

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)

CONTRACT LABOR IN THE HAWAIIAN ISLANDS

The problem of converting a tropical country inhabited by a primitive people to the uses of modern industry has been solved in diverse ways by the Spanish in Cuba and the Philippines, by the Dutch in Java and East Sumatra, by the English in British Guiana and the Straits Settlements, by the Belgians in the Congo Free State. In each case zeal for money profit, for the financial success of the enterprise in question, has been moderated and held in check by concern for the well-being of the land and people in process of exploitation. Of these two contending impulses, the industrial is likely to dominate the men immediately concerned in the business enterprise, while the humanitarian comes to the front in the home country, where advantage in the profits derived is but indirect and where wrong done to the nation's honor and prestige is keenly felt.

The experience of the Americans who undertook to civilize the Hawaiian Islands is peculiar in that they enjoyed seventy-five years of immunity from outside interference. The measures determined upon for the development of the country were their own. There was no colonial office to over-rule the local policy. Every candid observer, however, must concede that there was nothing arbitrary in the methods of the missionaries, the white men who were in the long run most influential in directing the course of legislation in the Sandwich Islands. Although the processes of civilization were never gentler or less destructive of native autonomy, the decay of aboriginal society when brought into contact with an advanced social order was no less

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)

inevitable here than in regions where relations between the aboriginal and the civilized races were less happy. Within the cycle of a hundred years a primitive agricultural community has been transformed into a highly specialized industrial system in which every capacity of land and people is subsidized for the promotion of a single product.

MODERNIZATION OF NATIVE FEUDALISM.

This primitive organization was closely analogous to that which we know as feudal. There was no absolute title to land; the right to exploit definite tracts was allowed to the chiefs by the king or over-chief. The taro patches were cultivated and all other productive labor was performed by the common people for the benefit of the chief on whose land they dwelt. Like the serfs of mediæval Europe, the common people rendered service in products and in labor. The product service was in swine, dogs, vegetables, fruit, fish-lines and fish-nets, calabashes, *kapas*, and the precious red and yellow feathers from which the cloaks and helmets of state were manufactured. Labor service varied with time and place and gave greater opportunity for extortion. When the trader's demand for sandal-wood began to exhaust the supply, the serfs were forced to penetrate the dense forests of the mountain tops and bring down heavy loads on their bare shoulders. Thousands died of the unaccustomed cold and fatigue.

The regulation of labor service was one of the first reforms attempted by the missionaries. The laws promulgated by Kamehameha III at Lahaina in 1839 limited and defined the labor tax as follows: "During the first week of the month, the people are to work two days for the king and one day for the chief on whose

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)487] *Contract Labor in the Hawaiian Islands* 3

land they dwell. In the second week of the month, they work one day for the king and two days for the chief. When public work is to be done (the building of roads, bridges, fish-ponds, irrigating-ditches, and the like), the people must work three days in each of the last two weeks of the month until the work be accomplished." Women caring for children were exempt from the labor tax. Money fines were imposed for neglect of service: for each day withheld, fifty cents; for each half day, twenty-five cents; for tardiness, twelve and a half cents. These fines were paid to the king or to the chief who suffered the labor loss. On the other hand, the chief who exceeded the labor requirement set by this law must pay a fine to the king and forfeit for six months his claim to the labor of the serfs so overworked. Fines for failure to perform public works were imposed in the same proportion as for private service. A man might exempt himself from all obligation to personal service by the payment of nine dollars per year, four dollars and fifty cents to the king and four dollars and fifty cents to his chief.

With the distribution of lands in 1848,¹ service tenure was abolished and the people were exempted from the labor service due to king and chief. But a public labor tax of twelve days a year was continued; this might, however, be commuted at fifty cents a day (1850). Thenceforth the taro patches of the chiefs must be cultivated by wage-paid labor. Moreover the presence of

¹ By this memorable act of emancipation Kamehameha III gave the people fee simple title to the lands they were actually cultivating, 28,600 acres, thus creating eleven thousand peasant properties or *kuleanas*. To the chiefs was assigned 1,619,000 acres, and 984,000 acres was reserved as royal demesne. The remaining 1,495,000 acres, mountainous and arid land for the most part, was public property. The arable portions of the public domain were soon after sold to the people at a nominal price.

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)

missionaries and traders created a demand for service that could be met only by a free labor class. As early as 1841 a law was published respecting the hire of labor. "Labor hire as well as other kinds of hire has at the present time become an extensive business. There are persons who obtain their whole living and property by laboring for hire. The law does not condemn that business for it is proper. The law protects it. It would be a sad thing for the community if the law did not give protection to him who labors for hire." This law was enacted by the newly organized legislative body, which, being composed in the main of the large land owners, was naturally concerned for the employer's interest. Its provisions give evidence that the native laborer was not always worthy of his hire. The labor agreement must be faithfully performed by both parties. If the laborer was indolent so that he accomplished little, his wages might be diminished in proportion to the employer's loss. If the work was imperfect or was left incomplete or if the employer should suffer material damage by any fault of the laborer, the laborer's wages might be diminished or entirely withheld according to the loss sustained.

