By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. CARMACK were appointed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 8, 1902, at 12 o'clock meridian.

---

## HOUSE OF REPRESENTATIVES.

MONDAY, *April 7, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

CHINESE EXCLUSION.

Mr. HITT. I call up the special order for this day, the Chinese-exclusion bill, and move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MOODY of Massachusetts in the chair) and resumed the consideration of the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. HITT. Mr. Chairman, when the committee rose on Saturday the general debate on the bill had been concluded, and it remained to proceed with the consideration of the bill by paragraphs. I ask that the Clerk now proceed to read the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That from and after the passage of this act the coming, except under the conditions hereinafter specified, of Chinese laborers from any foreign country to the United States or its possessions shall be prohibited.

Mr. HITT. Mr. Chairman, I move pro forma to amend by striking out the last word. I wish to say that after consultation between the members of the committee and the gentlemen of the California delegation, who are deeply interested in this bill, the changes that are desired by the membership from the Pacific coast and by members of the committee have been substantially agreed upon; and as we proceed with the reading of the paragraphs gentlemen having amendments to offer will present them, and we will give notice to the House where they are agreed upon, so as to abbreviate as far as possible the discussion. There is one clause, that in regard to the shipping, which we will reserve. I withdraw the formal amendment.

Mr. KLEBERG. Mr. Chairman, I renew the motion to strike out the last word. Much as I would like to vote for this bill and to exclude the objectionable Chinese from our territory, I can not see my way clear to vote for the bill so long as it contains section 2, which I will read:

SEC. 2. That from and after the passage of this act the entry into the mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be prohibited, and the prohibition shall apply to all Chinese laborers, as well those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States as to those who have come there since, *and those who have been born there since, and those who may be born there hereafter.* And the same prohibition shall apply to Chinese laborers coming to one of the insular possessions of the United States from any other insular possession of the United States, except from one island to another of the same group. But the privileges of transit hereinafter given to other Chinese are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

Mr. PERKINS. The gentleman will allow me to say that section 2 has not yet been read by the Clerk.

Mr. KLEBERG. I am aware of that; but I may as well state my objection now, and for that purpose I have moved a merely formal amendment. I realize that possibly there will be no record vote on this bill, and I may have no opportunity of stating my objections to this provision except right here.

I think that this clause is clearly unconstitutional. I believe that our insular possessions are a part of the United States. There can be no question of that kind as to the case of Hawaii and Porto Rico. And the Supreme Court having held in the case here cited—of Wong Kim Ark *v.* The United States (169 U. S. Reports)—that a person born of alien Chinese parentage in the State of California is a citizen of the United States, I can not see how hereafter that court can hold a Chinese born in Hawaii, in Porto Rico, or in the Philippines since their acquisition or hereafter is not a citizen of the United States. I can not, therefore, see my way clear of voting for this bill, much as I would like to do so. I acquiesce and agree with everything that has been said as to the necessity of excluding the Chinese from our ports by a reasonable exclusion act, but we have also taken an oath to support the Constitution, and I can not in the face of the facts and the face of the decisions of the highest court of the land, and in the face of my own conscience, bring myself to support this bill, and when it comes up I shall vote no, unless this section is stricken out.

I withdraw my pro forma amendment, Mr. Chairman.

The Clerk read as follows:

SEC. 2. That from and after the passage of this act the entry into the mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be prohibited; and the prohibition shall apply to all Chinese laborers, as well those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States, as to those who have come there since, and those who have been born there since, and those who may be born there hereafter. And the same prohibition shall apply to Chinese laborers coming to one of the insular possessions of the United States from any other insular possession of the United States, except from one island to another of the same group. But the privileges of transit hereinafter given to other Chinese are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

Mr. NAPHEN. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

On page 2, line 3, after the word "since," strike out the words "and those who have been born there since, and those who may be born there hereafter."

Mr. NAPHEN. Mr. Chairman, I propose to vote for this bill, though the majority insists upon retaining this portion of it. This part is clearly unconstitutional. Mr. Chairman, I can not as a member of this House vote for any measure that will deprive any man of his constitutional rights, no matter whom he may be, or where he comes from. The question involved in this section has been decided by the Supreme Court.

I am sworn here to support the Constitution as I understand it, to support the Constitution as it has been interpreted by the Supreme Court of the United States, and this question has been decided by the Supreme Court of the United States in the case of the United States *v.* Wong Kim Ark, 169 U. S., 649. The court decided that under the fourteenth amendment of the Constitution every person born in the United States and subject to the jurisdiction thereof becomes at once a citizen of the United States. The court said "in the United States and subject to the jurisdiction thereof." The first sentence of the fourteenth amendment of the Constitution must be presumed to have been understood and intended by Congress, which proposed the amendment, and by the legislatures, which adopted it, in the same sense as the like words had been used by Chief Justice Marshall in the well-known case of the Exchange and as equivalent of the words "within the limits and under the jurisdiction of the United States" and the converse of the words "out of the jurisdiction of the United States." It has been urged that the fourteenth amendment was not intended to confer rights of citizenship upon the children of Chinese parents. An examination of the debate in the Senate and House when the fourteenth amendment was under consideration proves that it was understood that children born of Chinese parents in the United States would come under the terms of the amendment.

Mr. Chairman, it has been decided in the recent case of De Linsa *v.* Bidwell (182 United States, 1) that our insular possessions are domestic territory. They are as much our territory—our domestic territory—as our inland Territories are. The question then comes as to what right we have to deprive persons who have been born there since our acquisition of those possessions of their constitutional rights. It may be said that we have a right to define their civil and their political status; but that referred to those who resided in the possessions at the time of the acquisition. It could not refer to those who were born there since or who will be born there hereafter.

The Constitution takes care of their rights. Though we may suspend their political rights and define what their civil status may be, we can not take away their natural right to go to any part of the United States. They have the freedom of the Republic. This personal right is secured to them by the principles of constitutional liberty. Therefore I say, Mr. Chairman, that it is clearly unconstitutional to deprive those people of those rights, and I hope the majority will consent to have that part of section 2 of the bill stricken out.

Mr. HITT. Mr. Chairman, I will only say that the points that the gentleman makes, which are in my view to a considerable extent well taken, are answered by the gentleman from Missouri, who made the points and then swallowed them. This is the way to get the case to the Supreme Court.

Mr. PERKINS. Mr. Chairman, the amendment offered by the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

gentleman from Massachusetts is based upon the principle for which he contends, that the Philippine Islands are to such an extent a portion of the United States that persons thereafter born become necessarily of the United States, and as such entitled to the rights held by those who were born in this country.

Mr. NAPHEN. Will the gentleman explain what he means by our "insular possessions"—what it includes?

Mr. PERKINS. I should say it included the Philippine Islands, Porto Rico, and Hawaii.

Mr. NAPHEN. Very well; then this prohibition applies to those three possessions, and we have already legislated for Porto Rico, and we have reserved the right to have all laws enacted by the legislature of Porto Rico "reported to the Congress of the United States, which has power and authority, if deemed advisable, to annul the same." The people born within those possessions we say they are not citizens of the United States; that their "personal rights are unprotected by the provisions of the Constitution," and "that they are subject to the arbitrary control of Congress." This is repugnant to justice and common sense.

Mr. PERKINS. If the gentleman is right in saying that Porto Rico and Hawaii will not be held by the Supreme Court to be included within the term "insular possessions," then of course this law does not apply to them. Certainly it applies to the Philippine Islands. I trust that the day will never come when the Supreme Court will decide that the Philippine Islands are so much portions of this country that every man there residing or to be born there hereafter will be entitled to the rights held by the citizens of this land. Certainly, Mr. Chairman, the Congress of the United States, I am confident, does not wish to anticipate any such decision. The result of the amendment offered by the gentleman from Massachusetts would be that by this act, as a necessary result, every man born in the Philippine Islands, every Chinese, every Filipino, would be entitled to all the rights held by a citizen of Massachusetts or a citizen of New York or of any other State. Certainly, Mr. Chairman, I feel sure it can not be the desire of this committee or of this Congress that by act of Congress, in anticipation of a decision which I believe will never be made, such a construction should be put upon the situation of those islands.

Mr. LACEY. Mr. Chairman, when the Porto Rico bill was before the House, one of the strongest of the reasons for passing that was to make a test case as to the rights of Congress to legislate law in regard to those possessions that have fallen to us as a part of the fruit of the Spanish war. If by annexing the Philippine Islands we simply remove the barrier we had drawn against Chinese immigration 9,000 miles farther west so as to include the Philippine Islands and make them the ports from which the Chinese emigration could start to the United States of America, the damage to this country would be incalculable. It becomes necessary to draw a line in the very start, and the result of the enactment of the Porto Rican law was that we obtained at least in part an authoritative construction by the Supreme Court of the United States as to our power in this possession. I believe the legitimate and logical result of the Porto Rican decision is that the Congress has the power that it is now proposed to exercise in section 2. We should not permit those islands to become merely the means of peopling this country with the Mongolian race.

Mr. KLEBERG. Does the gentleman think that the island of Hawaii is a part of the United States, by virtue of the resolution which admitted it?

Mr. LACEY. So far as the islands of Hawaii are concerned, the number of Chinese there is comparatively small. It is not an unknown quantity.

Mr. HITT. That resolution excluded them.

Mr. LACEY. And the resolution in terms excluded them; but in the Philippine Islands, adjacent as they are to the shores of China, they would become points from which the Chinese could be smuggled into this country almost without limit.

Mr. ROBINSON of Indiana. I would like to state that the gentleman from Iowa [Mr. LACEY] is clearly incorrect in saying that the number of Chinese is infinitesimally or comparatively small. There are about 10,000 white people in the Hawaiian Islands, 26,000 Chinese, and 61,000 Japanese, who are equally a menace to American labor, and this is out of a total population in the islands of Hawaii of 154,000.

Mr. LACEY. Very well, then; I will amend my statement and say that the entire population, Chinese, white, and everything else in Hawaii, is infinitesimally small, hardly worthy of consideration in connection with a proposition of this kind, for if every man, woman, and child in the Hawaiian Islands should get up to-morrow and move into the United States of America, we could put them in one small city and hardly notice them; but the problem as to the Philippines is a great one—and it is a point of wisdom in the very outset of this bill to meet that question and to meet it squarely, as has been done by the committee in this report.

Now, Mr. Chairman, as to the general law, my impression would have been that, in view of the fact that almost every line and sentence of the existing statutes have been construed by the courts of the country, it would have been wiser to have reenacted those laws, with such amendments as would apply to the situation, growing out of our recent acquisitions from the Spanish war; but the committee in their wisdom have gone over this question and I am prepared to yield my judgment to theirs as to the necessity of enacting an entirely new law in place of reenacting the old ones. At first thought it would have seemed to me perfectly plain that laws that have been construed, however imperfect they may be, are safer than laws which have yet to be construed, and we know the force of the opposition that every feature of this bill will meet in the courts, and it might have been safer not to reopen the question along the old lines, as we will of necessity do when we enact an entirely new law.

I know when we framed the Alaskan code we left out many matters of the utmost importance; I know when we framed a code for the District of Columbia we made inadequate provision for the grand jury, and the courts of the District of Columbia, after the laws had been passed, found themselves in a state of of chaos; and we run that same danger as to this law. I shall vote, however, for the bill, in the hope that this committee have carefully endeavored, and I hope succeeded, in avoiding all of those various difficulties.

The propriety of Chinese exclusion can not be regarded as subject to much question at this time. The various laws relating to the subject have been upon the statute books for many years, and the amendments made have always been in the direction of greater stringency.

The Geary Act will expire in a few weeks, and it is important that prompt action should be taken so that we may not have even a short period in which the bars may remain down. The laws now in force, with the various amendments made from time to time, appear to have operated to accomplish the desired result. Chinese immigration had been practically suppressed, and under the Census of 1900, there are only 93,280 Chinese in the United States, exclusive of Hawaii, as against 105,465 in 1880 and 107,475 in 1890. In Hawaii there are 25,767, who were there when we annexed those islands.

The law having been found effective as it now exists, the most natural and easy course, as I have said, would have been to extend these laws for another term or indefinitely. To enact an entirely new statute, however stringent and drastic, may again reopen all disputed questions to new construction by the courts, and the Chinese companies in the past have shown how determined they are to contest every inch of the ground.

I feel some apprehension that, while attempting to close the controversy, we may in fact reopen it and leave some unexpected loophole for further controversy.

This, however, is a question not of ultimate ends to be accomplished, but of the means by which they may be attained.

Confronted as we are with the danger of renewing active immigration from the most populous country on the globe, we may well apprehend the danger of a radical change in our population if we take no steps to stay the flood. Our country is the most desirable in the world in climate, soil, and natural advantages. It will be fully populated and in time contain as many inhabitants as it can well support.

The Damascus steel was the product of a combination of the various mines, but all the ore in the combination was the best of metal.

So the mingling of the blood of the different nations of the same race from Europe has produced and is producing a new people in our country.

The European nations furnish an ample supply from which to people this continent, and it is for us to choose whether the future progress of this young nation shall be clouded by adding the perils of a new Asiatic invasion.

Four hundred million Mongolians are within less than two weeks' distance from our Pacific shores, and the low price of transportation and high rate of wages in this country would induce an overwhelming tide of cooly labor, which would reverse the course of our progress toward the general improvement of industrial conditions in the United States.

Our country is still in a great measure unoccupied and we are in a position to choose its future inhabitants. We declared some years ago that the Mongolian race was not a desirable addition to our population, and, with the world to choose from, we should select the best instead of the least desirable of the world's races.

We have racial problems enough without increasing their complexity.

In peopling this Republic labor is a prime necessity. But it is of the first importance that our working people should not only be citizens by birth or adoption, but worthy in all respects to

exercise the duties as well as to enjoy the privileges of such citizenship.

A country whose natural attractions annually draw a half a million of immigrants may well select its adopted children and carefully choose only those who will in the next generation be Americans in the full sense of the word.

Near my home in Iowa is a colony of sturdy Hollanders from the shores of the North Sea. They are of that rugged stock who were the admiration of the world in their struggle for independence against the Spanish rule in the sixteenth century.

Fifty years ago that little colony at Pella bought its land, and so exclusive were they that the only two American-born settlers living in the township were bought out regardless of expense, so that none but those of Holland blood should occupy the land.

I visited that town two years ago at the reunion of a regiment partly recruited there, and 600 little school children, all carrying American flags, came out, singing, to meet us, and they were all American born and speaking what they fondly insist upon calling the "American language." They were as thoroughly American as if their ancestors had landed at Plymouth Rock or at Jamestown.

With stock of this sort you can not keep the Americans out, for in one generation, from being all foreigners, they become all Americans.

From nations like these we can draw our immigrants freely and safely. Their descendants are to the manor born.

When Prince Henry was with us I think the best thing attributed to him was his saying that he did not know any such thing as a "German-American." Americans were Americans to him, whether by birth or adoption. It has been to the honor of the German, the English, the Scotch, the Welsh, the Scandinavian, the Irish, and many other nationalities of Europe that, on arrival in America, they at once have set about the acquisition in the fullest and completest term the rights of American citizenship. The people who assimilate with us and who, in the next generation, are welded into the common mass of the great composite American race have always been and will ever be a welcome addition to our progressive country.

But the Mongolian comes to America for no such purpose, and could not adapt himself to our institutions if he were to try—and he has never tried. He comes as a bachelor, houseless and homeless. No family ties grow up around him to attach him to the soil. When he acquires enough to live upon in China he eagerly returns to his native land in that ancient civilization which was old when Moses led the children of Israel out of Egypt. Should the Chinaman die in America his bones are not permitted to fertilize our soil, but are carefully carried back to the home of his forefathers. When he is among us he is not of us. No man should eat anything that he can not digest. No immigrants should be taken into the body politic who can not be assimilated.

So by common consent, and regardless of party politics, we to-day are discussing the most effective method of preserving America for the Americans by admitting into our country only those who may be fitted to become an integral part of the citizenship of the American people. To continue our past policy in this regard is necessary for self-preservation. Enacting a protective law upon this question is a statutory recognition of the law of nature.

Mr. ROBINSON of Indiana. Mr. Chairman, it is interesting and gratifying to note that the Republican party, which was responsible for the annexation of Hawaii, and which is responsible for the present conditions in the Philippine Islands, even at this late day, are now engaged with us in an effort to protect labor against the scourge of the Asiatics. They sowed the winds, they will reap the whirlwinds.

In the Hawaiian Islands to-day, out of 154,000 population, there are only about 10,000 whites. Among the population there are 26,000 Chinese and 61,000 Japanese, who are an equal menace to American labor with the Chinese in the islands. The American Chamber of Commerce, of Manila, in the Philippine Islands, is petitioning members of Congress, is petitioning the President, to permit the admission of Chinese, and say in their petition that it is absolutely necessary in order to secure the promotion and advancement of the interests of the Philippines.

The petition sent us reads:

The American Chamber of Commerce, of Manila. An appeal to Congress for the enactment of laws allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

*To the Congress of the United States of America:*

The American Chamber of Commerce, of Manila, P. I., respectfully represent to your honorable body that by authority and under instruction of resolution adopted at a full meeting of this chamber, held on the 3d day of January this chamber does petition and earnestly request the enactment of laws by Congress allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

The present restrictive law does not benefit the Filipinos, nor is it of benefit to anyone. This labor will not enter into competition with American labor, and its entry into the Philippine Islands is imperatively needed.

Tobacco, hemp, and sugar plantations are only partially cultivated by reason of insufficiency of manual laborers. There are at present people in the city of Manila who came here for the purpose of investing in plantations, and to cultivate them upon lines in advance of the primitive ideas now in vogue. Investors are compelled to either leave these islands or await such time as laborers can be secured. This being the situation at present, without this legislation the Philippine Islands can not be properly developed.

Building in the city of Manila has been retarded for months, and only since the quarantine has been raised and those Chinese entitled to land have returned to these islands has building actively revived.

For the development of these islands, the urgent necessity for the immediate enactment of such laws can not be placed too strongly before Congress. For which relief this chamber, composed of American citizens, representing the commercial interests of the Philippines, does most respectfully pray.

F. E. GREEN, *President.*
ROGER AP C. JONES, *Secretary.*

The Hawaiian sugar planters are saying that white labor can not work in the Hawaiian Islands, and that the rice industry and other industries will be injured, if not entirely destroyed, unless Chinese labor is admitted to the islands. This opinion was rather forecast by the distinguished Commission that visited the islands before the organic law was passed.

This petition comes to us from Hawaii:

*To the Senate and House of Representatives of the United States of America, greeting:*

We, the undersigned citizens of the United States, do hereby represent—

First. That the present and future prosperity of this nation depends in a great measure on the maintenance of the present high standard of living of its inhabitants.

Second. That this standard can not be maintained if the sphere of the American mechanic is invaded by the hordes of Asia, whose mode of life enables them to live comfortably on a sum which to an American would be a mere pittance.

Third. That at present fully 75 per cent of all the labor of the Hawaiian Islands, both skilled and unskilled, is being performed entirely by Orientals.

Fourth. That practically all the labor, both skilled and unskilled, which has been performed on buildings and grounds in this Territory for the Federal Government has been and is still being performed entirely by Japanese and Chinese, to the entire exclusion of competent American mechanics, who, by reason of these conditions, are at present forced into almost complete idleness.

Fifth. That the population of the Hawaiian Territory is 150,000, of whom the Chinese and Japanese number nearly 87,000, the Americans about 5,000, and the natives 37,000.

Sixth. That by rigidly excluding all Orientals from this Territory and from the United States conditions would soon become such that American citizens would be enabled to earn a living for themselves and families, which they are now practically unable to do on account of the deplorable and entirely un-American conditions now existing here.

Seventh. That, for the reasons above set forth, your petitioners earnestly ask that suitable legislation be framed the results of which would be—

First. The complete exclusion of both Japanese and Chinese or their descendants from American territory.

Second. The requirement that all labor of every description whatsoever which is performed for the Federal Government shall be done by, and only by, citizens of the United States.

And your petitioners will ever pray.

The Manila Critic editorially appeals to Congress in an article headed "Cooly labor necessary," saying that it is necessary for the exploitation of this noncontinental part of the country—that the Republicans admitted within our domains—that it is absolutely necessary to have cooly labor to exploit all the enterprises there. This is what it says in its issue of March 3, 1902:

The Chinese-exclusion bill which the Pacific coast representatives have agreed to support is a direct menace to the very best interests of the Philippine Islands, and if it should pass would render well-nigh impossible the exploitation of these islands by the Americans, and would cause an irretreivable loss of much capital now in the archipelago. The bill denies the right of entry to the Chinese not only into the mainland ports of the United States but also into any of the insular possessions, including the Philippines.

The cumulative evidence of many years proves that the native labor here is not to be depended upon. If the business of the archipelago be developed as it can be and ought to be, the services of the Chino are absolutely necessary. It is to be hoped that the memorial of the American Chamber of Commerce and the recommendation of the Commission will raise up some friends for the Philippines in Congress. It is late to contemplate the idea, probably, but an authorized delegation of business men in Washington would be very valuable just now.

And again in like manner and in the same issue it says:

THE SLOPE AND THE CHINOS.

At a meeting of the Senators and Representatives of the Pacific slope held in Washington the following paragraph was adopted, to be made a part of the Chinese-exclusion bill now pending in Congress:

"That from and after the passage of this act the entry into the American mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be absolutely prohibited, and the prohibition shall apply to all Chinese laborers, as well as to such as were in insular possessions at the time or times of acquisition thereof respectively by the United States, or to those who have come there since and those who have been born there since, and those who may come there hereafter and those who may hereafter be born there."

It will be noticed that the paragraph contains nothing that will prevent the importation of cooly contract labor in the archipelago, and Congress will doubtless be governed by the recommendations of the Commission in that regard; therefore the recent communications to the American Chamber of Commerce becomes of additional importance.

