it was difficult for sugar-plantation owners to secure labor for the islands adequate to the apparent emergency. That is the way it has come about.

Our laws in this country prohibit the importation of Chinese labor, but do not prohibit Japanese labor, and one of the effects of the labor laws of that country has been to keep out Japanese, who