Another new and extra-feudal demand for labor had arisen with the advent of the whaling vessels. Whalers first visited Hawaii in 1820. From that year until 1871, when the business encountered over-whelming loss in the destruction of the major part of the fleet in the ice off Cape Belcher, the stout Yankee ships were accustomed to use the islands as a supply station, stopping both on the outward and homeward cruise. In the roadstead between Lahaina and the island of Lanai as many as one hundred vessels were sometimes anchored. The whalers came in pursuit not of food and water only. The Hawaiians were famous sailors,

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)489] *Contract Labor in the Hawaiian Islands* 5

and it was customary to take on a crew of brawny kanakas for service in the north seas. By 1846 it was thought advisable to regulate this employment. The act authorizing the enlistment of native sailors provided that application for permission to enlist natives on a foreign vessel must be made to the governor of the island to which they belonged, and that shipping articles must be deposited with him stating the name and nationality of the vessel and the destination, object, and term of service proposed. The master of the vessel must further execute a bond to the amount of one hundred dollars for each man so enlisted as surety for the payment of his personal taxes and for the just fulfilment of the contract. The sailor on his part could give no bond, but the authorities were made responsible for him. "The governors shall have power, after the provisions of the preceding articles are fully complied with, to compel the embarkation of any subjects of these Islands so voluntarily enlisted by a foreign captain, and for that purpose, in case of desertion, he may cause them to be arrested and conveyed on board."¹

Still another labor demand, destined to be far greater and more permanent, developed with the systematic cultivation of sugar. Sugar cane grew luxuriantly on the islands, and a low grade sugar had been manufactured as early as 1823, the cane being crushed between wooden rollers and the juice boiled down in open kettles; but the cultivation of the cane on plantation scale was not undertaken until 1835. In this year a mill was erected at Koloa on Kauai, and the industry was fairly inaugurated. By 1838 twenty-two mills were in operation, the windward side of Hawaii and Maui proving to be as well adapted as Kauai to the culture of

¹ Section VI, law of 1846.

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)

the cane. It was soon demonstrated that the islands afford almost ideal conditions for the growing of sugar—fertile soil, abundant rainfall, and a climate so equable that the cane can be brought to full maturity and the highest percentage of saccharine matter developed. These natural advantages guarantee the Hawaiian sugar planter to-day a yield three or four times as great as that of Cuba or Louisiana. Disadvantages quite as permanent and inevitable are the distance from the world markets and the scarcity of labor.¹

THE LABOR PROBLEM.

The scarcity of labor began to be recognized as a serious handicap to the industrial development of the islands as early as 1850. A law of that year recites: "Whereas, the native population is diminishing" and the "want of labor is severely felt by planters and other agriculturists, the price of provisions being thereby enhanced," and "whereas many natives have emigrated to California and there died in great misery, be it enacted that no native subject of the king may leave these islands without express permission given on proved necessity." The planters soon discovered that the cultivation of sugar on a profitable scale required a very considerable land area and an abundant supply of low grade labor. Every subsequent improvement in the industry, every new application of machinery, has emphasized this dual necessity. Steam-plows, irrigation from pumping stations, hauling of the cane by rail, enhanced capacity of the mill—each effort to reduce cost of production involves an increased

¹ According to W. C. Stubbs, director of the Louisiana agricultural experiment station, the Louisiana average is one and one-half tons of sugar per acre, the Cuban from one to two tons, while the plantations of Hawaii boast an average yield of five tons; but in Hawaii it takes from three to six months longer to mature the crop.

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)491] *Contract Labor in the Hawaiian Islands* 7

expenditure by way of fixed capital that is justified only by proportionate increase of the area to be cultivated. Moreover the vicissitudes of a sugar crop require that masses of labor be brought to bear without delay at the given time and place. Cane must be cut when it is ripe or the stalks grow dry and woody. Once cut, the cane must be got to the mill within three days or it sours and is unfit for use. Thousands of dollars may be lost by a delay of a few hours.

By 1850 it was becoming painfully evident that the native population would be quite inadequate to meet this labor demand. The Hawaiians were disinclined to the steady, monotonous labor required in the cane-fields; and, moreover, the race was dying out with startling rapidity. Captain Cook's estimate of the population of the islands in 1779 was 400,000. He was probably deceived by the crowds of people who came to the coasts to see the marvelous visitors, the fire-breathing gods. A more conservative estimate rates the population in the discovery epoch at 300,000. The missionaries in 1823 reckoned the population at 142,000. The first census, taken in 1832, enumerated 130,313. A second census taken four years later, returned but 108,579. A third census, taken in 1850, gave the native population 84,165 and the foreign 1962. The native race has continued to decline in numbers, the census of 1900 enumerating but 29,799 Hawaiians and 7857 part Hawaiians in a total population of 154,000.

LEGALIZATION OF CONTRACT LABOR.