This Manila newspaper was sent to the members of Congress, evidently with the intention of giving us the real conditions in reference to labor that prevails there.

It is clear that an article signed "Observer," which bears the

earmarks of one having authority and knowing whereof he speaks, in the same issue had a like purpose. It reads:

COOLY LABOR NECESSARY.

With the several requests already made on the Philippines for a labor supply for other countries, the question as to what this country will do for a stable and assured labor in the future is brought very distinctly to mind. Regarding the new territory of the United States, Hawaii, it must be borne in mind that the country now asking for labor is practically without a labor supply of its own, and is dependent on other lands for men to till its fields and carry on the necessary work of its different business and plantations.

The conditions are quite similar in many ways to the state of affairs here, notwithstanding the fact that in these islands there is an ample supply of men perfectly able physically to work, but apparently without the disposition to exert themselves any more or for a longer time than is necessary to accumulate a few pesos for food, fiesta, or cockfight. In the one instance the money investor and producer is unable to secure a home labor for the reason that it is very limited and not nearly sufficient for the needs, and in the other case, while the supply is ample the quality does not seem, from general appearance and experience, to be trustworthy enough to be depended on in time of real necessity.

In all agricultural pursuits there are certain seasons of the year in which the entire success of the twelve months' work and expense is dependent on the time in which harvesting must be accomplished, else the complete loss of the crop will follow. Especially at this time is it required that the employer should be assured of such labor as can be depended on for the work in hand, and in order to do this he is necessarily compelled to keep a greater number of men under pay through part of the year, in which he derives little benefit from their names on his pay roll.

Now, with ignorant labor under the control of a gang or labor boss, and subject to his will and dictation, the boss will possess absolute control of the plantation owner's interest and be able to dictate the price of his men at the time when it is absolutely required that the employer shall have men or suffer the loss of his entire investment for the year. If large capital is expected to seek this country as a field for investment in tropical agricultural pursuits, it must be borne in mind that the success of a plantation is dependent on labor for its welfare, and until this matter is settled beyond a reasonable doubt capital will not be overanxious to locate in a place where it is not assured of a reasonable amount of protection by the law.

Ignorant labor can not be controlled by honeyed phrases or fair treatment at all times. The cooly class is not gifted with any unusual amount of judgment in matters beyond the present, and if left to its own way in work which would be better done at once in place of the future, no place dependent on it would ever see a successful year. The only way of settling the question for the general welfare of the country in general would seem to be the enactment of a just and fair contract law, under which the laborer would be given every protection of the laws of the country, yet at the same time would be bound in such a way that he could be compelled to work in times of necessity, provided of course that his health and general condition were not affected.

This country is naturally an agricultural country, and its wealth in that line is equal, at least, to any other country in the world. Its development depends entirely on the question of labor, and it is not a question to be passed over without the most serious of thought and consideration.

OBSERVER.

It is gratifying, Mr. Chairman, to find, even after this one step of misfortune, that the Republican party are closing the door after the steed is stolen, and are seeking to avoid the evils of their former action, and are trying under the whip and spur of the minority to protect the great American laboring interests from the scourge of the Chinese. But with all these islands admitted, with the coasts that need defense and patrol to keep them out, with the cupidity of the navigation corporations that have brought so many to our shores, how are you going to defend American labor in Hawaii, in the Philippine Islands, in Porto Rico, or in the Danish West Indies when you admit such territories as these into the domain of the United States?

Rapid transit on land and sea, the swiftness and ease of telegraphic and other communication, and the facilities for combinations of enterprises have of themselves produced in recent years an evolution, if not a revolution, in labor. Economic changes that come as the result of improvement in human agencies and affairs, and are not the outgrowth of selfishness, should be heralded as benefactions; and though they affect in a measure established conditions, ultimately they will show results of universal good. It is not to such changes that I shall address myself, but to the process now going on which seems to be bringing the labor of different classes and different climes to a common level.

If any benefit arises to American labor from the acquisition of the insular possession, it must be in profit from labor performed on American soil outside of the islands acquired. The distance of the islands, the climate, and the labor conditions bring no hope for the profitable employment of American labor either in Hawaii, in Porto Rico, or in the Philippine Islands.

The Hawaiian Islands, lying 2,100 miles southwest of San Francisco, were the first acquisition under the recent policy of expansion. They were annexed by a resolution of Congress passed July 7, 1898. The area of the eight islands of the group is 6,740 square miles, equaling in extent the State of New Jersey, one fifth the area of Indiana. Although these islands had treaty relations with the United States from the year 1826 and with England and France from almost the same period and frequent communication with these and other European countries, yet at the time of annexation in 1898, out of a total population of 110,000, we find the following distribution in races and countries: Americans, 3,086; British, 2,250; Germans, 1,432, and French, 101. At that time there were 21,600 Chinese, 24,400 Japanese, 15,200 Portuguese, and 39,500 native Hawaiians and mixed Hawaiians. Of the total population two-thirds were males.

The principal industries of the islands in the order of their importance are sugar, rice, and coffee, the latter but slightly developed. The Chinese and the Japanese work in the sugar mills and on the plantations. Americans and Europeans can not work in the marshy land required for the cultivation of rice, and as the Japanese decline to do so, this work is performed almost entirely by the Chinese.

After the islands were annexed in 1898 something like 40,000 Japanese laborers were brought in under a labor contract similar in terms to that under which nearly all the Chinese and Japanese theretofore had been bound. The obligation of these contracts was dissolved by the act of Congress providing a government for Hawaii, passed April 13, 1900; but the laborers remain and work at wages ranging from $15 to $17 a month and furnish their own board and clothes.

The resolution of annexation provided that a commission of five should investigate and report legislation deemed necessary and proper. In its report on the labor conditions we find this statement: "The question whether white labor can be profitably utilized in the sugar plantations is yet a problem." This report was made by Senator CULLOM as chairman of the commission. With these labor conditions prevailing, and with the large proportion of cheap oriental laborers already there, the problem of labor seems to be solved in favor of the oriental elements of the population.

The Japanese show an adaptability and quickness, an alertness and ambition that are menacing labor, not only in Hawaii, but in the States along the Pacific coast as well. By the annexation resolution it was provided that nothing therein contained should be construed to permit the Chinese in the islands to enter the United States, and by the subsequent organic law for the government of the islands they were expressly prohibited from doing so.

As the islands were annexed without any restrictions in the act, like those imposed on Porto Rico, it is doubtful whether the Chinese in Hawaii can be excluded from the United States. Be that as it may with reference to the Chinese already there, yet there is a real menace to American labor in the Japanese immigration to the United States.

The Chinese are prohibited from coming to our country by the Chinese-exclusion act; but, stringent as the act is, they hover along the northwestern and northeastern boundaries and break across; and in this way and through Mexico thousands come into the United States every year. This system, encouraged by navigation and transportation companies engaged in the traffic and in collusion with agents, greatly harasses the United States authorities, who so far have been unable successfully to cope with it.

Japan, with its 40,000,000 of population, is a greater menace to this country than is China with her 400,000,000. This is due to the difference in the characteristics of the people.

The Chinese are conservative and religiously attached to their country, and always expect to return to it. The Japanese are bold, adept, and alert, and when they secure a favorable location they hope always to remain. The Japanese are quick to learn and adapt themselves to surroundings with great facility.

The Commissioner-General of Immigration in his last report referred to the increase of Japanese immigration and expressed the opinion that unless checked it would produce serious trouble where aliens are used as cheap laborers to take the place of American workingmen.

It may be inquired why legislation similar to the Chinese-exclusion act is not enacted against the Japanese. In some sense at least the answer can be traced to the policy of expansion. We have in the Japanese treaty of 1894 a saving clause which reserves to the United States a right to legislate as it will with reference to the immigration of laborers from Japan; but in the late Chinese troubles the favors shown by Japan in quickly responding with troops, and the aid she gave to the allies, gives her a prestige that seems to cause our Government to hesitate in taking any drastic measures against Japanese immigration. It should be restricted by a law similar to the Chinese-exclusion act.

The difficulties now encountered in the enactment of laws and their enforcement will only be augmented by the increase of interests in the opposite direction, by the increase of lines and borders to be guarded, and by the acquisition of islands which must perforce furnish bases from which cheap labor can more readily enter into the United States.

The observations I have suggested on the exclusion from profitable employment of the American in the Hawaiian Islands obtain also with reference to the Philippines, where he must come into competition with the Chinese, the Japanese, and the Filipinos. The Filipino has many of the characteristics of the Japanase, and if the same free ingress to this country is accorded them as is given to the Japanese the like evil will result. The conditions in Porto Rico with reference to labor are not dissimilar to those prevailing

in the two other insular possessions, save that there are no Chinese and Japanese; and the native Porto Ricans are not a class with which Americans can compete in price of wage.

In addition to this comparison of the Philippines with Hawaii, we find in the report of the Philippine Commission, under the head of public health, a condition, climatic and otherwise, that would make it impossible for American labor to find a field for occupation. It says:

There is a custom prevailing in Manila of keeping within doors from 12 to 3, which is universally commended. It is doubtful whether the white race could work in the sun.

It is clear from the facts and conditions I have mentioned that American laborers have not profited in expansion by securing a field for their labor outside of their own country, nor are they secure against the influx into the United States of those against whom they can not compete abroad.

It is well known, also, and recognized that American labor is not, and will not be, preferred in manning vessels on the sea, if profit alone is looked to; for the American can not work for the wages on board ship that people of many foreign countries are willing to take.

Therefore the conclusion must be drawn that the American laboring man must expect to profit, under the present policy of expansion, from labor performed in this country, and not from that in fields to which he might go. It is equally clear that he must be protected against the incoming flood of labor, cheaper than his own, or he will suffer.

Mr. Chairman, the pathway for the Republican party and for its representatives in this House—knowing, as they do, of these evils; knowing that these evils are here—is to face the problem and stand against the labor conditions in the Philippine Islands and in the insular possessions—stand against the Chinese and Japanese and the cheap labor scourge in the Philippine Islands—by declaring upon this floor and in this Congress that it is the purpose of the United States to establish a stable form of government in the Philippines, and then let that government and its people take care of the million or two millions of Chinese and Japanese there themselves. The Democracy in Congress in the meantime is performing its duty and promoting the cause of the laboring man of this country, who will hold the party in power responsible for the condition that exists to-day as to the Chinese and the Japanese in our insular possessions.

It is a cause of congratulation that the Democratic minority of this House has presented a substitute for the bill recommended by the Republican majority of the committee.

The gentleman from Missouri [Mr. CLARK] has rendered his party and his country a signal and valuable service in presenting for the Democratic minority its substitute, and in so vigorously presenting the principles embodied in it, and such as should inspire every American.

With the courtesy of the House, I present with my remarks the substitute bill of the minority of the Committee on Foreign Affairs and the report of the gentleman from Missouri [Mr. CLARK] thereon. It reads:

---

APPENDIX.

The question of Chinese exclusion is largely a racial question and largely a labor question.

Because our Pacific coast is the chief place of entrance of Chinese into our country, because a vast majority of Chinese immigrants settle on the Pacific coast, and because American citizens resident on the Pacific coast have had more experience with Chinese than the rest of our people, they understand the Chinese character better and are better fitted to know what legislation is necessary to solve the numerous and difficult problems connected with Chinese immigration.

The substitute proposed is substantially the bill desired by our Pacific coast citizens and by the laborers of the whole country.

The substitute is identical with Senate bill 2960, as reported to the Senate unanimously by the Committee on Immigration, except section 56 of said Senate bill, for which the minority recommended the following:

"SEC. 56. That nothing in the provisions of this act shall be construed to prevent the admission of Chinese into the United States for the purpose of participating in any fair or exposition authorized by act of Congress: *Provided*, That such admission be in accordance with rules and regulations of the Commissioner-General of Immigration, prescribed with the approval of the Secretary of the Treasury."

The minority entertain some doubt as to the constitutionality of the following words of section 2 of the substitute: "And it shall also apply to those who have been born there since and to those who may be born there hereafter;" but because it is claimed that under the treaty of Paris Congress is charged with the duty of fixing the status of the people of the Philippine Islands, because our citizens of our Pacific coast and the laborers of the land are insistent on retaining the aforesaid words in the bill, and because their retention in the bill will compel a speedy judicial determination of the questions involved, the minority recommend that they be retained in the bill.

For the foregoing reasons the minority report the substitute and recommend that it be enacted into law.

---

Substitute for H. R. 13031.

A bill to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

*Be it enacted, etc.*, That from and after the passage of this act the coming, except under the conditions hereinafter specified, of Chinese laborers from any foreign country to the United States, its Territories, or any territory under its jurisdiction, shall be absolutely prohibited.

SEC. 2. That from and after the passage of this act the entry into the American-mainland territory of the United States of Chinese laborers coming from any of the insular territory of the United States shall be absolutely prohibited; and this prohibition shall apply to all Chinese laborers, as well to those who were in such insular territory when the same was acquired by the United States as to those who have come there since, and it shall also apply to those who have been born there since and to those who may be born there hereafter. And the same prohibition of entry shall apply to Chinese laborers coming to one island of the United States from any other insular territory of the United States, except territory of a group whereof such island is a member. But the privileges of transit hereinafter given to other Chinese persons are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

SEC. 3. That the term "laborer," used in this act, shall be construed to mean both skilled and unskilled manual laborers, Chinese persons employed in mining, fishing, huckstering, peddling, or laundry work, and those engaged in taking, drying, or otherwise preserving shellfish or other fish for home consumption or exportation; and every Chinese person shall be deemed a laborer, within the meaning of this act, who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure, as hereinafter defined.

SEC. 4. That from and after the passage of this act the privilege of Chinese persons other than laborers to enter or remain in the United States shall be restricted to officials, teachers, students, merchants, and travelers for curiosity or pleasure, as hereinafter defined.

SEC. 5. That the term "official," used in the foregoing section, shall be construed to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be similarly privileged to enter, on being identified as such attendants or servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 6. That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

SEC. 8. That the term "merchant," used in this act, shall be construed to mean only one who is engaged in buying and selling merchandise, at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

And where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States or any portion of the territory thereof, a business strictly within the meaning given by this act to the business of a "merchant."

And where an application is made by a Chinese person for entry into the United States as one formerly engaged in the United States as a merchant, he shall, unless he produce the return certificate hereinafter provided for, establish to the satisfaction of the appropriate Treasury officer, by the testimony of two credible witnesses other than Chinese, that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during said year he was not engaged in the performance of any manual labor except such as was necessary in the conduct of his business as such merchant; and in default of such proof it shall be held that he is not a merchant within the meaning of this act.

SEC. 9. That the term "traveler" used in this act shall be construed to mean only one who shall establish to the satisfaction of the appropriate Treasury officer that he is in present possession of adequate funds for paying the costs of the intended travel within the territory of the United States and that his purpose in seeking entry is in good faith solely to travel for pleasure or curiosity, and who intends to depart from the territory into which he is permitted to pass promptly on the conclusion of his itinerary.

SEC. 10. That the prohibition of section one shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the vale of $1,000, or debts therein of like amount due him and pending settlement. This exception is subject to the following provisions:

First. A "registered Chinese laborer" is: (a) One who, being lawfully a resident of Hawaii or the American-mainland territory of the United States at the time of the passage of this act, is the rightful holder of a certificate of residence issued to him under the acts of Congress in effect at the time of the passage of this act affecting exclusion of Chinese persons from the United States, such certificate being valid and operative at the time of the passage of this act. And every such certificate of residence valid and operative at the time of the passage of this act is hereby continued valid and operative, but in accordance with the provisions of this act. (b) One who, being lawfully a resident of any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, rightfully obtains and retains a certificate of residence therein under subsequent provisions of this act.

Second. The marriage to the wife referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return, and must have been followed by continuous cohabitation of the parties as husband and wife. And it must appear that the applicant had no other wife (under Chinese or other laws or customs) living at the time of such marriage.

Third. If the right to return be claimed on the ground of property or debts, it must appear: (*a*) In the case of property, that the ownership is of property other than money and is in good faith; that the requisite minimum value is over all incumbrances, liens, and offsets, and that the title was not colorably acquired for the purpose of evading this act. (*b*) In the case of

debts, that the debtor is solvent; that the amount due is not less than the required sum, clear of offsets and discounts; that the debts do not consist of promissory notes or similar acknowledgments of ascertained or settled liability, and that the indebtedness was not created with a view to evasion of this act.

Fourth. It must appear, where family, property, or debt qualifications are relied on, that the applicant possesses them at the time of return to the United States as well as at the time of departure therefrom.

SEC. 11. That a Chinese laborer claiming the right to return to the United States on any of the grounds stated in the foregoing section shall apply to the appropriate Treasury officer of the district in which he resides, at least one month prior to the time of his departure, said application to be accompanied by his certificate of residence, and said Chinese laborer shall make under oath before the said officer a full statement, in triplicate, descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proof of the facts entitling him to return as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury.

He shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the Treasury officer before whom it is made, and the duplicate and triplicate copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

And if the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall, at such time and place as he may designate, sign and give to the said applicant a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If the last-named certificate be transferred it shall become void, and the person to whom it was originally issued shall forfeit his right to return to the United States.

The right to return under said certificate shall be limited to two years from the date of leaving the United States.

And no Chinese laborer shall be permitted to reenter the United States without producing to the appropriate Treasury officer at the place of such entry the return certificate herein required. A laborer presenting a certificate of return required by this section shall be admitted to the United States only at the port from which he departed.

But no Chinese person, whether laborer or of another class, other than Chinese diplomatic or consular officers and their suites, shall be permitted to enter the United States except at the ports of San Francisco, Portland (Oregon), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, San Juan (Porto Rico), or such other ports as may be designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, subject to the restrictions imposed by section 26.

SEC. 12. That it shall be the duty of every Chinese laborer rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted), at the time of the passage of this act, to obtain within six months after the passage of this act a certificate of residence in the mainland territory or the insular territory wherein he resides.

To obtain such certificate he shall apply to the appropriate Treasury officer, who, if satisfied on inquiry that the applicant is rightfully within the United States and rightfully within the portion of the territory of the United States where he applies, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall further contain the photograph of the applicant, made at the time and in the manner required by said rules and regulations. A duplicate of the certificate shall be retained by the officer issuing the original, and the duplicate shall contain a duplicate photograph, provided as in the case of the original.

Any person bound under this section to obtain a certificate of residence who shall neglect, fail, or refuse to comply with the provisions hereof, or who, after the expiration of the said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any officer of the United States and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney; and it shall be the duty of said judge or said commissioner to order that he be deported from the United States unless he shall clearly establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and that, the six months time limit aside, he is rightfully entitled to such certificate; and if upon showing it shall appear that he is thus circumstanced, a certificate of residence shall be granted him.

No person shall be given a certificate of residence under any section of this act or be entitled to a reissue of any lost certificate of residence who, prior to his application therefor, shall have been convicted of any crime within the jurisdiction of the United States or any State or Territory or insular territory thereof. Any such person, being thus without such certificate, shall be deported.

Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce all needful rules and regulations for the registration and certifications by this section required, and the Secretary of the Treasury shall appoint the officers for effecting such registration and certifications, authorizing the payment to them of such compensation in the nature of fees, in addition to their salaries as now allowed by law, as he shall deem necessary, not exceeding $1 for every certificate issued.

SEC. 13. That should it appear that any laborer to whom was lawfully issued a certificate of residence under this act has lost such certificate, or that it has been destroyed, he shall be given a new certificate by the appropriate Treasury officer, on establishing to the satisfaction of the United States judge or commissioner before whom he is brought for deportation that the loss or destruction was not in bad faith.

SEC. 14. That nothing contained in this act shall be construed to prevent the readmission of any Chinese laborer who departed from the United States prior to the passage of this act, possessing a return certificate valid under the acts repealed hereby: *Provided*, That on his return he comply with the requirements of the said acts hereby repealed.

SEC. 15. That to entitle such Chinese persons as are mentioned in section 4 to admission into the United States, or into any portion of the territory of the United States, they shall produce a certificate from their Government, or the government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart; or if such persons are residents of the American-mainland territory of the United States and seek entry into any insular territory of the United States, or are residents of any insular territory of the United States and seek entry into other insular territory or into the American-mainland territory of the United States, then such certificate shall have been issued by the appropriate Treasury officer of the United States.

SEC. 16. That the certificate mentioned in the preceding section shall be in the English language, shall be made in triplicate, and shall contain the personal signature of the person to whom issued; and it shall state his individual, family, and tribal names in full, his title and official rank, if any, his age, height, and all physical peculiarities, his former and present occupation or profession, and (in detail) when, where, and for how long pursued, and his residence and such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. If the said person be a merchant, the certificate shall state, in addition to the aforesaid matter, the nature and estimated value of the business carried on by him prior to and at the time of his application therefor, and the duration of his continuance in such business. If the certificate be sought for the purpose of travel for pleasure or curiosity, it shall state, in addition to the matter first aforesaid, whether the applicant intends to pass through, or travel within, the territory of the United States, and shall show his financial and class standing in the country or insular territory whence he comes.

In every case the original and each copy shall contain the photograph of the person to whom the certificate is issued, made in the manner and at the time required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 17. That before any representative of the United States shall visé any certificate of the kind mentioned in the preceding two sections, and before any Treasury officer of the United States shall issue any such certificate, he shall carefully examine into the facts of the particular case; and if he shall find, after inquiry that any of the statements of the certificate are false, or any of the statements the Chinese applicant seeks to have it contain are false, it shall be his duty to refuse to visé or to issue such certificate.

SEC. 18. That the original certificate issued under the last three sections shall be, by the said diplomatic or consular representative of the United States viséing, or the said Treasury officer issuing the same, delivered open to the Chinese person named therein.

The duplicate thereof shall be, by the said representative or the said Treasury officer, delivered, in a sealed envelope, suitably addressed, to the shipmaster, railway conductor, or other person in charge of the transportation of the person to whom the original is given, whose duty it shall be promptly to deliver it to the appropriate Treasury officer of the United States at the place where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The triplicate thereof shall be, by the said representative or the said Treasury officer, immediately sent by mail to the appropriate Treasury officer of the United States at the port at which said Chinese person seeks entry.

SEC. 19. That the certificate mentioned in the four sections next preceding this section shall be, when duly viséed by the proper diplomatic or consular representative of the United States, or when issued regularly by the appropriate Treasury officer of the United States, as the case may be, prima facie evidence of the facts therein set forth, and shall be produced to the appropriate Treasury officer of the United States in the port in the United States at which the person named therein seeks entry; and if such entry is permitted, said certificate, properly indorsed by the appropriate Treasury officer, shall be returned to and retained by the person named therein, while he desires to remain in territory of the United States, as a means of indicating his original status, and it shall afterwards be produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing it to establish a right of entry into the United States. But said certificate may be controverted, and the recitals thereof disproved, by the authorities of the United States. And if any of such recitals be disproved, or if any certificate be fraudulently used or in any manner forged or altered, then such certificate shall be null and shall be forthwith canceled.

SEC. 20. That in the case of a Chinese person who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act, the following provisions shall govern:

First. To enable the United States to identify him he shall be entitled to have issued to him by the appropriate Treasury officer a certificate of registration setting forth his personal signature, his name, his personal description, his residence, his occupation and place of pursuing it, together with such details concerning it and such other matter as may be required by rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. This certificate shall be made in duplicate, and the copy shall be retained by the officer issuing the certificate. The original and the copy shall each contain the photograph of the applicant, made as required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

Persons entitled to such certificates who fail to obtain them shall be, in any proceeding inquiring into their status under this act, presumed to be laborers not entitled to remain within territory of the United States, but such presumption may be rebutted.

Second. When any Chinese person who, being a member of any of the classes mentioned in section 4, desires to depart from the United States or any portion of the territory thereof, intending to return thereto, he may, if he so desire, apply to the appropriate Treasury officer in the district wherein he resides, at least one month prior to the time of his departure, such application to be accompanied by his certificate of his registration, and in that event shall make under oath before said officer a full statement, in triplicate, descriptive of his professional, business, or other position or status, and shall furnish to said officer such proof of his status as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury, and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the Treasury officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

And if said last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide that the representations of status are true, he shall, at such time and place as he may designate, sign and give to the said applicant a certificate containing the number of the

description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If the last-named certificate be transferred, it shall become void, and the person to whom it was originally issued shall forfeit his right to reside in, or return to, the United States.

Third. To entitle any such Chinese person as is mentioned in this section to readmission to the United States or any portion of the territory thereof, he shall produce to the appropriate Treasury officer at the port of entry the return certificate in this section provided for; and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof.

SEC. 21. That nothing in this act shall be construed to prevent the entry into the United States, or any portion of the territory thereof, of the lawful wife or the minor children of any Chinese person of any of the classes mentioned in section 4 actually domiciled in the United States at the time of such proposed entry; *Provided*, That no such wife nor any of such children shall be permitted to enter who shall fail to establish to the satisfaction of the appropriate Treasury officer at the port of entry that the required relationship exists and to produce to him a certificate as follows:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person departed, and shall show that after investigation said representative believes it to be true that the relationship asserted genuinely exists.

Second. If the wife or child come from any insular territory of the United States and seek entry into American mainland territory of the United States, or come from American mainland territory of the United States and seek entry into insular territory of the United States, or come from any insular territory of the United States and seek entry into other insular territory of the United States, the certificate shall have been issued by the appropriate Treasury officer of the United States at the port whence such person departed, and shall show that after investigation said officer believes it to be true that the relationship asserted genuinely exists.

Third. It is hereby made the duty of diplomatic and consular representatives of the United States, and of the appropriate Treasury officers, to make rigid investigations of all applications for such certificates, and to issue them when the relationship required and claimed is clearly established, but not otherwise.

Fourth. Each of said certificates shall be issued in triplicate and shall contain the photograph of the person named therein, and in addition to the matter already mentioned shall contain whatever may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. The photographs shall be made at the time and in the manner required by said rules and regulations.

The original certificate shall be, by the representative or officer issuing it, delivered open to the person named in it, or, if such person be an infant, to the person in charge of such infant.

The duplicate thereof shall be, by said representative or officer, delivered in a sealed envelope, duly addressed to the shipmaster, railway conductor, or other person in charge of the transportation of the person for whom the original is available, whose duty it shall be to deliver it promptly to the appropriate Treasury officer of the United States at the port where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The triplicate thereof shall be, by the representative or officer issuing the certificate, immediately sent by mail to the appropriate Treasury officer at the port where said Chinese person seeks entry.

*Provided*, That no woman shall be entitled to enter under this section unless she shall establish, by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the primary and lawful wife of a member of one of the classes enumerated in section 5, under a marriage contracted in such manner as to be legal and binding in the United States.

SEC. 22. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants or servants, who shall be admitted to the United States under special instructions of the Secretary of the Treasury, without production of other evidence than that of personal identity.

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 23. That before any Chinese person is landed from any vessel on territory of the United States, or, in case of inland immigration, before any Chinese brought to any inland border port of the United States shall be permitted to leave the car or other conveyance in which he was brought thither, the appropriate Treasury officer shall examine such Chinese person, comparing his certificate with the lists given under succeeding provisions hereof, and also with such Chinese person; and no Chinese person shall be allowed to land or to enter in violation of law. The examination and comparisons herein required shall be made immediately after the arrival at port or border.

SEC. 24. That the master of any vessel arriving in the United States from any foreign port or place shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate Treasury officer of the customs districts in which such vessel shall have arrived a separate list of all Chinese persons taken on board his vessel at any port or place, and all such persons on board the vessel at that time. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign Government traveling on the business of such Government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the master in the manner required by law in cases of manifests of cargo.

The foregoing requirements shall apply also to the masters of all vessels arriving in the American-mainland territory of the United States from any of the insular territory of the United States; and to the masters of all vessels arriving at any point in any such insular territory from the American-mainland territory of the United States, and to the masters of all vessels arriving in the Philippine Islands, Hawaii, Porto Rico, or any other insular territory of the United States from any other insular territory of the United States.

Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture provided for a refusal to report and deliver a manifest of cargo.

SEC. 25. That in the case of Chinese persons brought to an inland border port of the United States, the railway conductor or other person so bringing them shall, immediately on arriving there and before enabling or permitting any such Chinese person to cross the border into territory of the United States, deliver to the appropriate Treasury officer a list of all Chinese persons so brought. Such list shall show the names of all such Chinese persons (and in the case of accredited officers of the Chinese or other foreign government, traveling on the business of such government, or their servants and attendants, a note setting forth such facts), the port or place at which each was taken in charge, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the person bound to deliver it, the oath to be administered by the said Treasury officer.

Any refusal or willful neglect of any such conductor or other person bound to deliver such list to comply with the provisions of this section shall be deemed a felony and shall be punishable under section 53. Should the offender not be subject to punishment in the United States, then any rule or regulation which may be made by the Secretary of the Treasury for cases of that class shall be enforced; and as well against his employer as against himself, if his employer be a person or corporation interested in the transportation of the Chinese person as to whom the offense was committed.

SEC. 26. That Chinese laborers shall continue to enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions:

First. Privilege of transit shall be denied if the applicant fail to produce to the appropriate Treasury officer at the port where entry is sought a through ticket entitling said applicant to transportation from such port to the point of ultimate destination in the foreign country whither he claims to be bound, such ticket in good faith requiring transit across territory of the United States and having been fully paid for; or if he fail to produce, additionally, to the said officer a certificate as follows: (a) If the applicant come from a foreign country, the certificate shall have been issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, and shall show that after investigation said representative believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for; (b) if the applicant come from any insular territory of the United States and seek the privilege of transit across American-mainland territory of the United States, or come from American-mainland territory of the United States and seek the privilege of transit across insular territory of the United States, or come from any insular territory of the United States and seek the privilege of transit across other insular territory of the United States, then the certificate shall have been issued to him by the appropriate Treasury officer of the United States at the port or place whence said applicant departed, and shall show that after investigation said officer believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for.

And it is hereby made the duty of the diplomatic and consular representatives of the United States and of the appropriate Treasury officers of the United States to investigate all applications for the said certificates, and to issue such certificates where the applications are shown to be in good faith, but not otherwise, and in such form and carrying such additional information as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit in any case or in all cases where the transit is sought by laborers coming from any insular territory of the United States.

Second. Privilege of transit shall be denied if the applicant refuse or fail to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate Treasury officer at the port where entry for the exercise of such privilege is sought, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly and immediately to the ultimate destination which is named in his certificate, and is not seeking to abuse the said privilege.

Third. Privilege of transit shall be denied if the applicant shall first have sought admission into the United States or some Territory thereof otherwise than for the purpose of transit and shall have been refused such admission.

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretaty of the Treasury, may from time to time prescribe with a view to prevention of abuse of such privilege.

Fifth. The master of any vessel, the conductor of any railway train, or the manager or director of any other conveyance bringing to any port in the United States, or on the border thereof, any applicant for the privilege of transit shall, immediately after arrival there and before landing or permitting to land, or enabling or permitting to cross the border, as the case may be, any such applicant, deliver to the appropriate Treasury officer of the United States a separate list of all such applicants so brought, which list shall show the name of each applicant, the matter contained in the certificate he bears, and such other matter as may be required by the rules and regulations from time to time prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be sworn to by the person bound to deliver it, the oath to be administered by the said officer to whom it is delivered. Failure to comply with any of the requirements of this subdivision shall be punishable in the case of masters of vessels as in violations of section 21, and in the case of others as in violations of section 22.

Sixth. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall designate the ports at which entry into the United States or particular territory thereof for the purpose of exercising the privilege of transit may be granted to persons entitled to exercise said privilege; and said privilege shall be exercisable at no other ports or places. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada said designation shall be subject to this restriction: No place along either of said boundaries shall be so designated, nor shall any port along either of said boundaries be designated as a place of entry for any Chinese person whatever, whether in transit or otherwise, until there shall have been executed between the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations purposing to bring Chinese to such port contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese persons, under such money penalties as shall be set forth in said contracts; and no such port shall remain open to entry of Chinese persons, in transit or otherwise, beyond the life of such contracts in unviolated state. But the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such port to transit privilege if in his judgment such privilege is being abused there.

SEC. 27. That every Chinese person brought by vessel to any port of the United States shall be detained aboard such vessel until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and every Chinese person brought to an inland border port of the United States shall be detained at such port until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and in the first class of cases the duty of such detention shall rest on the master, owner, agent, and consignee of the vessel concerned, collectively and singly, and in the second class of cases said duty shall rest on the person, persons, corporation, or agent, collectively and singly, by whom said Chinese person was transported or aided to the inland border port: *Provided*, That Chinese persons may be otherwise and elsewhere detained pending such final decisions, in accordance with such rules and regulations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe: *And provided*, That no right of entry or residence and no privilege of transit shall result to any such Chinese persons by reason of temporary detention and landing authorized under such rules and regulations, and that no release from liability or obligation under this act shall be worked by such temporary detention and landing in favor of any vessel, or the master, owner, consignee, or agent of any vessel, or any other person or corporation whatsoever.

Every person bound under this section to detain a Chinese person who shall refuse or willfully neglect promptly to perform such duty shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 28. That every Chinese person finally refused admission to the United States must be returned to the country of which he is a citizen or subject immediately after such refusal.

The duty of returning said Chinese person is hereby imposed on the master, owner, consignee or agent of the vessel, and on the railway corporation, its general officers and agents, and on the owners or general officers and agents of other transportation lines or modes of conveyance, collectively and severally, bringing him to the port at which entry is denied him or aiding him thither.

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may elect to effect such return in some other way than as above prescribed, and at the expense of the United States, in which case the vessel, persons, or corporations that would otherwise have been bound to effect such return shall be jointly and severally liable to the United States for the costs thereof.

And in every case such vessel, persons, or corporation shall be jointly and severally liable to the United States for all costs connected with the inquiry concerning the right of such Chinese person to enter or pass through the United States or any portion of the territory thereof.

The provisions of this section shall apply likewise in every case where a Chinese person is brought from any insular territory of the United States to the American-mainland territory of the United States, and in every case where a Chinese person is brought to any insular territory of the United States from said mainland territory. But in any case where a Chinese person is brought to any insular territory of the United States from other insular territory thereof, he shall, when refused admission or transit, be deported to China.

Every person bound under this section to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $5,000 for every Chinese person not returned as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment: *Provided*, That any subordinate officer, agent, or employee of any such vessel, railway corporation, other transportation line, or other mode of conveyance, who is charged with the duty as such subordinate officer, agent, or employee of returning any Chinese person, and shall refuse or willfully neglect promptly to perform such duty, shall be subject to all the pains and penalties imposed by this section upon persons bound to return a Chinese person who refuses or willfully neglects to do so.

SEC. 29. That every owner, officer, agent, or employee of any transportation line, railway corporation line, vessel, vehicle, or other mode of conveyance by sea or land who shall aid or abet or willfully or through neglect permit or connive at the escape of any Chinese person held in detention pending final adjudication of his claims, or as provided by sections 27 and 28 of this act, shall be deemed guilty of a felony, and on conviction thereof be punished by a fine of not less than $1,000 nor more than $5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 30. That every vessel whose master, owner, agent, or consignee shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any customs district of the United States wherein found. Violations of section 27 or section 28 are among the offenses to which this provision applies.

SEC. 31. That any person who, as principal or accessory, shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese person otherwise than as prescribed by this act, or who, pending a final decision as to the right of any Chinese person to enter or pass through territory of the United States, shall knowingly bring into or attempt to bring into or conspire to bring into territory of the United States such Chinese person, or who shall knowingly harbor or attempt to retain within or conspire to retain within the United States or any territory thereof any Chinese person unlawfully therein and subject to deportation therefrom, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not less than $2,000 or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

SEC. 32. That any Chinese person found within any portion of the United States in violation of any provision of this act shall be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless upon the hearing the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be, or to remain in, the United States, or in the portion of the territory of the United States wherein found, it shall be the duty of said judge or commissioner to order that he be deported. It shall be the duty of the United States attorney of said district to attend the hearing, and the testimony of at least two credible witnesses other than Chinese shall be required to establish the right claimed.

SEC. 33. That if any Chinese person shall enter the United States or any portion of the territory thereof without having first obtained from the appropriate Treasury officer the required permission to enter, he shall be deported, notwithstanding that had he properly applied he would have been entitled to enter.

SEC. 34. That wherever herein it is provided that a Chinese person shall be deported it is meant:

First. In the case of a person who came from a foreign country, that he shall be forthwith returned thither or to the country of which he is a subject or citizen: *Provided*, That in any case where a country of which such person shall claim to be a subject or citizen shall demand any tax as a condition of the removal of such person to that country, he shall be sent to China.

Second. In the case of a person who came without right from one portion of the territory of the United States to another portion of the territory of the United States, that he shall be forthwith sent to the country of which he is a citizen or subject.

And orders of deportation in the foregoing and all other cases shall be executed by the United States marshal of the district wherein the said orders are made; and he shall execute the same with all convenient dispatch, and pending such execution shall detain in his custody the person ordered to be deported, who shall not be admitted to bail, save in cases of appeal as set forth in the proviso of section 50.

SEC. 35. That in any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions herein vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions herein vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

SEC. 36. That any Chinese person who violates any of the provisions of this act shall be deported. Accusation and hearing in such case shall be before a United States judge in the district wherein said Chinese person is found, or before a United States commissioner designated by a United States attorney.

SEC. 37. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate provided for in this act or by Treasury rules thereunder, or who shall knowingly utter any such certificate, if forged or fraudulent, or who shall forge any such certificate; or who shall, whether an officer of the United States or not, issue to any person a certificate as to the status or right of entry, or right of residence, or privilege of transit, or right of return of any Chinese person (other than a certificate authorized by law to be by him issued), with intent to defeat any provision of this act, or any Treasury rule thereunder, or with intent to deceive the person to whom or the Chinese person for whom issued, or any other person; or who shall falsely personate any person named in any certificate authorized by this act or Treasury rules or regulations thereunder, shall be deemed guilty of a felony, and on conviction thereof shall be fined not less than $1,000 nor more than $5,000, or imprisoned for a term not less than one year nor exceeding five years, or shall be both so fined and imprisoned.

SEC. 38. That the requirements and penalties imposed by this act on masters, owners, agents, and consignees of vessels shall not apply in the case of any vessel bound to a port not within the United States which shall come within the jurisdiction of the United States by reason of being in distress or because of stress of weather. But if any Chinese person brought on any such vessel shall be permitted to land in the United States in violation of law, or if every Chinese person so brought, who is bound to do so under this act, does not depart with the vessel when it leaves port, then the penalties of this act shall be imposed on said vessel, and the master, owner, agent, and consignee thereof, jointly and severally.

SEC. 39. That the master of any foreign vessel which shall bring to the United States in the crew of such vessel, or otherwise in its service, any Chinese persons not entitled to entry, shall be required to execute a bond satisfactory to the Treasury Department, in the sum of $2,000 for each of said Chinese persons, the condition of said bond being that none of such Chinese persons shall be permitted to land from said vessel for any purpose whatever, with or without the permission of said master, while said vessel remains within the United States. The bond shall be canceled upon the certificate of the appropriate Treasury officer that all Chinese persons covered by it have departed from the United States on said vessel.

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding $2,000.

But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge.

SEC. 40. That any Chinese person who, having been admitted into the United States, or from one portion thereof into another portion thereof, as a teacher, student, merchant, or traveler for curiosity or pleasure, ceases to be of the status gaining him such admission and becomes a laborer within the meaning of this act, shall forfeit the privilege of remaining in the United States or the territory thereof, and shall be deported. And in every case where a Chinese person, having gained admission by virtue of being a servant or an attendant of a Chinese officer, ceases to be such servant or attendant he shall be deported.

SEC. 41. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce rules and regulations whereby the Treasury Department shall have a complete record of the date, place, and circumstances of birth of every Chinese person hereafter born within the jurisdiction of the United States, together with data as to parentage. And a certified copy of the record as to any person whose birth is recorded hereunder shall be admissible as evidence in all inquiries under this act.

SEC. 42. That no certificate issued under this act shall be pawned, sold, or transferred. Violation of this provision shall be followed by cancellation of the particular certificate, and, if the offender be a Chinese person not a citizen in mainland territory of the United States, by deportation of such person. If the offender be of any other class, then he shall be punished under section 53.

SEC. 43. That two years after the departure from the United States of a Chinese laborer to whom has been issued a return certificate hereunder the Treasury Department shall cancel all official papers and entries concerning him: *Provided*, That he shall not within said period have exercised his right to return.

SEC. 44. That hereafter no State court, or court of the United States, shall admit any Chinese person to citizenship.

SEC. 45. That the administration of this act shall be in charge of the Commissioner-General of Immigration, under direction of the Secretary of the Treasury.

The said Commissioner-General, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any and all rules and

regulations by him deemed needful to an efficient execution of this act or of any other law of the United States or of any treaty relating to Chinese persons or persons of Chinese descent: *Provided*, That he shall make no rule or regulation inconsistent with this act.

Wherever in this act the term "appropriate Treasury officer" or its equivalent is used, that officer of the United States is meant who is appointed by the Secretary of the Treasury and is designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to perform the duty or to exercise the authority mentioned. And it is hereby made the duty of the Secretary of the Treasury to make all needful appointments and of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to make all needful designations forthwith on the passage of this act; and the duty of inspecting and investigating all immigrants under this law or under the general immigration laws of the United States shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration.

All officers appointed or designated to enforce the provisions of this act are hereby empowered to administer oaths touching the right of any Chinese person to enter or to remain in the United States or any territory thereof, or touching the privilege of transit through any part thereof.

SEC. 46. That when the appropriate Treasury officer at the port of arrival of any Chinese person shall have passed upon the application of such person for the right of entry into the United States or any of the territory thereof, or for the privilege of transit through the United States or any of the territory thereof, whether such right or privilege be sought for the first time, or under a return certificate, or under claim of former residence as a merchant, or otherwise, then the decision so given shall be final and not subject to review by the judicial branch of the Government of the United States: *Provided*, That said Chinese person, and also any officer of the Treasury Department of the United States, may appeal from said decision through the Commissioner-General of Immigration to the Secretary of the Treasury.

Any appeal hereunder to the said Secretary of the Treasury must be filed with the officer making the decision appealed from within five days after the making of such decision.

But where the applicant for entry or transit shall base his claim of right to enter or his claim to privilege to pass through the United States or any of the territory thereof on alleged citizenship of the United States or any of the territory thereof, and upon that solely, no administrative officer of the Government of the United States shall pass upon his case, but he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and, the appropriate United States attorney attending, a judicial hearing shall be had, as on writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district, as in deportation cases. And if such decision is adverse to such claimant he shall be returned as provided by section 28. And whenever any Chinese person bases his claim of right to enter or to reside within, or his claim to the privilege of passing through, the United States, or any portion of the territory thereof, on any claim recognized by this act or any law of the United States, and such claim is under inquiry or such claim has been decided adversely to him, he can not assert alternatively another claim of right to enter or to reside within, or any claim of privilege to pass through, the United States or any portion of the territory thereof.