The year 1850 marks the initiation of a systematic effort to meet the labor demand of the planters. In that year the legislative assembly legalized two forms

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)

of labor contract hitherto unknown to these islands, ¹ apprenticeship and indentured service. The Act for the Government of Masters and Servants, so far as it concerned apprenticeship, closely resembles that of Massachusetts. It provides that minors may be bound out as apprentices or servants by father, mother, or guardian, or by the governor of the island—boys from ten to twenty years, girls from ten to eighteen years. The contract, which must be signed by both parties, binds the master to teach reading, writing, and, in case of a male, arithmetic, and requires that the recompense to be rendered to the minor at the end of the term be plainly stated. Charges of cruelty or misuse may be brought against the master by the parents, guardian, or governor, or by the apprentice himself after expiration of his term. In case such a suit is sustained, the apprentice is discharged and the damages recovered become the property of said minor. In case an apprentice departs from service, the justice on complaint of the master shall issue a warrant for his apprehension. The captured apprentice must be returned to his master and is bound to render additional service for double the time of his absence, provided such service does not exceed the year immediately following the original term. The same act provides that a person more than twenty years of age may contract himself to service for a term not exceeding five years. If a laborer so bound wilfully absents himself from service he may be apprehended, restored to his master, and bound to additional service for double the time of absence. If he refuses to serve,

¹ By the Organic Act of 1846 the minister of the interior was authorized to seize vagrants and to apprentice them out for a term of not more than one year; two-thirds of the wages were to be paid the vagrant and one-third was to go to the government. The master was permitted to use coercive force if the vagrant refused to work.

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)493] *Contract Labor in the Hawaiian Islands* 9

he may be committed to prison and confined at hard labor until he will consent to serve according to contract. A second desertion may be punished by three months at hard labor for the state, in addition to the service due his master.¹ If the master, on the other hand, has been convicted of cruelty, misusage, or violation of contract, he may be fined from five dollars to one hundred dollars, and, in default of payment, be confined at hard labor until the same is paid.

The legislation declaring the terms under which an adult might contract his services for a term of years was an adaptation of the American shipping law. It was probably suggested by the practice of taking service on the whaling ships above alluded to; indeed, engaging for service on a plantation is still termed "shipping" in Hawaii. The analogy with the terms of indentured service in the American colonies is also evident. The bond servant of colonial Virginia, whether working out a penal sentence or making good the cost of his passage, was equally under obligation to serve to the end of his term. An attempt to escape was sharply dealt with. The sheriff summoned the men of the hundred to follow with hue and cry, and the runaway, if captured, was compelled to serve an additional term of double the time of his absence.²

¹ Amendment of 1860.

² "Whereas there are divers loitering runaways, who very often absent themselves from their masters service and sometimes in a long time cannot be found, the loss of their time and the charge of the seeking them, often exceeding the value of their labor: Be it therefore enacted That all runaways shall be liable to make satisfaction by service, after the times by custom or indenture are expired, viz. double their time of service so neglected; and if the time of their Running away was in the Crop, and the charge of recovering them extraordinary, the Court shall adjudg a longer time of service, proportionable to the damage the master shall make appear he hath sustained." Collection of the laws of Virginia, 1662, chap. 102.

Cambridge University Press

978-1-108-02071-8 - The History of Contract Labor in the Hawaiian Islands

Katharine Coman

Excerpt

[More information](#)

That in the thought of the legislators of 1850 the laborer contemplated by the Master and Servants Act was the *kanaka* is made evident in an amendment of 1868, providing that the contract must be printed in both English and Hawaiian. A legal form was provided, with blanks for inserting the names of parties to the contract, the place, the terms, and the wages agreed upon.¹ Hawaiians continued to be employed on the sugar plantations, though in ever decreasing numbers. The number working under labor contracts was 1319 in 1886, 399 in 1896, and 163 in 1899.² A writer in the *Hawaiian Annual* of 1895 declares that "For all round plantation work no imported unskilled laborers have proved their [the *kanakas*'] equal;" but the natives who must work for their living prefer to do so as teamsters and cow-boys or as sailors. Field labor is not to their mind.

The impossibility of supplying the plantations with native labor was clearly foreseen in 1850, and a section was incorporated in the Master and Servants Act to the effect that "all engagements of service contracted in a foreign country to be executed in this" are valid except that "engagements made for a longer period than ten years be reduced to that limit." This is the legal basis of the contract labor system of the Hawaiian Islands.

¹ A specimen contract: By this indenture the owners of Hana Plantation, Island of Maui, of the first part, agree with Kealaula of the second part as follows: 1. I, Kealaula, agree to work faithfully and diligently for said owners of Hana Plantation for the term of eighteen months, from the first day of September, 1874, (each month to consist of 26 days labor) in their service and at such place as they or their agents may assign me to work, not less than ten hours work per day. 2. The owners of Hana Plantation aforesaid agree faithfully to pay to Kealaula the sum of eight dollars (\$8.) for each month of faithful service to the end of the term specified above, and also to provide him with poi, not with meat, until this agreement expires.

² See table B, p. 64.