SEC. 47. That when any commissioner of the United States shall have given a decision in any case under this act an appeal therefrom may be taken to the United States district court, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

SEC. 48. That when any United States district court shall have given a decision, on appeal or otherwise, in any case under this act, or any other law or any treaty of the United States relating to Chinese persons, or persons of Chinese descent, an appeal therefrom may be taken to the circuit court of appeals of the United States, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

But in case of appeal under this section by the United States a certified copy of the testimony taken on the hearing before the district court shall, within ten days after said hearing, be transmitted to the Attorney-General of the United States, who may direct the appropriate district attorney to move for a dismissal of the appeal.

In appeals under this section the circuit court of appeals may review all facts as well as all questions of law, and shall have power to make all necessary orders, either for discharge of the Chinese persons or for deportation thereof.

SEC. 49. That on appeal to a district court of the United States or to the circuit court of appeals of the United States, under this act, a transcript of the record and copies of all testimony taken on the hearing before the commissioner or court whose decision is appealed from shall be transmitted to the district court or the circuit court of appeals, as the case may be; and either court may order sent to it, in addition, or in lieu, any original document or other evidence used or considered in the lower court or tribunal. But no new evidence shall be received in the circuit court of appeals, except by order of said court upon motion duly made for that purpose.

SEC. 50. That in every case of appeal under the foregoing sections the Chinese person who is the subject of such proceedings shall remain in the custody of the appropriate United States marshal pending final decision, and without bail: *Provided*, That if the appeal be prosecuted from a decision discharging him from custody he may be admitted to bail pending decision on appeal, but in a sum not less than $2,000. And this section shall apply likewise in every case arising under this act where a Chinese person sues out a writ of habeas corpus; and as well to the time before the first hearing on habeas corpus as to appeals from the first or any later decision in the proceeding.

SEC. 51. That the term "United States," when used in this act as a geographical designation, is meant to include all the lands and waters in any way subject to the jurisdiction of the United States, both continental and insular. And the term "insular territory" used in this act is meant to include all island territory of the United States not forming a part of any State or of Alaska.

SEC. 52. That the term "Chinese" and the term "Chinese person" used in this act are meant to include all male and female persons who are Chinese either by birth or descent, as well those of mixed blood as those of the full blood. And wherever herein personal pronouns are used the masculine includes the feminine.

SEC. 53. That any violation of any provision of this act wherefor punishment is not otherwise provided shall be deemed a felony, and shall be punishable by fine not less than $1,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 54. That for every case passed upon by him under this act $5 shall be paid to the commissioner of the United States duly bound to act therein.

SEC. 55. That wherever by this act or any Treasury rule or regulation thereunder a certificate or other paper is required to be issued in duplicate or triplicate, the original shall be marked "Original," the duplicate shall be marked "Duplicate," and the triplicate shall be marked "Triplicate."

SEC. 56. That the provisions of this act shall not be construed to prevent the admission of Chinese into the United States for the purpose of participating in any fair or exposition authorized by act of Congress: *Provided*, That such admission shall be in accordance with rules and regulations of the Commissioner-General of Immigration prescribed with the approval of the Secretary of the Treasury.

SEC. 57. That all acts and parts of acts inconsistent with any provision of this act are hereby repealed: *Provided*, That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under laws in effect prior to the passage hereof, but all such prosecutions and proceedings shall proceed as if this act had not been passed.

Mr. CLARK. Mr. Chairman, I want to restate some remarks I made last Friday, because there may be some here now who were not here then. I am in favor of the retention of this second section of the bill. I have a great deal of respect for the legal information and perfect integrity of my friend from Massachusetts [Mr. NAPHEN]. I never have deceived this House and never will.

Mr. HITT. That is true.

Mr. CLARK. This second section flies in the face of a decision of the Supreme Court of the United States, providing the Philippines are a part of the United States and providing that the citizens of the Philippine Islands are citizens of the United States.

Mr. KLEBERG. Will the gentleman from Missouri permit me to ask him a question?

Mr. CLARK. Yes; certainly.

Mr. KLEBERG. Does not this include Hawaii and Porto Rico?

Mr. CLARK. No; it has nothing to do with Hawaii.

Mr. KLEBERG. That is excluded from the bill?

Mr. CLARK. That is excluded, because it has a special provision of its own in the act of annexation.

Mr. KLEBERG. What does the gentlemen comprehend in the term "insular possessions?"

Mr. CLARK. That includes all the insular possessions except Hawaii.

Mr. KLEBERG. Why do you not say that in the bill?

Mr. CLARK. We do say so in the bill.

Now, Mr. Chairman, I want to say something else, and it is this: I do not believe that the decision of the Supreme Court of the United States in one hundred and sixty-ninth, in the case of Wong Kim Ark against the United States, declaring that Chinese born in this country of Chinese parents are subject to our jurisdiction, is good law. That decision was rendered by a divided court; six judges decided in favor of it, two judges dissented from it, and one judge did not sit.

I say, under the circumstances, it will be something appalling if by our act we make the Philippines a breeding ground for Chinese laborers to come into the United States, Now, gentlemen, I will tell you what I believe is another thing that you will find. If the United States Supreme Court ever decides that the residents of the Philippine Islands are American citizens, and that we have no right to keep out of this country Filipino Chinese, then the American people will rise in their might and drive Congress into getting rid of the Philippine Islands, and that is just exactly what I want to see done—precisely.

You might as well understand what the issue is and be through with it. They must pass upon that question sooner or later, and the way to make them pass upon it at once and have done with it is to put this section in the bill and then they must pass upon it speedily. Then the American people will be fully informed, and can act intelligently, and do as they please. To use a familiar phrase, we will then know "where we are at." Because, as I said on Friday, I do not believe the American people, in their sober senses, are ever going to agree that the Philippine Islands shall be made a breeding ground for hundreds of thousands of Chinese to be brought in here to compete with American labor. For these reasons I want this section to stay in the bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken and the amendment was lost.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 5. That the term "official," as used in the foregoing section, shall be construed to mean one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or if he be a consular officer of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; and the attendants and servants of any such official shall be similarly privileged to enter.

Mr. COOMBS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all of section 5 and insert a new section 5, to read as follows:

"SEC. 5. That the term 'official' used in the foregoing section shall be construed to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be privileged to enter, on being identified as such attendants and servants, in accordance with the rules and regulations subscribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury."

Mr. HITT. Had not the gentleman better make that "consular officers?"

Mr. COOMBS. The idea is to eliminate consular officers and insert in place consul of China, and confine it to the consul and not to the officers that might be appointed.

Mr. HITT. Mr. Chairman, that amendment is assented to by all the members of the committee.

The question was taken and the amendment was agreed to.

Mr. HOOKER. Mr. Chairman, I offer an amendment in place of section 5 of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read.

Mr. HOOKER. Mr. Chairman, I see that my amendment applies to a subsequent section of the bill, and I will withdraw it and offer it at the proper time.

The CHAIRMAN. Without objection, the gentleman's amendment will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 6. That the term "teacher," as used in this act, shall be construed to mean one who, for not less than two years next preceding his application for entry into the United States has been continuously engaged in teaching and who proves to the satisfaction of the appropriate officer that he has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation while in the United States.

Mr. CLARK. Mr. Chairman, to that section I offer two amendments.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

On page 3, line 9, section 6, after the word "teaching" insert the words "the higher branches of education."

The amendment was considered and agreed to.

The Clerk read the second amendment, as follows:

On page 3, line 10, section 6, after the word "he" insert "is qualified to teach such higher branches and."

The amendment was considered and agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That the term "student," as used in this act, shall be construed to mean one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation, and for whose support while studying sufficient provision has been made.

Mr. COOMBS. Mr. Chairman, to that section I offer the following amendment.

The Clerk read as follows:

Insert in line 18, after the word "made," the following: "and who intend to depart from the territory of the United States, to which he comes for such study, immediately on the completion of said studies."

Mr. PERKINS. I would suggest to the gentleman that he strike out the words "to which he comes for such study."

Mr. COOMBS. Has the gentleman an amendment drawn to cover this provision?

Mr. PERKINS. I have the amendment which the gentleman from California drew himself.

Mr. COOMBS. Very well, I will offer that. Mr. Chairman, I withdraw my amendment and offer the amendment which I send to the desk.

The Clerk read as follows:

On page 3, line 18, after the word "made," insert "and who intends to depart from the territory of the United States immediately on the completion of said studies."

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That the term "merchant," as used in this act, shall be construed to mean one who is engaged in buying and selling merchandise at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs a question with relation to the term "merchant." If I correctly understand the section which has been read, in order to gain an entry as a merchant a Chinaman must not only establish the fact that he is conducting a place of business in his own country, but also that he comes here to establish a mercantile business in a fixed place in this country, and that he has the means with which to carry it on.

Now, I learned from the chairman, while he was explaining this bill, that we are selling about a million dollars' worth of cotton in China a month, and it occurs to me that some merchant or some manufacturing corporation may desire to come here, or the officer of a corporation or member of the firm be sent, for the purchase of raw material in this country. I want to ask whether it would be possible under this provision for such merchant or manufacturing company to come here, either by its officers or a member of the firm or agent having the necessary funds to purchase our raw materials or manufactured products? Is it possible under this provision of the bill for him to enter this country for that purpose? We certainly should not exclude persons who desire to come here with money in their pockets to purchase the products of American labor, and thus provide additional work for the American laborer. The question in my mind was whether some provision should not be inserted to cover that matter.

Mr. PERKINS. Mr. Chairman, in answer to the question of the gentleman from Pennsylvania [Mr. OLMSTED], let me say that I do not think there is any provision of this bill under which a purchasing agent could come into this country unless he should have the ingenuity to come in under either clause 4 or clause 9, which allow travelers to come in. Under those clauses he would have to show that he was coming to this country for purposes of pleasure or curiosity, and I think a reasonable Treasury official would say that a Chinese desiring to enter the country to investigate the question of cotton goods was coming in on a matter of legitimate curiosity which should be gratified. Otherwise, Mr. Chairman, he could not come.

The reason for the provision is this: The evasions of the Chinese-exclusion laws have been almost entirely under two heads, either under the head of transit or under the "merchant clause," under which persons claiming to be merchants, but who really were not merchants in any legitimate sense, have entered this country as such and have employed themselves in this country as cooly laborers.

There was some talk in the committee of inserting in the bill a clause by which purchasing agents, as such, should be allowed to come into the country; but it was the opinion of the gentleman from California, in which the committee finally agreed, that such a provision inserted in the law would afford very great opportunities for evasion, and that the provision now in the bill would provide sufficiently for cases where it might be desirable to admit persons intending to purchase.

Let me say in further reply to the question of the gentlemen from Pennsylvania that we have endeavored to deal with this question from a practical standpoint. The committee recognizes the desirability of facilitating the sale of American goods in China; and it also recognizes, on the other hand, the practical phases of this question. The American goods that are sold in China are sold by the representatives of American houses there. The amount of American goods bought by agents sent from China to this country is, in my belief, utterly insignificant.

Mr. KAHN. Will the gentleman permit me a moment?

Mr. PERKINS. Certainly.

Mr. KAHN. The invariable custom in doing business in China is that the merchants there make purchases from agents sent from the foreign country; and, indeed, our consuls in China now advocate that a museum of American products be established in Shanghai, so as to stimulate trade. Agents of the Chinese do not go into foreign countries to make their purchases.

Mr. OLMSTED. Is not one reason that they do not come into this country the fact that our laws have prohibited them from coming?

Mr. KAHN. That is not the reason. The English consul at Niuchwang in reporting to his Government said that he consulted merchants of China as to the place of manufacture of goods they were selling, and they did not know whether they were made in the United States or England.

[Here the hammer fell.]

Mr. OLMSTED. I will ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Such consent has already been given.

Mr. CANNON. If I may be allowed, I should like to ask a question. This legislation, as I understand, cuts out the purchasing agent or the commercial traveler who may desire to come to the United States for the purpose of making purchases—cuts him out unless the Treasury official elects to say that he comes on a mission of curiosity.

Mr. PERKINS. I would answer the gentleman from Illinois by saying that so far as this provision is concerned the bill here presented leaves the law exactly where it finds it. Ever since the passage of the Geary law there has been no provision which allowed a purchasing agent as such to come to this country from China.

Mr. CANNON. Very well; then such a purchasing agent can not come in now.

Mr. PERKINS. Not unless in the manner I have suggested.

Mr. CANNON. For curiosity?

Mr. PERKINS. Yes, sir.

Mr. CANNON. But that provision, as I understand the gentleman to state, does not work any hardship, because, as I gather from his remarks, our selling agents may go into China.

Mr. PERKINS. Yes, sir.

Mr. CANNON. In other words, China has not legislated to keep out our selling agents.

Mr. PERKINS. No, sir.

Mr. CANNON. And they go over there and get along comfortably well——

Mr. PERKINS. Yes, sir.

Mr. CANNON. While we shut out their purchasing and selling agents?

Mr. PERKINS. Yes, sir.

Mr. KAHN. The gentleman will permit me to say that the treaty between the United States and China also specifies the exempt classes, and it mentions simply merchants, students, teachers, officials, and persons traveling for curiosity or pleasure. The minds of the two Governments met upon that point.

Mr. CANNON. I am not criticising that matter. The gentleman says that the treaty regulates this question and that this provision cares for the matter. But the state of facts with reference to this question is interesting, and I wanted to know it. I did not know that in fact a purchasing agent can not come from China to our country for the purpose of buying our goods. The only way in which the minds of the two Governments have met in this bargain seems to be that we may send our selling agents abroad and they are permitted to enter China, so that trade goes on.

Mr. COOMBS. Well, Mr. Chairman, if you will permit me, I think if the gentleman from Illinois [Mr. CANNON] gives a more careful perusal to this section he will ascertain that it is not intended in any sense——

Mr. CANNON. I am not criticising you at all. I just want to get at the facts.

Mr. COOMBS. I think you misapprehend the meaning of this particular section.

Mr. CANNON. Possibly so.

Mr. COOMBS. This section permits merchants to come over here and engage in mercantile business. All it intends to do is to draw a line between merchants who come here honestly representing mercantile business in China and those who would come here under the pretense of being merchants, but really to engage in laboring pursuits in this country. Now, if you will read this section—it is as follows:

Where an application is made by a Chinese for entry into the United States as one formerly or at the time engaged in China, or in some other foreign country, or in the insular possessions of the United States, as a merchant, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application.

Mr. HILL. Read the whole of it:

It must also appear to the satisfaction of the appropriate officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means or has completed arrangements for forthwith becoming the owner, in whole or in part, of a mercantile business in the United States.

Now, the question I would like to ask is whether if we are permitted to send a commercial drummer into China, can an honest Chinese merchant, who is established in business in China, send a commercial drummer here, under the provisions of this bill—not to establish a place of business, but to do precisely what we want to do there? That is what I would like to know.

Mr. COOMBS. Now, I apprehend that the essential idea of this bill is to prevent laborers from coming to this country and competing with our labor. If the merchant goes to China, or if the representative of the merchant goes to China, it is not possible, not expected in the very nature of affairs, that he will go there to engage in labor or in any occupation outside of his calling, and there is a distinction which must forever be made in order for the proper enforcement of the laws of exclusion—a distinction between motives and intents of people going from here to China and of people coming from China here. That is a distinction made in the treaty, a distinction upon which the treaties are founded, a distinction upon which all of the laws with reference to their enforcement must rely.

Now, if you will notice, he must come here intending to pursue a mercantile business. Can it possibly be anticipated that a man comes here to pursue a mercantile bnsiness, whether to engage in the purchase of cotton or any other goods, who is not equipped at that time with funds sufficient to launch him forth into his business, or that he is unable at that time to establish in this country a mercantile business, is there any possible requirement in that which would throw around his endeavors the embarrassments which are anticipated by the gentlemen? I can see none, and if he does come here honestly engaged in mercantile pursuits, in order to confine him to them it seems to me necessary that he should be connected with some established mercantile business in this country, and that, as I understand it, is the idea of this section.

Mr. PERKINS. Mr. Chairman, just a word more to explain to the committee the practical situation of this amendment. We endeavored to draw a bill that should be practical, and that should not, so far as it could be avoided, do any injury to the legitimate development of American commerce. Now, Mr. Chairman, these are the facts: The Chinese can send their purchasing agents into England, and the Chinese can send purchasing agents into Germany or into France or Russia, the four countries that with the United States do the volume of business with the Empire of China. Now, Mr. Chairman, it is a fact that in those four great commercial countries where the Chinese have a perfect right to send purchasing agents, if they see fit, not one dollar out of $1,000,000 that is bought by the Chinese from England or Germany or France or Russia is bought by Chinese purchasing agents. It is sold practically without exception by the agents which those countries send into China.

That is the way and the only way in which the United States merchants can sell their goods in China. If we made an amendment allowing the purchasing agents to come here it would be a mere matter of form. We should sell no more American goods through the medium of Chinese purchasing agents than England or France or Germany or Russia sell through that medium—in other words, none at all. In other words, Mr. Chairman, allowing the entry of these agents—purchasing agents, so called—into this country, in my judgment, would not increase the sale of American products a thousand dollars a year. It would be a provision that could be used as a means of fraud and that would be utterly unproductive in increasing the volume of American commerce with China. You have got to do business in China as other nations do business in China—by sending our men there to sell the goods; and unless we send our agents there, if we wait here until Chinese agents come to purchase our goods, I say we will wait forever without entering the Chinese markets.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I only want to say a word. I am not proposing an amendment to this bill. I have had my own matters of legislation, with which I am charged to look after, and I have not given much of attention to the provisions of this bill because I have not had time to do it, and even if I had had the time, I am not so well equipped as the gentlemen who have made a study of this question. I am quite in harmony, let me say, so that I may not be misunderstood, with the proposition to continue to prohibit Chinese laborers from coming into our territory, and for the simple reason that with their customs and habits and with our customs and habits we can not compete. That is, stated in a sentence, why I have heretofore supported this kind of legislation and why I support it now.

But I was led to ask a question a moment ago on the statement that my friend on my left [Mr. COOMBS] made that there was no provision here by which a Chinese purchasing agent could come into the United States to make a purchase of goods unless he could come in in fraud of the law, and that it is now, and as I understand, deemed necessary to prevent frauds being perpetrated upon the law that even purchasing agents should be shut out. I am not here to put up my opinion against that of the gentleman. Of course there is no law that can be made touching the Chinese or anybody else but what here and there it will be violated. For that reason you have the courts, for that reason they are always open, for that reason you have your inspectors and officers. Whether it was necessary to have it made so severe I am not here to express an opinion about, but as long as we are to have trade with China, and we are blowing a good deal about our proposed trade with China, I must be permitted to express the opinion that it is exceedingly fortunate that our commercial agents can go into China along with the Russian and the British and German commercial agent. I am not prepared to say whether there is any legislation that might be enacted by China that would throw our purchasing agents out or not.

Mr. KAHN. She has the power.

Mr. CANNON. She has the power.

Mr. KAHN. She has the power under our existing treaty.

Mr. PERKINS. She has never exercised it.

Mr. CANNON. My friend says she has never exercised it.

Mr. PERKINS. And never will.

Mr. CANNON. And he says she never will. Why?

Mr. PERKINS. Because it is not to her interest.

Mr. CANNON. It is not to her interest? Very well. Well, the trade goes on. They can not come from there here to buy, but we can go from here there to sell. That seems to be the situation, but I am not here to put my opinion up against that of the experts you know touching this matter.

Mr. GILLETT of Massachusetts. Mr. Chairman, the gentleman from New York having stated that the committee favored this provision, I want to state that as a member of the committee I in the committee opposed the exclusion of all except laborers, and I am opposed to it now. The gentleman from California did not answer the gentleman from Connecticut [Mr. HILL]; there is no question that this law will prevent a purchasing agent from China coming into this country. I think it is a shame that we should not allow purchasing agents of China to come in here, that we should not allow lawyers, ministers, doctors, bankers of

China to come into this country, and the statemennt of the gentleman that up to to-day no Chinese goods are sold by purchasing agents does not prove that it is not going to be done.

We are hoping we will have a great trade in the future, and China is likely, it seems to me, to imitate us in methods as trade increases, and a proposition was made in the committee that five agents of every mercantile house should be admitted, and it was discussed, and I am sorry to say it was lost, and if it were lost in committee I have no doubt it will be in the House, and I do not wish to make any ineffectual aim at something I know can not be accomplished; but I do wish to state for myself I think we are wrong in limiting the people of China who come into this country to merchants, teachers, and travelers. My friend from California says the treaty so provides.

I differ from him. I think he will find other lawyers differ from him. I admit one Attorney-General has given that opinion, but it seems to me that anybody who will inquire and impartially compare our treaties and the history of that clause will say that the only persons under the treaty we have the right to exclude are Chinese laborers. Now, we all want to exclude them. To that there is no opposition. I think, under the treaty, everybody else has a right to come in; and I think it is good policy for this country to allow everybody else to come in. I will agree that it shall be limited, so that no one should be able to come in under the guise of either class as a laborer. I understand that is all anybody wants; and I do not see why it is not as easy to prevent the laborer coming in as a purchasing agent as to prevent him coming in as a merchant; and I believe we ought to allow the purchasing agents to come in. The treaties and justice and self-interest all demand that we should exclude no one except laborers.

Mr. CLARK. Mr. Chairman, I would like to say a word about this provision. The whole intent of this law is to shut out Chinese laborers. If there was some way of branding the Chinaman right across his forehead that he is a laborer, there would be no trouble about it. You can not do that. You can define the merchant in a fairly accurate way. You have hedged him around with conditions so that you can find out who a merchant is. You have defined a teacher so that with some certainty you know who he is. You have defined a student so that you know who he is.

There is a sort of hazy provision which applies to people traveling for pleasure, etc. But as to the commercial travelers or purchasing agents who are to come over here; if you simply use those terms and say nothing else, then every Chinese cooly that wants to get into the United States will instanter become a purchasing agent.

Mr. GILLETT of Massachusetts. I would not say simply that.

Mr. CLARK. If you are going to have a provision in there at all, you should place a definition in it that is comprehensive and clear.

Mr. GILLETT of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. CLARK. Yes; with pleasure.

Mr. GILLETT of Massachusetts. Why can not the Treasury Department draw a regulation defining a purchasing agent as they have defined a merchant and teacher?

Mr. CLARK. It may be that the Treasury officials can do it. But if you put that provision in the bill at all that they shall come in, then you surely ought to draft your definition yourself or empower the Treasury officials to do it, because if you do not you may as well take the whole bill and stick it in the stove and be done with it. Now I will yield to the gentleman from Connecticut.

Mr. HILL. Is there a provision in this bill by which a Chinese merchant having sold goods in Shanghai to a merchant of New York, and a failure on the part of the New York merchant to pay his bill, that it would be possible for the Chinese merchant to come here and attend to the collection of this debt, or is he shut out?

Mr. CLARK. I think he is shut out.

Mr. HILL. I think it is an infernal injustice, if that is the case.

Mr. CLARK. That is all right. You have just as much right to your opinion as I have to mine. The men that drew this bill, and the proponents of this bill, are simply trying to keep Chinese coolies out of here, and the reason that they have not succeeded in doing so before is, as I have explained in my main speech, on account of the duplicity of the Chinese character.

Mr. GILLETT of Massachusetts. Has there been any definition of merchant or traveler under the law?

Mr. CLARK. I do not know.

Mr. GILLETT of Massachusetts. I can tell the gentleman that there has not; and as the Treasury Department has made such a regulation as to effectually define the merchant and traveler, why can not exactly the same thing be done as to purchasing agents?

Mr. CLARK. Perhaps it can. If so, all right.

Mr. OLMSTED. I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting on page 4, line 12, by adding at the end of said line the words "or that he intends purchasing American products for the purpose of manufacture or sale in China or elsewhere, and has the means to make such purchases."

Mr. CLARK. I should like to hear that amendment read over again.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, I have not before me a copy of the treaty between the United States and China, but I have no doubt that the gentleman from California [Mr. KAHN] correctly states the wording of that treaty, which permits the entry of "merchants, students, teachers, officials, and persons traveling for curiosity or pleasure." There is no doubt that, as he states, "the minds of the two Governments met upon that point." But we have in this section made a definition of the term "merchants" which is not within any fair construction of that term as used in the treaty, and which it is not, in my judgment, for the best interests of our country to enforce. As the section now stands, it requires that in order to be considered a merchant a Chinaman must not only have a place of business in China, but must come here for the purpose and have the means of establishing a mercantile house in this country. The bill as it now stands permits Chinamen to come here to sell their own goods, but does not permit them to come here to buy our products. It seems to me more important that we sell goods to the Chinese and obtain their money than that they sell goods to us and obtain our money. What we want is, not to extend our opportunities for buying from the Chinese, but to extend the markets for the products of American farms and American labor. As I learn from Mr. Austin, the very efficient Chief of the Bureau of Statistics in the Treasury Department, there were during the calendar year 1901 exported from the United States into China various American products of value as follows:

| | | | |
|---|---|---|---|
| Wheat flour | $271,643 | Mineral oil, refined | $4,689,179 |
| Cars | 9,302 | Canned beef | 15,383 |
| Clocks and watches | 15,842 | Bacon | 14,395 |
| Cotton cloth | 10,224,215 | Hams | 20,963 |
| Cotton manufactures, other | 125,164 | Butter | 6,563 |
| Fruits and nuts | 59,208 | Cheese | 16,771 |
| Scientific instruments | 24,151 | Tobacco manufactures | 752,606 |
| Builders' hardware | 53,349 | Lumber | 163,125 |
| Sewing machines | 13,547 | Furniture | 25,678 |
| Typewriters | 17,626 | Other articles | 2,290,195 |
| Naval stores | 5,922 | Total exports | 18,886,475 |
| Turpentine spirits | 71,648 | | |

There were also exported by way of Hongkong articles of the value of $8,058,473, making a total of $26,945,348 of American goods sold to China in one year.

Now, every pound of American wheat flour, of canned beef, bacon, hams, butter, cheese, tobacco, or fruits sold to China, means just that much money brought into the United States for the American farmer. It means just that much of an extension of the foreign market for the products of the American farm. Every yard of cotton cloth, every car, sewing machine, typewriter, or other article of American manufacture sold to China, means just that much money coming into the United States for the help of American labor. It means that much more money in circulation in the United States. Twenty-six millions added to our circulation each year is of much importance, but we ought to have ten times as much from the same source. China affords a vast field for the exploitation of American goods and wares.

My objection to this section of the bill as it now stands is that it permits a Chinaman to come to this country and establish a place for the sale of Chinese goods, but does not permit a Chinese corporation or firm or individual to come or send an agent here for the purpose of buying our goods. My amendment proposes that Chinese capitalists may come or send their agents here to purchase American goods and American raw material for the purpose of sale or manufacture at their own places of business in China. This bill provides, in section 9, that a Chinaman may come into this country to travel "for pleasure or curiosity," and my friend from New York [Mr. PERKINS] suggests that if he is sufficiently ingenious he can get in under that section, and act as a traveling agent for a Chinese firm desiring to buy our products. Why should he have to come in by subterfuge? Why enact a bill that requires him to cheat? We ought not to put into this bill any provision the terms of which can be evaded by trickery and deception. If we do not wish the Chinese merchants to buy our goods, then let us say so, but if we do wish it, let us give them that privilege squarely and honestly, without requiring them to come in by deception, as intending solely to travel "for pleasure or curiosity."

To my mind it is more important that they purchase our products than it is that they gratify their curiosity and pleasure by traveling among us. Let us provide every safeguard, so that

none but purchasers, or their authorized agents, with means to purchase our goods, shall come in for that purpose. Let us safeguard the provision so that laborers can not come in under the guise of merchants, nor, indeed, as those who travel for pleasure or curiosity, but let us encourage the purchase of our products by China and every other nation. I insist that it is in accordance with the spirit of the treaty which permits Chinese merchants to come here, that they may come to purchase as well as to sell. It is certainly much more to the advantage of the American farmer, the American laborer, and the American people generally, that a Chinese capitalist shall be permitted to spend his money here in the purchase of our products than it is that he shall come here to establish a place of business for the sale of Chinese goods to our people. I should prefer to exclude the seller rather than the purchaser. Let us make the bill as perfect as possible, so that our citizens may derive the greatest good from it.

We are all in favor of the provisions excluding the Chinese coolies from this country. It may seem ungracious to select one nation from among all the nations of the world and say to her "Your citizens shall not be permitted within our borders," but self-preservation demands it. The protection of American labor demands it, and the protection of American labor is one of the most important objects which the Republican party has in view. We desire to continue, and if possible improve, the present prosperous condition of affairs. In order to do that we believe it to be necessary to continue to exclude the Chinese, and, indeed, to so improve the existing exclusion law as to make evasion of its provisions more difficult.

This bill does not present a dividing line politically. Members of all parties favor it. China, with her 400,000,000 inhabitants, is as thickly populated as an ant-hill. Throw down the bars and the lower classes of her people will swarm in upon us, lowering the present high grade of American citizenship, lowering the character and dignity of American labor, and lowering the compensation of labor. Centuries of privation have taught these people to live upon what would starve an American family to death. We believe that labor should receive its just reward, that the families of our laborers may live respectably and comfortably and their children have educational advantages, so that in the race of life the child of the humblest citizen may not be handicapped, but his chances for political or other preferment may be as good as those of the child of the wealthiest parents.

These lower orders of Chinese do not come here for the purpose of becoming American citizens. They come here, frequently under contract, to make what they can to carry back to their own country. They do not assimilate with our people, they are not interested in our institutions, and do not breathe their spirit. We do not deem it wise to permit them to pour into this country to the displacement or disadvantage of intelligent, patriotic American citizens who now occupy the field of honest labor.

Mr. PERKINS. One word, Mr. Chairman, about this amendment, which I hope will not be adopted. As I have already said, the Chinese merchant of whom my friend from Pennsylvania speaks does not go to any country where he is allowed to go to purchase goods. That being so, it must be manifest to members that he will not come here to purchase goods. It is not the custom of the Chinese to go to England, to Russia, or to Germany for the purchase of goods, and therefore they will not come to the United States for the purchase of goods.

Mr. LANDIS. Neither will they come here for the purpose of selling their goods.

Mr. PERKINS. They do not come here or go to other countries for either purpose; so that the committee, by adopting this clause, for which my friend from Pennsylvania has made a plausible argument, would not furnish facilities to purchasing agents, because there is no such class. They would furnish an opening, not for trade, but for fraud.

Mr. DOUGLAS. Mr. Chairman, I would like to reply by saying that while the gentleman's premises are undoubtedly correct, that because up to the present time the Chinese do not come here largely or send his emissaries here, that is not a good argument, for there is a good reason why they do not come. They can not come. In trying to keep them out I think you are making a mistake.

Mr. PERKINS. What I said was that they did not go to certain countries, where they could go. Of course they could not come here. But they do not send their agents to England, to Russia, or to Germany, where they can go if they desire, and if it was the custom of their trade so to do.

Mr. DOUGLAS. They are now sending them to France and to Germany very largely, and there is no reason why they should not send them here. It will do us far more good in the way of trade to have them come here and see the industries of the country than it will benefit us to force the American merchant to send samples there. There is no good reason why these merchants should not come in, as they have plenty of money to spend and buy our goods. I think we ought to put a liberal construction on this clause. I hope the committee, in giving this due consideration, will let one of these amendments go through; I do not care which amendment it is. If the idea is to keep out pretty much everything, all aliens and their goods, and put discriminating laws on our statute books covering those possessions we now possess, and shut out nations that have been trading with them heretofore, it is going to react upon us. We will find that we are doing ourselves a great amount of injury in the next few years if we keep up this procedure.

To-day the English colonies are agitating the question of putting on discriminating duties against us simply because we propose to exclude English goods from markets where they have been trading before this country was known in the world's trade. China is a smart nation, and there is no reason why we should not have an enormous amount of trade with them, and I am in favor of securing it. I am in favor of a liberal law which will allow the representatives of the Chinese merchants to come here and have every access to this country.

Now, Mr. Chairman, I wish to offer the following amendment, which I send to the Clerk's desk.

Mr. CLARK. I would like to inquire what became of the amendment offered by the gentleman from Pennsylvania?

The CHAIRMAN. It is pending.

Mr. PERKINS. I will suggest that the amendment of the gentleman from New York [Mr. DOUGLAS] is not in order.

The CHAIRMAN. Let the Clerk report the amendment.

The Clerk read as follows:

On page 4, after the words "United States," line 12, insert "commercial travelers or purchasing agents sent by any established importing house and exporting house in China shall be authorized to free entry into the United States or possessions on giving a bond that residence will be for not over one year and they will engage in no labor whatever during their stay here. Said bond must be signed by two responsible Chinese residing in the United States or possessions, or by two citizens of the United States, and the penalty to be $500 for infringement."

The CHAIRMAN. The Chair will inquire of the gentleman from New York [Mr. DOUGLAS] whether his amendment is proposed as a substitute for that of the gentleman from Pennsylvania [Mr. OLMSTED] or as an amendment to that amendment?

Mr. DOUGLAS. If the gentleman from Pennsylvania cares to accept my amendment as a substitute for his, I shall be very glad. I am simply seeking to secure some provision which will give proper rights to these men to come in under suitable restrictions.

Mr. OLMSTED. As the amendment of the gentleman from New York seems to have been pretty carefully drawn, I am willing to accept it in lieu of my own, which I will withdraw.

The SPEAKER. Without objection, the amendment of the gentleman from Pennsylvania will be withdrawn, and the amendment of the gentleman from New York will be regarded as pending. The Chair hears no objection.

Mr. HILL. Mr. Chairman, it seems to me that very careful consideration ought to be given to the amendment of the gentleman from New York, in view of the fact that the business which he carries on is coextensive with the world, and that his familiarity with this whole matter is such as to entitle his opinion to be carefully weighed by this House.

It strikes me that while we in the United States can get along without any intercourse whatever with the Chinese merchants, and indeed without any commercial relations whatever with that country, this bill as it now stands is going to put the people of the Philippine Islands in a very embarrassing situation. They are absolutely dependent upon the mainland for food to live upon, it being a well-known fact that the Philippine Islands are not capable of producing, especially under present conditions, the food required for the people there. The potatoes, corn, and other vegetables eaten at the hotels in Manila come almost entirely from the Chinese mainland.

Mr. KAHN. From Australia.

Mr. HILL. No; from Hongkong, not Australia. I myself saw a contract for three and a half millions rubles' worth of live cattle to be delivered in one year from China into Vladivostok. The Orient is dependent on China for food.

Now, we are proposing to say to those people in the Philippine Islands, "You may go over there and trade with those people, but they shall not come into the islands under any conditions whatever and trade with you even temporarily." It seems to me this Committee of the Whole ought to give fair consideration to a proposition of this kind.

Mr. OVERSTREET. Is it not true that under the so-called merchant clause of the present law a great many Chinese laborers have come into this country in the guise of merchants?

Mr. HILL. I have not a doubt of that, and no man can be more opposed to anything of that kind than I am.

Mr. OVERSTREET. Then would it not be highly objectionable and dangerous to allow so-called Chinese "drummers" to

come in here as purchasing agents, when in reality they would be coming in for the purpose of taking employment as laborers?

Mr. HILL. I believe it would be wise to safeguard the provisions of this bill to the utmost, but I do not believe we have a right in international honor to brand a whole nation as sneaks and cowards and thieves—as men who will violate their honor. As I understand the situation, the commercial honor of Chinese merchants is irreproachable, whatever may be the character or actions of the cooly. You can not find a bank in the Orient, whether English or Japanese or American, that has not as its cashier, handling its funds, a Chinese. That is the universal rule. Yet we propose to say to these people, "Not only your coolies, but your merchants—men whose ancestors dressed in silks when ours were wearing skins and living in the caves of the bears—shall all be placed under one category and shall all be treated alike." I do not think it fair thus to demand from them what we are unwilling to grant them in return.

I say, let the Chinese stay there; we do not want them, but let us be honest and say, "This is a matter of self-protection." But let us not brand these people in a body as rascals and thieves and cowards; let us not say that their word—even the word of their honored merchants—is not to be trusted.

There is another reason why I think we should be fair to them. Our State Department is spending every energy to have the Chinese ports opened to us. That nation is allowed to send its drummers and commercial agents to England, Germany, and France. Now, it strikes me that if we are going to enact any law so stringent as this bill as it stands in regard to commercial relations, we had better withdraw the hands of the State Department from bringing Russia and this country into antagonism for the sake of Great Britain, Germany, and France, who will have the exclusive control of the Chinese ports after the passage of this bill.

Mr. CRUMPACKER. The gentleman is familiar, is he not, with the condition of affairs in the Philippine Islands?

Mr. HILL. Not much.

Mr. CRUMPACKER. Somewhat?

Mr. HILL. Yes, somewhat.

Mr. CRUMPACKER. Now, does the gentleman know whether the Chinese have been in the habit of sending their commercial agents into those islands for purposes of trade?

Mr. HILL. Well, I do not know as to that. I saw that pretty much all the trade of Manila was monopolized by the Chinese. I do not know whether they were there temporarily or not. I regretted to see that condition of things. I am in hearty sympathy with the gentlemen from California on the general proposition of this bill.

Mr. CRUMPACKER. I understand this bill is drawn for the purpose of restricting Chinese commercial agents from going into the Philippine Islands as well as coming here.

Mr. HILL. I understand so; and that is where I see one of the embarrassing features of this legislation.

Mr. CRUMPACKER. I was about to inquire whether any embarrassment would be created on account of the proximity of the Philippine Islands to China.

Mr. HILL. Not only would there be embarrassments from a commercial point of view on account of the Chinese that might desire to go into the Philippine Islands—within twenty-four hours of their own shores—but the people in the Philippines are, as I have said, absolutely dependent upon the Chinese mainland for even the food that they eat. This legislation would prevent the Chinese merchant who in good faith has sold his goods in the Philippine Islands or in the United States—no matter how long he may have been established in business in his own country or how clearly he has proved his honesty and good faith—from going into the Philippine Islands or coming here to collect his debts.

It strikes me, gentlemen, it is not fair; and we can not afford to be unfair in our international relations. Let us say to these people that for the protection of American labor we have no room here for your 400,000,000 people, but in our commercial transactions we have as much respect for our honor as you have in the Orient, and the honor of the Chinese merchant in the Orient is unimpeachable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, it has taken twenty years to bring the exclusion laws to their present conditions. The early enactments upon this question were exceedingly mild, so far as the merchant class was concerned, and what was the result? They streamed here in violation of the law, and year by year our Government, in order to do that very thing that the gentleman from Connecticut [Mr. HILL] says we should do, in order to protect the American laborer, year by year has been compelled to formulate new regulations, so as to shut out this class who were endeavoring to come in here in the disguise of merchants. Even while the hearings were pending before the Senate committee common laborers were arrested here in Washington. They had gained ingress into this country as merchants, and they were brought before the committee and they were questioned and it was shown they had purchased certificates as merchants in Hongkong and come here on them.

Now, I have here a "coaching paper," which was sent from San Francisco to China in order to teach some laborers in China how to answer questions and show that they are bona fide merchants or bona fide students or bona fide travelers. That is the trickery we have to confront all the time, and it is on that account that it has been found necessary to make these provisions as drastic as they are, if they are drastic.

Mr. LANDIS. I would like to ask the gentleman from California a question. Is it not true there has been an organization for years in San Francisco for the purpose of giving instructions to coolies desiring to come into this country, to come in under this so-called merchant clause?

Mr. KAHN. There is no doubt but that the greatest trouble we have is on account of the merchant clause. That is the one clause they are trying to violate constantly, and if you give them any additional loopholes to crawl through you may rest assured they will take advantage of every opportunity.

Mr. HILL. Is it not far easier to draw a provision in this law by which an honest commercial agent may be identified than it is to provide here that a man may come who is traveling for pleasure or curiosity? I would rather admit the honest merchant than the man who is simply traveling for pleasure and curiosity. He may spend his money, what he brings with him to the United States, but the honest merchant who comes here to sell goods or to buy goods or to buy raw material helps the whole industry of the land. You have drawn such a provision in regard to Chinese gentlemen who will travel for curiosity and pleasure. Why do you not strike that out and let in the legitimate merchants? I am with you on the exclusion, but it seems to me you have excluded the wrong class.

Mr. KAHN. Because, Mr. Chairman, before that regulation was adopted they were coming as persons traveling for pleasure and curiosity, and we had to hem around that provision in existing law with these restrictions.

Mr. HILL. Well, keep them out.

Mr. KAHN. That would be in direct violation of the treaty that the gentleman has said so much about.

Mr. HILL. I have not said a word about the treaty.

Mr. LANDIS. I would like to ask the gentleman a question. Is it true that there is such a thing as a traveling salesman for a Chinese concern?

Mr. KAHN. No, sir.

Mr. LANDIS. Is not the representative of a Chinese concern who comes to the other nations of the earth to find markets for his wares a fiction?

Mr. KAHN. It is, absolutely. I was in China this summer——

Mr. GILLETT of Massachusetts. The gentleman from New York [Mr. PERKINS] says he knows there are such people who go to France and Germany. And I would like to have that question settled.

Mr. KAHN. If you will take the monographs published by our Treasury Department, you will see that the German does business in this way. It is set out in full in the monograph on "China," and I call it to the attention of the gentleman because it is very instructive and shows how the business in done. Germany has been building up a trade——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KAHN. I simply want to say, Mr. Chairman, that that monograph points out how business is done there. Before the goods arrive the German calls upon his Chinese customer and asks him whether he can not sell him another order of goods, and he assures him that if the goods are not right he will make them right. Finally, when the goods come, on the very day that they arrive, the German is there, and he watches their unpacking; and then he tells his Chinese customer that he need not be in a hurry about paying for them. He gives a long credit.

The thing is stated in full in an article published by our Treasury Department, and it is held that by reason of these long credits, and by reason of the care with which the German in China nurses his trade, he has been able to build up his commerce.

The English consuls, as I stated before, say that the Chinese do not care where the goods are manufactured. All that they want is a certain class of goods, with a certain brand or "chop," as they call it; something to which they have become accustomed, and they will buy the goods they want from any country in the world. They can be offered to them by any country in the world.

Mr. DOUGLAS. May I interrupt the gentleman for a second?

Mr. KAHN. Yes.

Mr. DOUGLAS. That shows one of the iniquities of the law. Although the House may not know it, it is a singular fact that, leaving out the tea trade, there is almost as much trade done through English merchants with American goods going to China as through American merchants. That is because the American merchants do not have the opportunity and the Chinamen do not have the opportunity of doing that trade themselves. Therefore the orders go to London to-day; and the trade of Manila is similarly situated. We are doing more trade with Manila to-day through English merchants than we are through American merchants. I say that ought to be changed, and there ought to be a condition of the law which would enable us to change it.

Mr. OLMSTED. Will the gentleman allow me to ask him a question?

Mr. KAHN. Certainly.

Mr. OLMSTED. Under this bill all that is necessary for a Chinaman coming in as a merchant is to make it appear to the satisfaction of the appropriate officer at the port of entry that he comes as a merchant.

Mr. KAHN. Oh, no; he must have his certificate viséed by a consular officer in the country from which he departs.

Mr. OLMSTED. I want to ask you if the provision which my friend from New York has inserted in the amendment is not just as carefully guarded against fraud as this can possibly be?

Mr. KAHN. I do not think so.

Mr. OLMSTED. Requiring a bond with two sureties in the United States?

Mr. KAHN. I do not think so. After my twenty years of experience I would say that it is a loophole through which they will certainly crawl, and I hope the amendment will not pass.

Mr. PERKINS. I move that debate on this paragraph and all amendments thereto be closed.

Mr. KAHN. I have an amendment which I desire to offer.

The CHAIRMAN. That will be in order if this motion is agreed to.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. DOUGLAS].

The question being taken; on a division (demanded by Mr. DOUGLAS), there were—ayes 15, noes 67.

Accordingly the amendment was rejected.

Mr. KAHN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk reports.

The Clerk read as follows:

On page 4, line 10, after the word "means," strike out the word "or" and insert "under his immediate control for forthwith becoming."

On page 4, in line 11, after the word "a" insert the word "recognized."

Mr. PERKINS. I only wish to offer a suggestion which I think will be concurred in by the gentleman from California. In the amendment offered by the gentleman from California, after the word "becoming" add the word "or."

Mr. KAHN. That is correct. I will accept that.

The CHAIRMAN. The question is on the adoption of the amendments offered by the gentleman from California, of which there are two.

Mr. PERKINS. Let them be reported.

The CHAIRMAN. Without objection, the amendments will be again reported.

The amendments were again read.

The CHAIRMAN. Without objection, the question will be put on the two amendments together.

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

SEC. 9. That the term "traveler," as used in this act, shall be construed to mean one who shall establish to the satisfaction of the appropriate officer that he has funds to pay the cost of the intended journey within territory of the United States and that his purpose in seeking entry is solely travel for pleasure or curiosity, and who intends to depart upon the conclusion of his travels.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 1, page 5, the word "has" and insert in place thereof the following, "is in personal possession of adequate."

The amendment was agreed to.

Mr. SULZER. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. Mr. Chairman, in my opinion the highest considerations of the public welfare require and the urgent necessities of labor demand that this Congress pass without further delay as stringent a law as can be drawn to restrict Chinese immigration. The question affects the very foundation of our civilization. It is a duty we owe to posterity and to every citizen in our land. If the immigration bars are ever let down in this matter, the Chinese will come into this country in droves, overrun the land, menace our domestic institutions, threaten our tranquillity, imperil the Republic, and destroy American labor.

This bill is for self-preservation. It is largely a racial question of supremacy and essentially for the protection of labor. We offer no apologies to the Chinese for this legislation, but we declare it to be the first duty of Congress to legislate for the rights of the American workmen. We are going to pass this bill, not for the Mongolian, but for the American—for those who toil, who have created all our wealth and have made us great and prosperous. I am a friend of the American workman, and his interests demand the enactment of this bill into law. My sympathy is now, alway has been, and always will be in favor of the toilers of this country. I am opposed to increasing their burdens or making their lot harder by the competition of the yellow man from the Orient.

This bill, it is said, goes much further than the present law. So it does, and I am glad of it. I have recently been on the Pacific coast and have looked into this Chinese question to some extent. To my personal knowledge the present Chinese-exclusion law is violated nearly every day. That law was loosely drawn and is full of loopholes. This bill remedies those mistakes. The people on the Pacific coast understand the methods and the habits of the Chinamen. They have come in contact with them for years and know all about them. They favor this bill. The Chinaman is very cunning, very clever, and very shrewd. As Bret Harte, one of our own poets, has most truly said:

For ways that are dark
And for tricks that are vain,
The heathen Chinee is peculiar.

Nothing about John was ever said truer than that. The American workman can not compete with the Chinaman, and if he could I would not want him to. I have too much respect for the dignity of the American. In this matter we should not quibble, we should not split hairs to favor the Chinaman. We should take broad ground in behalf of the American. I care not what others may do or say, but for myself I will never consent by my vote to place Chinese cheap labor in competition with honest, intelligent, progressive American labor. All that we are and all that we hope to be we owe to the American workman. I will never vote to lower his standard.

The toilers of the country demand the passage of this bill; and in their behalf, for their benefit, and in the best interest of the public weal I hope it will speedily pass and become a law. [Loud applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

SEC. 10. That the prohibition of section 1 shall not apply to the return of any registered Chinese laborer who has, at the time of his departure and at the time of his return, in the United States a lawful wife, child, or parent, or property of the value of $1,000, or debts of like amount due him and pending settlement. These exceptions are subject to the following provisions:

First. A "registered" Chinese laborer is: One who, being lawfully a resident of the mainland territory of the United States at the time of the passage of this act, is the rightful holder of a valid certificate of residence issued to him under the acts of Congress in force at the time of the passage of this act. Every such certificate is hereby continued in force in accordance with the provisions of this act.

Second. The marriage referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return. It must also appear that the applicant had no other wife (under Chinese or other laws or customs) living at the time of such marriage.

Third. If the right to return be claimed on the ground of property or debts, it must appear: (a) That the ownership is of property other than money; that the requisite minimum value is over all incumbrances, liens, and offsets; and that the title was not acquired for the purpose of evading this act. (b) That the debtor is solvent; that the amount due is not less than the required sum, above offsets and discounts; that the debts do not consist of promissory notes and were not created with a view to evade this act.

Mr. COOMBS. Mr. Chairman, I have three amendments.

The Clerk read as follows:

In line 20, page 5, after the word "married," insert the following: "to the wife."

Insert in line 22, page 5, after the word "return," the following: "And the parties must have lived together as husband and wife continuously until the departure of said laborer." Also insert in line 7, page 6, after the word "notes," the following: "or similar acknowledgments of ascertained or settled liability."

The CHAIRMAN. Without objection, the amendments will be considered together.

There was no objection.

The CHAIRMAN. The question is upon agreeing to the amendments offered by the gentleman from California.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 11. That a Chinese laborer claiming the right to return to the United States on any of the grounds stated in the foregoing section shall apply to the appropriate officer of the district in which he resides at least one month prior to the time of his departure, said application to be accompanied by his certificate of residence, and said Chinese laborer shall make under oath before the said officer a full statement, in triplicate, descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proof of the facts entitling him to return as shall be required by the

rules and regulations from time to time prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury.

He shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at his expense and made as required by the rules in that regard prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate officer at the port whence the applicant intends to depart from the United States.

And if the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall sign and give to the said applicant a certificate containing the number of the description last aforesaid.

If the last-named certificate be transferred, it shall become void, and the person to whom it was issued shall forfeit his right to return to the United States.

The right to return under said certificate shall be limited to two years from the date of leaving the United States.

No Chinese laborer shall be permitted to reenter the United States without producing to the appropriate officer at the place of such entry the return certificate herein required. A laborer presenting a certificate of return required by this section shall be admitted to the United States only at the port from which he departed.

No Chinese, other than Chinese diplomatic or consular officers and their suites, shall be permitted to enter the United States or any of its insular possessions except at the ports of San Francisco, Portland (Oreg.), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, or such other ports as may be designated by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after the word "New Orleans," in line 7, page 8, the following: "Malone, Ogdensburgh, and Rouses Point, N. Y.; Richford and Alburg, Vt.; Portal, N. Dak., and Sumas, Wash."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. HITT. Mr. Chairman, the gentleman proposes this amendment, and I take it for granted he is animated by care for local traffic and its profits. But that traffic is really, in chief part, unlawful. It is smuggling in Chinese laborers, and is a violation of the existing law. The evidence we have is that there are runways along the northern borders to bring in these laborers. There are not many Chinese travelers coming that way; there are no considerable number of the exempt classes of Chinese—merchants, teachers, etc.—who come to the British Pacific coast and take the Canadian Pacific Railway, going thousands of miles through that country, in order to enter the United States on the northern border.

The men who really come through by that way are Chinese laborers whose admission into British Columbia is paid for, and is a source of revenue to the British dominions. They come to British Columbia, and then are brought by this railway through Canada along the borders of the United States. At some convenient runway they are smuggled into this country along bypaths or through the woods across the border line. They come here to work in competition with American labor. Our consuls at some of these border places say that 500 Chinamen have been smuggled by a single post in this criminal fashion, in violation of the law, and unknown to the officers of the Treasury of the United States, and unknown to our Government except by indirect evidence that great numbers have been brought here not in a legitimate way.

Mr. KAHN. Will the gentleman allow me an interruption?

Mr. HITT. Certainly.

Mr. KAHN. The last part of that section allows the Treasury officials to designate any additional port to those mentioned in the bill. If there is any necessity for additional ports, the Commissioner-General of Immigration can designate them.

Mr. SHERMAN. Mr. Chairman, the gentleman from Illinois, I think, does not mean to make his statement quite as broad as I understood him to make it—that the intention of the amendment, or its effect, was to encourage smuggling.

Mr. HITT. Oh, no, I disclaim that; I impute nothing of the kind. I knew the honorable gentleman from New York would not introduce an amendment for any such purpose. I was trying to point out that while he might be trying to promote the business interests of these localities, a very proper thing for a member to do, the committee had investigated the subject and found from the evidence, especially of our consuls, that the effect of making these ports of entry would be to promote the smuggling of Chinese laborers into the country.

Mr. SHERMAN. Mr. Chairman, it is not in my mind, and I thank the Lord it is not in the mind of a majority of the members of this House, to do anything which will promote the smuggling of Chinese into this country. I believe it is the desire of the House to prevent the Chinese from coming in under the terms of this bill, which are proper and very restrictive; but it does seem to me that if we can prevent the Chinese coming in at the different ports named in the bill, it will be possible also to prevent their coming in unlawfully at the ports named in the amendment.

Mr. Chairman, the answer of the gentleman from California that we do not provide in the bill for all the ports, that the Commissioner-General can designate other ports, why not apply that to all ports? What is sauce for the goose is sauce for the gander. If that provision is wide enough, let it apply to all and name no ports; but if you are going to name a part of the ports, name them all.

Mr. KAHN. Mr. Chairman, I desire to say that all the ports named in the bill are seaports. None named are on our borders. I am sorry the gentleman was not here last Saturday, but I read from the testimony of the inspector at Malone, in New York, showing that thousands had been brought over there unlawfully. Now, this is a matter in which any transportation line can go to the Commissioner-General of Immigration and have these ports designated. That is the custom now, and I understand that Plattsburg and Ogdensburg are already designated. If any additional ones are needed, I am satisfied that the Commissioner-General of Immigration will designate them; but I hope that this amendment will not prevail, because, as the chairman of the committee has rightfully said, an investigation will show that an improper use may be made of the privileges.

Mr. FOSTER of Vermont. Mr. Chairman, it seems to me that the chairman of the Committee on Foreign Affairs and the gentleman from California are laboring under a misapprehension in this matter. It seems to me that the gentleman from California was laboring under a misapprehension when he read the other day what he now refers to. It is true, in my judgment, that thousands of Chinese come over the Northern borders who ought not to be admitted into this country; but these gentlemen ought to understand that they do not come through any port. The great majority of them are not smuggled in, but they notify the United States officials that they are coming, and then they come over the line—simply walk over the line into this country—are voluntarily arrested by the United States officials and taken into custody and are then disposed of upon such evidence as is produced on each side.

Now, the entrance of all these people has nothing to do with the entrance of Chinese through established ports. The port of entrance is an entirely different thing from the place where these Chinese persons may walk over. For instance, if Richford were a port of entry, persons who might wish to appear and be examined by the Treasury Department would be taken into custody there by the customs official and would be disposed of. If they had not a right to come in and remain here they would be sent out. But, in point of fact, the Chinese who come in unlawfully do not enter through a port of entry. They simply walk over the border and are not taken into custody by the customs officials, but by the marshal, the officers of the United States courts, who take them into custody and try them in our courts.

We simply say, as has been stated by the gentleman from New York [Mr. SHERMAN], that if it is proper to have a port of entry in one part of the country, why not give us a port of entry in our part of the country, so that if a Chinese person should claim the right to come in he can make application to the Treasury Department through the custom-house at that point and establish his right to do so.

Mr. COOMBS. Does the gentleman desire to invite the entrance of Chinese persons at these ports?

Mr. FOSTER of Vermont. No; and if you want to cut them all out I will help vote down the amendment and leave it with the Treasury Department to name all the ports.

Mr. SHERMAN. If you put San Francisco in, it is an invitation for these people to come in there.

Mr. COOMBS. We would be willing that you should transfer geographically the port of San Francisco if you would take all the Chinese coming in there and take care of them.

Mr. SHERMAN. Then let all the ports named in the bill be struck out.

Mr. COOMBS. In answer to that suggestion I would like to say a word. The law as it stands to-day, and as it must go into operation and be enforced if this bill be passed and approved by the President, provides for certain ports. I do not believe that the scope of the law with reference to that subject has been enlarged; I do not believe it has been confined or curtailed. We are simply reenacting the existing law, but we have gone further for convenience, not for our own convenience, but for the convenience of the Chinese who may desire to be admitted here, those rightfully entitled to come in. We have delegated to the proper officials the authority to determine under certain circumstances and under conditions of justice——

The CHAIRMAN. The time of the gentleman from Vermont [Mr. FOSTER] has expired.

Mr. COOMBS. May I have time simply to add that the Commissioner-General may designate other ports in addition to those enumerated here?

Mr. WM. ALDEN SMITH. Mr. Chairman, the suggestion

of the gentleman from New York [Mr. SHERMAN] that we strike out all the ports named in the bill would, it seems to me, lead to very great confusion. In that case you must vest in the Commissioner-General of Immigration the power to establish ports of entry for Chinese of the accepted classes, for under the bill Chinese laborers are prohibited from coming into the United States.

Mr. SHERMAN. Certainly.

Mr. WM. ALDEN SMITH. Now, if you vest that officer with the power to strike out the name of any port he may choose, then between the time that a diplomatic officer accredited to the United States departs from China and the time of his arrival here the immigration commissioner may, if for any reason he desires, discontinue the port for which the officer is headed. In that way I think great confusion might result.

It appears to me it is well to have certain prominent ports known to the world as the ports at which people of this character may present themselves for admission, where our officers of the law can supervise and regulate the matter, and in drafting this bill we have named these ports, because we believed that in this way proper notice would thus be given to the world. In other words, it would be extremely unbecoming if a diplomatic officer of China accredited to this country should be obliged to scan the whole coast of our country—to travel up one side and down the other in order to find a place—a proper port of entry—where he might appropriately present himself before the examining official. For this reason we have designated the ports named, and the fewer the better, in my opinion.

Now, Mr. Chairman, with reference to the general provisions of the bill: We have undertaken by this bill to impose a very effective prohibition upon the right of Chinese laborers to enter here. We have done this because we believe it to be best for our country. It is in accord with the treaty obligations existing between China and the United States. We have the undoubted right thus to limit immigration calculated to interfere with the rights and welfare of American citizens, and it is our duty to do it. We have done it in a way which, in my judgment, reflects credit upon our own country and no discredit or dishonor upon the Chinese Empire, who, according to treaty, have recognized the peril attendant upon a large influx of Chinese laborers. We owe this protection to our own American labor, whose dignity and welfare has been temporarily placed in our hands in this measure. We would be recreant to that trust if we failed to make this bill strong in every part, and we can well afford to be guided by their wisdom. For this reason I should dislike very much to see this change adopted simply because the local port of entry of some member of Congress is not specially mentioned in the bill. I hope the bill will pass.

Mr. GILLETT of Massachusetts. Mr. Chairman, one word upon the suggestion of the gentleman from New York [Mr. SHERMAN] as to striking out all of these ports. The Constitution provides that—

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Now, the question is whether that provision does not prohibit us from selecting or designating any port or ports in preference to others. Under that provision are we not obliged to allow these people to enter, if they enter at all, at any port of the United States that they may select?

It has been held by the courts that the bringing of passengers into this country is commerce; and therefore if we allow a passenger to come into the country at San Francisco, we must allow him to come in at any other port of entry of the United States. Therefore it seems to me that the legal and proper thing would be for us to cut out the designation of all these ports, and allow these people who may come in here to come in at any port that they desire to enter, without making any exception.

Mr. WM. ALDEN SMITH. The gentleman's suggestion does not meet the position taken by the gentleman from New York.

Mr. GILLETT of Massachusetts. No, sir.

Mr. WM. ALDEN SMITH. The gentleman from New York was urging that we allow the Commissioner-General of Immigration to designate the ports or discontinue them at his pleasure. Certainly the provision which the gentleman has cited would not sustain the gentleman from New York in that proposition.

Mr. GILLETT of Massachusetts. The law as it stands allows a few designated favorite ports, and therefore, if I am correct, is in conflict with the constitutional provision.

The question being taken on the amendment of Mr. SHERMAN, it was rejected.

Mr. KAHN. I move to amend by inserting, after the word "shall," in line 13, section 11, page 7, the words "at such time and place as he may designate."

The amendment was agreed to.

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

The Clerk read as follows:

> At the end of line 5 strike out the words "the ports of" and insert "such," and strike out lines 6 and 7, so that the clause will read, "except at such ports as may be designated by the Commissioner-General," etc.

Mr. PERKINS. Mr. Chairman, I hope this amendment will not be adopted. The ports which have been designated by the bill are the ports which have long been used as the established places of entry for Chinese persons. It is desirable that some ports should be named in the bill; and, Mr. Chairman, in reference to the constitutional question suggested by my friend from Massachusetts [Mr. GILLETT] I take the liberty of saying that it is entirely without weight. The provision of the Constitution provides that in reference to general commerce no preference shall be given to one port over another port in any other State; but when it comes to the entry of the Chinese laboring men that is a part of the general police regulations. It can be restricted to certain ports, as much as quarantine regulations or the entry of special articles of commerce subject to quarantine regulations can be placed at certain ports. There is, I assure the gentlemen of the committee, no constitutional trouble with the provision by which we have enumerated for the reception of Chinese persons certain ports and certain ports only, leaving it to the judgment of the Commissioner-General of Immigration under the control of the Secretary of the Treasury to designate such other ports as experience may show are required. I hope the amendment will not be adopted by the committee.

Mr. SHERMAN. Mr. Chairman, I hope the amendment will be adopted. If adopted, it removes any possibility of any constitutional question being raised. The gentleman from Massachusetts [Mr. GILLETT] believes that there is a constitutional question involved. The gentleman from New York [Mr. PERKINS] believes that there is not. There you have two distinguished lawyers differing on this question. I do not pretend to say which one is right, Mr. Chairman, but there is a question, and if this amendment is adopted that question is removed. The gentleman from California [Mr. KAHN] suggests that inserting the word "Ogdensburg" is an invitation to the Chinese to enter at that port. Mr. Chairman, if that be true, the insertion of San Francisco or Portland or these other ports is an invitation for them to enter at these ports.

Mr. KAHN. The gentleman misstates what I said, not, of course, with any desire to.

Mr. SHERMAN. I certainly did not so intend.

Mr. KAHN. What I did say was that it would give rise to the fraud the chairman of the committee had spoken of.

Mr. SHERMAN. Neither the gentleman from California nor myself desires to have any Chinamen enter this country except under the provisions of this law. We do not differ as to that, and we deprecate the fact, both of us, I am sure, that heretofore Chinese have unlawfully come into this country, and those that have so come into the country across the border from Canada into the State of New York, which the gentleman from Illinois refers to, have come in unlawfully, and they will not cease to come in unlawfully because the ports are not named in this bill. They can come in unlawfully just the same afterwards. Those ports were open heretofore for the entry of Chinese under the law, yet notwithstanding that the gentleman says hundreds of Chinese were illegally smuggled into this country through that northern border.

Now, what is to prevent their being smuggled in hereafter, and smuggled in in greater numbers, if there are no officers up there to permit them to come in legally? It seems to me, Mr. Chairman, that if we are to permit the Commissioner-General of Immigration to have power to name any ports, we ought to let him have power to name them all.

Mr. COOMBS. Will the gentleman yield to a question?

Mr. SHERMAN. Certainly.

Mr. COOMBS. If it is unconstitutional to designate any port in this bill, particularly as by inclusion of certain ports and exclusion of others, how could it possibly be constitutional to give the Commissioner-General of Immigration that power?

Mr. SHERMAN. I refer my distingushed friend from California to my colleague from New York [Mr. PERKINS] and the gentleman from Massachusetts [Mr. GILLETT] on the constitutional question involved. [Laughter.] I distinctly stated I did not care to act as referee on that question.

The CHAIRMAN. The question is on agreeing to an amendment offered by the gentleman from New York [Mr. SHERMAN].

The question was taken; and on a division called for by Mr. SHERMAN, there were—ayes 22, noes 41.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I submit to the gentleman

from New York [Mr. PERKINS] that in line 7 a verbal amendment ought to be made by striking out the word "or" and inserting the word "and."

Mr. PERKINS. Mr. Chairman, the gentleman from Illinois is correct. I will offer that amendment.

The Clerk read the amendment, as follows:

On page 8, in line 7, strike out the word "or" and insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PERKINS].

The amendment was agreed to.

The Clerk read as follows:

SEC. 12. That any Chinese required by law to obtain a certificate of residence who shall be found within the jurisdiction of the United States without such certificate shall be deemed to be unlawfully therein, and may be arrested and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney, who may order that said Chinese be deported from the United States unless he shall establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate and that he is rightfully entitled to the same, and upon such showing a certificate of residence shall be granted him.

Mr. CLARK. Mr. Chairman, I offer a substitute for the section.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 12 and substitute the following:

"SEC. 12. That any Chinese required by law to have or to obtain a certificate of residence in the United States or any of its possessions, who shall be found therein without such certificate, shall be deemed to be unlawfully therein, and may be arrested and taken before a United States judge, or before a commissioner of any United States court, to be designated by the United States attorney of the district, or before the appropriate officer of said possession, who may order that said Chinese be deported from the United States or from said possession. If said case arise in any of said possessions of the United States where a registration is required to be taken hereafter, and said Chinese has not registered within the time required by law, and he shall establish to the satisfaction of said officer that, by reason of accident, sickness, or unavoidable cause, he was unable to procure his certificate and that he is rightfully entitled thereto, a certificate of residence shall be given to him for said insular possession.

"It shall be the duty of every Chinese laborer rightfully within any of the insular possessions of the United States (Hawaii excepted) at the time of the passage of this act to obtain, within twelve months after its passage, a certificate of residence in the insular possession wherein he resides. To obtain such certificate he shall apply to the appropriate officer, who, if satisfied on inquiry that the applicant is rightfully within the territory of the United States where he resides, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall also contain the photograph of the applicant, made at the time and in the manner required by such rules and regulations. A duplicate or the certificate, which shall also contain a duplicate photograph, shall be retained by the officer issuing the original. Said original certificate shall entitle said Chinese laborer in said insular possession to the rights and privileges therein, as are provided for registered Chinese laborers in the mainland territory of the United States under sections 10 and 11 of this act.

"Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe all needful rules and regulations for the registration and certifications by this section required other than in the Philippine Islands."

Mr. PERKINS. I move to strike out from the last line of the amendment the words "other than" and to insert the word "except."

Mr. CLARK. That is all right.

The CHAIRMAN. The gentleman from Missouri modifies his amendment in the manner suggested by the gentleman from New York.

Mr. CLARK. Yes; so that the last clause will read: "except in the Philippine Islands."

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That nothing contained in this act shall prevent the readmission of any Chinese laborer who departed from the United States prior to the passage of this act possessing a return certificate valid under the acts repealed hereby: *Provided*, That on his return he comply with the requirements of the said acts.

Mr. COOMBS. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 9 and 10, page 9, strike out the words "under the acts repealed hereby" and insert "at the time of the passage of this act."

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the certificate mentioned in the preceding section shall be in the English language, shall be made in triplicate, and shall contain the signature of the person to whom issued; and it shall state his individual, family, and tribal names in full, his title and official rank, if any, his age, height, and all physical peculiarities, his former and present occupation or profession, and when, where, and for how long pursued, and his residence, and shall be accompanied by his photograph. If the said person be a merchant, the certificate shall also state the nature and estimated value of the business carried on by him prior to and at the time of his application therefor. If the certificate be issued for the purpose of travel it shall also state whether the applicant intends to pass through, or to travel within, the United States or its possessions, and shall show his financial standing in the country or possession whence he comes.

Mr. COOMBS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 4, page 10, after the word "photograph," the following:

"And shall contain such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury."

Mr. ADAMS. Mr. Chairman, I have sat here and listened to these amendments offered one after the other to the bill as reported out of the committee, and I wish now to enter my protest against all of them which tend to make the provisions of this bill more restrictive than they now are. The situation is simply this in a nutshell: This bill came before the committee and was carefully considered, and on one point we were entirely agreed. That was upon the exclusion of Chinese coolies seeking to come into this country as laborers. Then we came to the other question, as to how far the other classes of the Chinese should be excluded or allowed to enter this country. To a certain extent the sentiments of the committee were unanimous on that point that it was for the benefit of our country that free access should be given to the educated and commercial classes of China, in order to develop that trade which we all hope is going to grow out of the changed conditions in China and in the East.

Then came our friends from California, who advanced the extraordinary theory that it was impossible for the officers of the United States Government to draw the limit between an uneducated, unendowed cooly from China and these educated and commercial classes to which we have referred. They insisted upon all these restrictive measures being put into the bill in order, as they said, to safeguard against the wily Chinese getting into this country in spite of the provisions of this bill.

There were some in the committee who did not think that these stringent measures were necessary. The bill was carefully revised. Everything that in the judgment of the committee was necessary to exclude the cooly laborers was done, and the bill was reported with every safeguard thrown around it which we deemed necessary. Now they ask that these stringent measures in addition be included in the bill.

I wish to say, in my best judgment, that that will not develop our trade with China and the efforts that have been made in this country as a result of the Spanish war to build up our trade with the 400,000,000 inhabitants of China. The efforts of the State Department, matching those of Europe, to keep the open door for the benefit of our commerce, will be futile if we will still continue to exclude her people from our shores who are entitled, in my judgment, to come in. Why, our extremity of views can be shown in the guards that are thrown around the class of merchants.

The gentleman from California stated that under this provision a cooly had gotten in. Granted that was true, but it came out in the testimony that the man had paid a thousand dollars to evade the law. How many coolies will be able to raise a thousand dollars to evade the law. Why, many merchants of our country have not much more capital than a thousand dollars, and where a man is able to pay that—there will not many coolies come into our country who have to pay a thousand dollars. Why, Mr. Chairman, it is my best judgment——

Mr. KAHN. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Certainly.

Mr. KAHN. Do you not think that the Chinese Six Companies can pay a good many thousand dollars?

Mr. ADAMS. I think the Chinese Six Companies will not pour out many thousand dollars for ordinary, common labor in this country. It has never been paid in any other branch under contract or any other way where laborers have been wanted temporarily, and no business man could pay $1,000 a head for ordinary labor to be brought into this country.

Mr. Chairman, the great difficulty with our friends from California is that they are treating this as a political question, and not as an economic question. They are dealing with it from a political standpoint. The gentlemen on the other side of the Chamber are doing the same game—for political reasons. I appeal to those gentlemen who want to look to the general welfare of the country, the men who want to reap the benefits of the new conditions that are coming to our country, and I trust that they will rise here and will try to pass a bill that will be for the benefit of the entire country, and not only for the Pacific coast.

This bill is said to be brought in for the interest of the laborers of this country. I have the greatest regard for labor. I try to look a little further. Our laboring men are much interested in

obtaining markets for the products and the commodities of this country. The laboring men want the markets, and we do not want Chinese competition with our labor; but they want to have more markets in which to sell our overproductions in China and other countries.

I consider that it is really in the interest of the laboring man to get the markets of China, and I know, and every man who listens to me knows, that if you will slap a country in the face and say that her people are not proper to come into this country that their educated people will not encourage trade with you. Business may be energetic and reach out, but we know that the buyer will discriminate against those who make such regulations against them, and will buy his goods elsewhere.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Certainly.

Mr. CLARK. Take this bill and make it as stringent as can be made, even by the adoption of the minority substitute, and then I say we will not treat the Chinese half as roughly as the English and Germans treat them.

Mr. KAHN. Or the Japanese.

Mr. CLARK. Or the Japanese.

Mr. KAHN. Or the Russians.

Mr. CLARK. Or the Russians.

Mr. ADAMS. I am not going to legislate for the benefit of other countries. I propose to do so for the benefit of our own, and for one I am going to encourage that better spirit which prevailed in this country to China, and I hope that we will reap the benefit of what we have already done in China in the stimulation that will be given to our trade.

Mr. CLARK. One other question.

Mr. ADAMS. Certainly.

Mr. CLARK. Do you not know that the three nations whose trade has increased with China more than others in recent years are Japan, Russia, and Germany? That Japan gave China a thrashing? Germany has gone over there and has taken a part of her territory, and Russia has taken another slice. Now, this bill, even as the substitute makes it more stringent than the other, would be a great deal more kindly toward China than those three nations that have increased their trade in China.

Mr. ADAMS. The gentleman represents, as his political party has always done, conditions that are past.

Mr. CLARK. I am talking about conditions right now.

Mr. ADAMS. They never can talk about conditions that are coming to meet us in the future. Here is the condition, and it is true it is one that appeals to the common dictates of human nature, whether it is of a Chinaman or an American, he is going to turn to the nation that treats him best. He will not go to the nation that has crushed him, and we have had evidence of that lately. I call the attention of the gentleman from Missouri to the spirit which our country has shown in the fair way which it has treated China during the war, in which we have shown such a light to the English and to Europe.

These things, Mr. Chairman, emphasize the position I am taking on this question, and I wish the House to understand that every one of these amendments offered now are to make this bill more stringent, to make it more difficult for merchants, for travelers, for teachers, and students, and commercial people, and others, who would develop trade between our country and China; every one of these amendments, the most of which were stricken out by the committee, are now gradually being put back into the bill, and I now enter my protest against it, and in doing so I do it in the interest of the whole country.

Mr. CLARK. Mr. Chairman, the contention of my friend from Pennsylvania will not hold. I was not talking about anything in the remote past—the day that is dead. I am talking about the living present, about what is going on in China right now, and what has been going on over there in recent times. The English thrashed the Chinese into trading with them. Japan gave China an awful trouncing in the last four or five years, and Japan's trade with China has increased. Germany went over there and took a good big slice of China and is constantly reaching out for more, and Germany's trade with China has increased. Russia has gone down into Manchuria temporarily, so they say, but there is no man in this House with two ideas about a Hottentot who does not know that Russia deliberately intends never to give up that country she has got hold of.

Now, if England can thrash China into trade, if the Japanese can thrash China into trade, if the Germans can thrash China into trade with them, if the Russians can despoil them and increase their trade, surely we are not going to drive away Chinese trade by the provisions in this bill. It is nonsense to talk about any such thing. The truth is, as I stated in a quotation from Senator BEVERIDGE'S speech the other day, there is only one thing that the Chinese have any respect for, and that is a display of force; and that is exactly what William of Hohenzollern is making over there now.

It is what the Russians are doing and it is what the English always have done. It is what the Japanese have done, and, as compared with these four great powers, we are treating the Chinese with a great deal of consideration, even in the minority substitute of this bill, which is a good deal tougher on them than the majority is. I am not advocating making war on China, but I am arguing that if England, Russia, Germany, and Japan have increased their trade with China by the use of the mailed hand surely we will not lose our trade with her by exclusion legislation, however vigorous.

Mr. ADAMS. Mr. Chairman, I move to strike out the last word. I was entirely right when I said that the gentleman from Missouri [Mr. CLARK] referred to past conditions. Japan did fight China, and did defeat her; but she was not allowed to reap any of the fruits of her victory. Russia, Germany, and England did come in and take away all the advantages which she would have had from that war. And what did they demand? What is known as spheres of influence over certain portions of Chinese territory.

To that extent they developed their trade along the coast in these limited spheres with China is granted. But those conditions have passed. In the war with China that has just taken place, and in which the United States for the first time took a hand and was the first to wipe out the claims of this country and the spheres of influence in China, our department has insisted that we should have an open door in every port of China, no limit of the trade of our country with that Empire.

The conditions are now changed, and I say it behooves us to do nothing to get the ill will of that country. I know whereof I speak, whether I have the brains of a Hottentot or not. I believe if some gentlemen had their brains enlarged so that they could look to the new conditions that are going to pervade, they would have a new light break upon them, and be able to judge these matters, not on the conditions of the past, but out of the conditions that are coming, and look to the future.

It is this country that is always looking to future development, and when we want to trade with another country we want no limited sphere of influence gotten by force. We want an open door of the entire country for equitable trade, for them to buy from us what they want, and for us to purchase from them what they have to sell. That is the breadth our country has gone as against the force referred to by the gentleman from Missouri.

Mr. Chairman, I again reiterate I think this provision tending to make this bill more restrictive and in some cases prohibitive, casting almost a slur on the educated classes of China, is not just, and will hamper this country in its trade with the Chinese Empire.

Mr. PERKINS. Mr. Chairman, I wish to say a word to quiet the fears of my colleague on the Committee on Foreign Affairs. If he was willing to support the bill as reported by the committee, I assure him he can without the least trouble or strain of his conscience vote for the bill with the amendments that have been made. There has not been an amendment made to the bill, nor will there be, with the exception, perhaps, of the amendment in reference to the shipping clause, that was of sufficient importance when offered by the members from California to waste the time of the House to talk about it. We have thought that we could satisfy them and that we could save the time of the House by agreeing to a large number of amendments, almost entirely verbal, that were really not essential. I assure my friend that if he liked the bill when it came from the committee and was willing to vote for it then, there is no reason why he should not vote for it after every amendment has been accepted.

Mr. COOMBS. Mr. Chairman, after consultation with the gentleman from New York I find it is agreeable to those having charge of the bill to accept the general clause to be hereafter introduced, which will cover all these points and avoid, in the meanwhile, several amendments exactly like this. Therefore, under these circumstances, with the permission of the House, I ask to withdraw the pending amendment.

The CHAIRMAN. The gentleman from California asks to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 17. That the original certificate issued under the last two sections shall be, by the said diplomatic or consular representative of the United States viséing the same, delivered to the Chinese named therein.

A sealed duplicate shall be suitably addressed and delivered to the shipmaster, railway conductor, or other person in charge of the transportation of the person to whom the original is given, whose duty it shall be promptly to deliver it to the appropriate officer of the United States at the place where entry is sought by said Chinese.

The triplicate thereof shall be immediately sent by mail to the appropriate officer of the United States at the port at which said Chinese seeks entry.

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

The Clerk read as follows:

After the word "that," in line 12, page 10, insert the following:

"Before any representative of the United States shall visé any certificate of the kind mentioned in the two preceding sections and before any officer of the United states shall issue any such certificate, he shall carefully examine into the facts of the particular case, and if he shall find, after inquiry, that any of the statements of the certificate are false or any of the statements the Chinese applicant seeks to have it contain are false, it shall be his duty to refuse to visé or to issue such certificate."

The amendment was agreed to.

Mr. COOMBS. I offer also the amendment I send to the desk.

The Clerk read as follows:

After the word "viséing," in line 14, page 10, insert "or the appropriate officer issuing."

The amendment was agreed to.

The Clerk read as follows:

SEC. 18. That the certificate mentioned in the preceding section shall be, when duly viséed by the proper diplomatic or consular representative of the United States, or other official, prima facie evidence of the facts therein set forth, and shall be exhibited to the appropriate officer of the United States at the port where the person named therein seeks entry; and it shall be retained by him while he desires to remain in the United States or its possessions, and shall be exhibited to the proper authorities of the United States whenever lawfully demanded, and shall be the only evidence of the right of said Chinese to enter or remain in the United States or its possessions. If any of such recitals be disproved, or if any certificate be fraudulently used, forged, or altered, then the same shall be null and shall be forthwith canceled.

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

The Clerk read as follows:

After the word "be," in line 4, page 11, strike out "exhibited" and insert "produced."

After the word "and," in line 6, page 11, strike out "it shall be retained by him" and insert "if such entry is permitted, such certificate, properly indorsed by the appropriate officer, shall be returned to and retained by said Chinese."

After the word "be," in line 7, page 11, strike out "exhibited" and insert "produced."

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That a Chinese who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act or thereafter, shall be entitled to have issued to him by the appropriate officer a certificate containing his signature, name, personal description, residence, occupation, and place of pursuing it, together with such other matter as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe. This certificate shall be made in duplicate, and a copy shall be retained by the officer issuing the same. The original and copy shall contain the photograph of the applicant, made as required by rules of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

When any Chinese being a member of any of the classes mentioned in section 4, desires to depart from the United States intending to return thereto, he may apply to the appropriate officer in the district wherein he resides, and make under oath before said officer a full statement, in triplicate, descriptive of his profession, business, or status, and furnish to said officer such proof thereof as shall be required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury; and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number. The original and each copy of said statement shall contain the photograph of the applicant, made as required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate officer at the port whence the applicant intends to depart from the United States.

If said last-mentioned officer, after hearing the proof and investigating all the circumstances of the case, shall decide that the representations of status are true, he shall sign and give to the said applicant a certificate containing the number of the description last aforesaid, which shall be the evidence given to such person of his right to return.

If the last-named certificate be transferred it shall become void, and the person to whom it was given shall forfeit his right to reside in, or return to, the United States.

To entitle any such Chinese to readmission to the United States or its possessions he shall produce to the appropriate officer at the port of entry the return certificate in this section provided for; and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to waive the provisions of this section, and for his readmission into the United States to depend upon the prior sections of this act.

Mr. KAHN. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in lines 16 and 17, page 11, the words "or thereafter."

After the word "resides," in line 6, page 12, insert "at least one month prior to the time of his departure, such application to be accompanied by his certificate of registration."

After the word "shall," in line 1, page 13, insert "at such time and place as he may designate."

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That the lawful wife or minor children of any Chinese of the classes mentioned in section 4, actually domiciled in the United States, shall be entitled to enter therein upon exhibiting to the appropriate officer at the port of entry a certificate as follows:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person departed, and shall state that after investigation said representative believes that the relationship asserted exists.

Second. If the wife or child come from an insular possession of the United States and seek entry into mainland territory thereof, the certificate shall have been issued by the appropriate officer of the United States at the port whence such person departed, and shall state that after investigation said officer believes that the relationship asserted exists.

Third. It is made the duty of diplomatic and consular representatives and other officers of the United States to make strict investigation as to such certificates, and to issue them only when the relationship claimed is clearly established.

Fourth. Said certificates shall be issued in triplicate, and each shall contain the photograph of the person named in it.

The original certificate shall be, by the person issuing it, delivered to the person named in it, or, if such person be an infant, to the person in charge of such infant.

A sealed duplicate shall be duly addressed and delivered to the shipmaster, railway conductor, or other person in charge of the transportation of the person named therein, who shall deliver it promptly to the appropriate officer of the United States at the port where entry is sought by said Chinese.

The triplicate shall be immediately sent by mail to the appropriate officer at the port where said Chinese seeks entry.

No woman shall be deemed a wife within the meaning of this act unless she would be held to be legally married by the courts of the United States.

Mr. COOMBS. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out in line 19, page 13, the words "exhibiting to" and insert "proving to the satisfaction of."

After the word "entry" in line 20, page 13, insert "That the required relationship exists and producing for him."

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That the preceding sections shall not apply to Chinese diplomatic or consular officers duly accredited to the United States or any foreign government, or to their attendants or servants.

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

Mr. KAHN. I move to amend by inserting after the word "servants," in line 6, page 15, the words, "who shall be admitted under special instructions of the Secretary of the Treasury."

The amendment was agreed to.

The Clerk read as follows:

SEC. 22. That, except as herein provided, before any Chinese is landed from any vessel on territory of the United States, or before any Chinese brought to any inland port shall be permitted to leave the car or other conveyance in which he was brought, the appropriate officer shall examine such Chinese, comparing his certificate with the lists required by this act, and with such Chinese, and no Chinese shall be allowed to land or to enter in violation of law. The examination herein required shall be made immediately after the arrival at port or border.

Mr. KAHN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "inland," line 14, page 15, insert "border."

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. That the master of any vessel arriving in the United States from any foreign port or from any insular possession of the United States shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate officer at the port in which such vessel shall have arrived a list of all Chinese taken on board his vessel at any port or place, and of all such persons then on board the vessel. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign government traveling on the business of such government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required; and such list shall be verified by the master in the manner required by law in cases of manifest of cargo.

The foregoing provision shall apply to the masters of all vessels arriving at any insular possession of the United States.

The willful neglect of any such master to comply with the provisions of this section shall be punished by the penalties and forfeiture imposed upon a refusal to report and deliver a manifest of cargo.

Mr. KAHN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "a," in line 2, page 15, insert the word "separate," so as to read "a separate list of all Chinese taken on board."

The amendment was agreed to.

The Clerk read as follows:

SEC. 25. That Chinese laborers shall enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions:

First. The applicant shall exhibit to the appropriate officer at the port where entry is sought a fully paid through ticket entitling said applicant to transportation from such port to his destination in the foreign country, and shall also exhibit to said officer a certificate as follows: (a) If the applicant come from a foreign country, a certificate issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, which shall state that after investigation said representative believed that said applicant intended to go directly to, and to reside in, the foreign country designated; (b) if the applicant come from an insular possession of the United States and seek the privilege of transit across mainland territory of the United States, or come from the United States or any of its possessions and seek the privilege of transit across any insular possession

thereof, he shall exhibit a certificate of like effect, issued to him by the appropriate officer of the United States at the port or place whence said applicant departed. It is made the duty of diplomatic and consular representatives and other officers of the United States to investigate all applications for such certificates, and to issue them only when the applications are shown to be in good faith, and to furnish such further information as may be prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit where the same is sought by laborers coming from an insular possession of the United States.

Second. Privilege of transit shall be denied if the applicant refuse to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate officer, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly to the destination named in his certificate and is not seeking to abuse the said privilege.

Third. Privilege of transit shall be denied if the applicant shall have sought admission into the United States or its possessions and shall have been refused.

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe with a view to prevent abuse of such privilege.

Fifth. The master of any vessel, the conductor of any railway train, or the person in charge of any other conveyance, bringing to any port in the United States, or on the border thereof, any applicant for privilege of transit, shall, immediately after arrival and before permitting to land, or to cross the border, any such applicant, deliver to the appropriate officer of the United States a separate list of all applicants so brought, which shall show the name of each applicant, the matter contained in the certificate he bears, and whatever else may be required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be verified by the person bound to deliver it, the oath to be administered by the officer to whom it is delivered.

Sixth. In addition to the ports of entry named in section 11 the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may designate other ports or places at which entry into the United States or its possessions for the purpose of transit may be granted. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada, no place along either of said boundaries shall be designated as a place of entry for any Chinese, whether in transit or otherwise, until there shall have been executed between the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations proposing to bring Chinese to such place, contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese under such penalties as shall be set forth in said contracts; and such place shall only remain open to entry of Chinese in transit or otherwise while such contracts remain in force and unbroken. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such place to transit privilege if in his judgment such privilege is being abused.

Mr. KAHN. I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

In line 20, page 17, strike out "exhibit" and insert in lieu thereof the word "deliver."

In line 7, page 18, strike out "exhibit" and insert "deliver."

The amendment was agreed to.

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

The Clerk read as follows:

Strike out section 25 and insert:

"SEC. 25. That Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, and in pursuance of the provisions of the second paragraph of article 3 of the treaty between the United States and China; and the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend, such rules and regulations as he may deem necessary and proper to prevent said privileges of transit being abused."

Mr. HOOKER. Mr. Chairman, I think that we ought to allow the treaty to be observed as it originally stood, and that the right of transit to Chinamen—not of occupancy, not of residence, but the right of transit through our country from any other civilized country in which he may live—should be granted, according to the terms of the paragraph of the treaty to which I have referred, and to clothe the Secretary of the Treasury with power to adopt all regulations which may be necessary in the estimation of the Commissioner of Immigration and the Secretary of the Treasury, approved by him; to adopt any and every regulation to prevent Chinese from occupying this country in any form whatever, even for temporary residence; but I think we ought to observe the treaty which gives them the right of transit and which proposes to allow our own railways to transport them across the continent instead of compelling them to go to the railways of Canada and to get across in that way.

It is but an act of justice, of equity, of fair dealing to allow them this privilege, and I think therefore that all these minute regulations embodied and embraced in this bill ought to be taken away and that the Secretary of the Treasury and the Commissioner of Immigration ought to be allowed to prescribe these regulations, to give them the right which the treaty does—not of occupancy even temporarily, but of transit across the country, if they wish to, and not encumber the bill with numerous regulations, now embraced in section 25. I am not able to speak much and do not desire to. I expressed my views on this bill at length in my speech of Saturday last, and on that I stand for this amendment as well as for my general opinions as to the bill.

Mr. PERKINS. Mr. Chairman, I think I ought to say that the committee does not approve of the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 26. That every Chinese brought by vessel to any port of the United States shall be detained on such vessel until a final decision shall have been rendered as to his right to enter the United States, and every Chinese brought to an inland border port of the United States shall be detained without its territory until the final decision as to the right of such Chinese to enter, and the duty of such detention shall rest, jointly and severally respectively, on the master, owner, agent, and consignee of the vessel or on the person, corporation, or agent by whom said Chinese was transported or aided to such port: *Provided*, That Chinese may be elsewhere detained pending such final decisions, in accordance with such rules as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe.

Mr. COOMBS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 4, page 21, the words "without its territory" and insert "at such port."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 29. That every vessel whose master, owner, agent, or consignee shall knowingly violate any of the provisions of this act shall be subject to a penalty of $2,000, and shall be forfeited to the United States unless such penalty be paid.

Mr. KAHN. I offer the following amendment.

The Clerk read as follows:

Insert in section 29, line 25, page 22, after the word "dollars," the following: "for each offense."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 30. That any person who shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese otherwise than as prescribed by this act shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding $2,000, or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

Mr. OTJEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 5, after the words "United States," insert the words "or its possessions."

Mr. PERKINS. With great respect to my colleague on the committee, I hardly think it would be proper to adopt that amendment. This is a section imposing a penalty and to make a violation of the act a felony. The amendment offered by the gentleman from Wisconsin would constitute this act a felony in all the insular possessions of the United States. We have not as yet attempted to legislate for those possessions. I do not think we desire at this time to declare these acts shall be felonies within the Philippine Islands. I trust my friend will withdraw his amendment.

Mr. OTJEN. With the consent of the committee, Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection the amendment is withdrawn.

There was no objection.

Mr. MANN. Mr. Chairman, I shall not discuss the details of this bill. I have heretofore presented to the House a number of petitions urging the passage of a suitable Chinese-exclusion act. The present Chinese-exclusion law will soon expire by limitation, and the whole question of Chinese exclusion is once more before us for determination.

Mr. Chairman, the Republican party is committed to the principle of tariff protection. We maintain that our manufacturers and laborers here ought to be protected against the cheaper labor of the old country. I believe in the protective principle of the Republican party, and for the same reasons I believe in a proper Chinese-exclusion act. I am not familiar enough with the civilization or the people of China to express well-formed ideas in regard to either, but it is very evident that the American laborer who has a family can not compete in cheapness of labor with the Chinaman. How many Chinese would come to our country if there were no exclusion law? I do not know. No one knows. Few might come. Many might come. The only safety for our civilization is to exclude the many who might come.

Mr. Chairman, civilization has girdled the globe. The oldest civilization is in China. And as civilization has moved westward from China it has changed in degree, character, and force until

now, having encircled the world, the civilization of Europe and America is forcing its way through the entrances into the Chinese Empire.

We may perhaps find that we are waking a sleeping giant, but it is impossible for us to stop. We would not if we could. We could not if we would. The impelling forces of progress are too great for our resistance. Within a few years Japan has been revivified. As the sun of Western civilization has commenced to throw his morning rays on her shores, that little Empire has awakened from its long sleep and has suddenly become one of the most active and progressive nations in the world. Who can doubt that similar results will occur in China? And when China fully awakens with her hundreds of millions of people, more economical, more imitative, and more willing to work than the people of any other nation, it will cause a reawakening of all mankind and possibly a readjustment between nations and peoples. The conflict has not yet become deadly, but the skirmishes have begun. This bill is one of them. The civilization of the West and the civilization of China are in conflict.

I wonder if the hordes of China, when that nation is thoroughly awakened, will not attempt, through mere force of numbers, to overpower American civilization as the Goths and Huns and Vandals overcame the civilization of Rome. The coming conflict with China, however, will be more desperate than the one which caused the fall of Rome. The civilization of China will never amalgamate with the civilization of America. The people of China and the people of America are of two different races, which can never coalesce.

Mr. Chairman, I no not fear for the future, but wise statesmanship requires us to prepare for its possibilities. It is not only our duty to protect the labor of this country from the degrading influence and unmeasured competition which would come through open Chinese immigration, but it is also our duty to prepare for the inevitable conflict, either of commerce or war, or perhaps both, between the mighty Chinese Empire and people on one side and Western civilization on the other. We need not think that such conflict will be easy because of the experience of the past. In our dealings with China the past can be no guide to the future. The activity of a man when he is awake can not be judged by examining him in the stillness of sleep.

Whether such conflict shall be a commercial war or a naval war, it seems to me that it is the duty of this country to hold command of the Pacific Ocean.

With a shortsightedness which looks to me like blind folly, our Democratic friends on the other side of this House insist that we shall not only break down the bars of the protective tariff and thereby let into this country the products of cheap Chinese labor, but that we shall also yield control over the Philippine Islands, and thereby lose command of the Pacific Ocean.

But, Mr. Chairman, they will not succeed. We will maintain the protective tariff. We will keep control of the Philippine Islands and the Pacific Ocean. We will maintain our own home market for our people. We will keep out the cheap and degrading labor of the Chinese cooly, and yet, through the inspiring genius, the commercial acumen, the handiness of labor, through the combination of brains and brawn peculiar to our own race, and stronger in our own country than elsewhere, we will invade the other markets of the world and maintain our supremacy of commerce both at home and abroad. [Loud applause.]

The Clerk read as follows:

SEC. 31. That any Chinese found within the United States in violation of any provision of this act may be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be in the United States, it shall be the duty of said judge or commissioner to order that he be deported.

Mr. COOMBS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 20, page 30, after the words "United States," insert the following: "And by the production of a certificate required by this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 33. Whenever a Chinese shall be deported:

First. If he came from a foreign country, he shall be returned thither or to the country of which he is a subject or citizen.

Second. If he came without right to the United States mainland from its insular possessions he shall be returned thereto.

Orders of deportation shall be executed by the United States marshal of the district wherein the orders are made with all convenient dispatch, and pending such execution he shall detain in his custody the person ordered to be deported, who shall not be admitted to bail, save in cases of appeal, as hereinafter provided.

Mr. KAHN. I offer the following amendment.

The Clerk read as follows:

Insert in section 33, line 3, page 24, after the word "citizen," the following: "*Provided*, That in any case where a country whence said Chinese came shall demand any tax as a condition of the removal of such person to that country, he shall be sent to China."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 34. That the Philippine Commission are authorized and required to make all regulations and provisions necessary for the enforcement of this act in the Philippine Islands.

Mr. DOUGLAS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 24, line 15, after the word "enforcement," insert "of such sections and clauses as they may deem desirable and necessary."

Mr. DOUGLAS. Mr. Chairman, it does seem that there must be some of the provisions of this act which are not justified in so far as the Philippine Islands are concerned. Those islands are nearly 10,000 miles from our shores. The Chinese have been there in force for hundreds of years, and it does seem almost unnecessary, so far as the Philippine Islands are concerned, to enforce this law as we propose to make it. It seems unnecessary to make it absolutely mandatory on the Philippine Commission to do so in order to protect the United States. I believe that we could with wisdom allow these men to have some say as to the provisions of this act and as to the extent to which it shall be enforced there.

This is a new country so far as we are concerned. The best government for that country by us is as yet unknown, and its requisites and necessities are yet to be studied and considered carefully in so far as we individually as a nation are concerned in its government, and I believe and hope that the gentlemen who are pushing this measure will be sufficiently liberal at least to allow the Philippine Commission to use discretion, and not do an absolute injustice to the Chinese to the extent of excluding them from places where they have been since before this country was practically ever heard of, when Western civilization was unknown and Eastern civilization was at its height.

We are endeavoring absolutely to preclude these people from coming into those islands as much as we are from coming into this country. I am thoroughly in accord with every provision of this act which is not illiberal and illogical; but when it comes down to a simple question of pure persecution, and unnecessary persecution at that, I believe we are putting on the statute books a law which, if extended to the islands that have recently come into our possession, and which many people think should not be in our possession at all, will be doing something that is not worthy of this country, and that will react on us to such an extent that we will be heartily ashamed of ourselves within the next year or two. I therefore hope that the committee in charge of this bill will allow my amendment to become a part of the act.

Mr. KAHN. Mr. Chairman, I hope the amendment will not prevail. The committee that has had this bill in charge has given this matter a great deal of thought and attention. Governor Taft himself appeared before that committee. Our present exclusion laws and regulations are in force in the islands, as I understand it, and this provision of this bill will simply continue existing conditions in the islands, only that it will transfer the enforcement of the law from the War Department, where it now is, to the Philippine Commission.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. DOUGLAS].

The amendment was rejected.

The Clerk read as follows:

SEC. 35. That any Chinese who violates any of the provisions of this act shall be deported. The hearing in such cases shall be before a United States judge in the district wherein said Chinese is found, or before a United States commissioner designated by a United States attorney.

Mr. COOMBS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The amendment was read, as follows:

Insert in line 21, page 24, after the word "attorney," the words "of said district."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

SEC. 38. That the master of any foreign vessel which shall bring to the United States any Chinese not entitled to entry shall be required to execute a bond satisfactory to the Treasury Department, in the sum of $2,000 for each of said Chinese, conditioned that none of such Chinese shall land from said vessel while said vessel remains within the United States. The bond shall be

canceled upon the certificate of the appropriate officer that all Chinese covered by it have departed from the United States on said vessel.

Mr. CLARK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Line 5, page 26, after the word "vessel" add the following:

"And it shall be unlawful for any vessel not foreign, that is to say, any vessel under the flag of the United States, to have or to employ in its crew any Chinese person not entitled to admission to the United States or into the particular territory of the United States to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding $2,000."

Mr. PERKINS. Mr. Chairman, I raise a point of order. I object to this amendment on the ground that it is not germane to the bill, and I will state my views, if the Chairman desires.

The CHAIRMAN (Mr. MOODY of Massachusetts). The Chair would be glad to hear the gentleman.

Mr. PERKINS. Mr. Chairman, this bill, as is shown by its title, is a bill—

To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

That is the object as stated in the caption of the bill, and that is the object sought to be secured by all the provisions of the bill which are intended to prevent the coming into the United States and its insular possessions of Chinese persons, except as allowed by law. Now, what is the amendment offered by the gentleman from Missouri? Does it prohibit the coming of a Chinese person into the United States? It no more prohibits the coming of a Chinese person into the United States than it prohibits the coming of a Chinese person into Great Britain. But it says what? It shall be unlawful for any vessel holding an American registry to have or employ in the crew any Chinese person not entitled to admission into the United States.

Now, Mr. Chairman, let me illustrate——

The CHAIRMAN. The Chair desires to state—it may not be material, but the gentleman has misquoted the language. The language is: "And it shall be unlawful on a vessel not foreign;" that is to say, any vessel under the flag of the United States.

Mr. PERKINS. That is the same thing. As it was given to me it was a vessel "holding an American register." As the amendment is submitted, "carrying the American flag," which is, of course, a vessel holding an American register. Let me illustrate here. This is a bill to prohibit the coming of Chinese into the United States. Suppose the gentleman should offer an amendment to it, and, let us say, section 25, "*Be it enacted*, That no American in the city of Paris shall employ a Chinese as his servant." That would not be germane to this bill. It would not be cognate to the idea. This is to prevent Chinese coming into this country.

Here is a provision which would be perfectly proper in a bill in reference to the shipping interests of the United States, and because proper there, because it would be cognate in a bill regulating the shipping of the United States, and regulating the American register of the United States, it necessarily follows that it is not germane to a bill which regulates the coming of Chinese persons into the United States. Now, this provision says what? Every ship entitled to an American register, or every ship carrying the American flag, which is the same thing, shall not employ Chinese. That ship may be sailing anywhere. It may be sailing from Alexandria to Constantinople; it may be sailing from Marseille to Gibraltar. Of course, I recognize the fact, as every man knows, that an American ship is subject to the laws of the United States, the same as an American citizen, wherever he may be, abroad or at home.

But I am confident, Mr. Chairman, that the amendment I have suggested, of an American citizen being in Paris, or anywhere else, who happens to have in his employ a Chinese servant, would not be germane to this bill; and the amendment offered by the gentleman, in the same way, is not germane to this bill, which is to prevent the coming into the United States of Chinese persons. How does that provision apply to this bill? The amendment that is offered says that no ship, whatever it may be, in the Atlantic or the Pacific, if it be making a voyage between two ports not in the United States at all, shall employ a Chinese laborer. That does not prevent, and it does not seek to prevent, and it does not purport to prevent, and it can not prevent one single Chinaman from coming into the United States. It has no more to do with that, as I said before, than it has to do with a Chinaman going into Japan or England. It is as foreign to this bill as it would be if an amendment were offered that ships having American register should be forbidden to employ Japanese or Swedes or any other class of men. It is a subject to be considered in the regulation of the American shipping, if that were before the committee, but it is thoroughly foreign to the bill we have now under consideration.

Mr. CLARK. Unless the Chair is ready to rule my way, I want to be heard.

The CHAIRMAN. The gentleman from Missouri.

Mr. CLARK. Now, my friend's objection divides itself into two parts. The first one is that the amendment is not covered by the title of the bill. By the simplest performance the title could be made to conform to the bill after it is amended. If it is necessary and the title does not cover it now, we could very easily say, "and also to prevent Chinese sailors being employed on board of American ships." That would dispose of objection No. 1.

Secondly, the gentleman says it is not germane to this bill, because the intention of the bill is to exclude Chinese laborers from the United States. The answer to that, and it is very short and very simple, is that the deck of every American ship is American territory, just as much as any foot of ground under the American flag. I want to say this, while I am up, and that is all I have to say about it. In 1812 the United States went to war with Great Britain on the cry of "free trade and sailors' rights." It was really the last half of that cry which created and precipitated the war with Great Britain in 1812—"sailors' rights;" and I say here to-day, without going into any extensive argument about it, because I argued it on Friday for all it was worth, that American laborers on board ship are just as much entitled to this protective legislation for American laborers as American laborers by land. [Applause.]

There is no use dodging what this bill is. I have always believed in being honest because I believe that honesty in the end wins. It is an abnormal condition of affairs that presents itself here, and that is that we know that American laborers can not compete with Chinese laborers, and this bill is entirely for the protection of American laborers. Now, you have protected everybody else, or pretended to, in the United States by the high-tariff system.

A MEMBER. Are you in favor of that?

Mr. CLARK. No; I am opposed to the whole system.

Mr. ADAMS. I thought the gentleman wanted to protect the American laborer.

Mr. CLARK. I do; and here is the chance to protect him without beating around the bush, and nobody else will get the benefit of it. You have protected the merchant, the manufacturers, and protected everybody else under the tariff system except the laborer, and this bill is intended to protect American labor against cheap Chinese labor. There is no sense nor justice in applying it to laborers by land and not by sea, and that is all I have to say about it.

The CHAIRMAN. The Chair would like to ask whether the amendment is confined, or is intended to be confined, to ships plying between American ports?

Mr. CLARK. Certainly.

The CHAIRMAN. And those only?

Mr. CLARK. It is intended to apply to American ships that ply between American ports, and territories, in insular possessions, or provinces, or colonies, or whatever you may call them. [Laughter].

The CHAIRMAN. Does the gentleman give that construction to the amendment which he offers?

Mr. CLARK. Yes.

The CHAIRMAN. The Chair would like to ask whether, in the opinion of the gentleman from Missouri, an American vessel not plying between American ports—and by American ports the Chair means those not only of the United States, but those belonging to the United States—whether this prohibition would, under the amendment, exist against the employment of Chinese on such vessels—that is, vessels that did not touch at any American port?

Mr. CLARK. I think it applies to all American vessels. If the Chair pleases, the gentleman from California [Mr. KAHN] has a substitute for my amendment.

Mr. KAHN. Mr. Chairman, I offer the following substitute for the amendment of the gentleman from Missouri, which I send to the desk.

The CHAIRMAN. That would not be in order now, but for the information of the committee it may be read.

Mr. KAHN. The gentleman from Missouri is willing to accept it as a substitute.

The CHAIRMAN. Does the gentleman from Missouri withdraw his amendment?

Mr. CLARK. Yes, Mr. Chairman, I am willing for this to be accepted as a substitute for my amendment.

The CHAIRMAN. The gentleman from Missouri, without objection, withdraws his amendment, and the Chair hears no objection.

The Clerk read as follows:

Page 26, line 5, after the word "vessel," insert the following:

"And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding $2,000.

"But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge."

Mr. PERKINS. Mr. Chairman, I raise the same point of order as on the amendment offered by the gentleman from Missouri. I desire to call the Chairman's attention to the fact, in answer to the questions put to the gentleman from Missouri, that whatever may be the intention of any person offering this amendment, there can be no question as to what it says. It is general, Mr. Chairman; it says it shall be unlawful—that is, unlawful anywhere—for any vessel with an American register to have or employ or in its care any Chinese person not entitled to admission to the United States. It says that and no more, and there is nothing to modify it. It is unlawful for any vessel plying anywhere with an American register.

Mr. GILLETT of Massachusetts. In regard to the question asked by the chairman of the gentleman from Missouri, allow me to remark that if he wishes his amendment to apply simply to American vessels in American ports he should modify it, so as to have it apply to vessels in the domestic trade. Possibly that is what he means.

Mr. GARDNER of New Jersey. Is it not presumable that all vessels of American registry touch American ports sooner or later? The voyage may be short or may be long, but they are presumed to touch at the home port.

Mr. GILLETT of Massachusetts. That might not be.

Mr. GARDNER of New Jersey. Mr. Chairman, whatever may be the title of this bill, and whatever the nationality to which, as drawn, it may specifically apply, is it not true that it is legislation upon the general immigration system of the country? If the bill now before the House, called "the Chinese-exclusion act," is not a bill essentially to regulate immigration, what is it? There is practically no doubt that the United States has full jurisdiction over the question of immigration. It seems to me there can be no question that anything bearing directly upon the general system of immigration is in order on a bill dealing with the subject of immigration, though only dealing with a branch of it.

Now, for the purposes of legal regulation, criminal and civil, the deck of a vessel carrying a United States license and sailing under a United States flag is as much territory of the United States as is the District of Columbia. Where can she sail, where can she be, that in case of abuse of the crew or the commission of a felony or other similar occurrence the court of the United States will not hold that the vessel is to be regarded as a part of American territory?

Now, if this be a bill for the regulation of immigration, and if a vessel bearing the license and carrying the flag of this country is a part of the United States territory, then a provision regulating immigration—the coming of Chinese or other people on board of a United States vessel anywhere in the world—is germane to this bill; and it is equally germane to regulate the employment of such persons upon that vessel, wherever she may be, as much as though she were a part of the fixed territory of the country.

The illustration given here in regard to the employment of servants in Paris has no application whatever, because that city is not and never will be under the jurisdiction or the flag of the United States.

Mr. GROW. Mr. Chairman, just a word on this question. Admitting that the deck of an American ship is American territory, there is nothing in this bill, if I understand it, regulating the employment of Chinese by Americans. This amendment proposes to say that a Chinese shall not be employed by an American on the deck of a ship. That has nothing to do with the other provisions of the bill. We might just as well undertake to prohibit the employment of Frenchmen on a ship. That seems to me to be the whole question. The proposition is not to exclude people from coming upon an American ship—to exclude them from coming upon the deck of one of our vessels as immigrants; it has nothing to do with the employment by Americans of anybody. Therefore it is entirely foreign to this bill.

The CHAIRMAN. The Chair is ready to rule with considerable hesitation upon this question. There is no question as to the rule which governs the point now raised by the gentleman from New York. The statement of Rule XVI is in these words:

No motion or proposition on a subject different from that under consideration shall be admitted under cover of an amendment.

However simple the rule may be, its application to the varying states of fact which are brought before this body is not easy, because it is not always easy to decide what is the subject under consideration. In this case it is by the title of the bill said to be a proposition "to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under their jurisdiction, and the District of Columbia of Chinese and persons of Chinese descent.

The title of a bill is unimportant, except so far as it correctly describes the bill itself. The Chair has examined this bill with a good deal of care, and has caused it to be examined by another person with a good deal of care. In point of fact, there is no provision in the bill except a provision looking to the exclusion of Chinese from our territory. There is no provision regulating the employment of Chinese within our territory, as the gentleman from Pennsylvania [Mr. GROW] has just now so forcibly pointed out. Whatever the motive may be behind the bill, whatever the reason for its enactment may be, the actual subject under consideration is the exclusion of Chinese from American territory.

It is said that the deck of an American ship is American territory. So it is, while that ship is upon the high seas. When it is in the port of a foreign country it is not American territory unless the ship be a public ship of war. Such, if the Chair understands correctly, is the rule of international law.

But the amendment offered by the gentleman from California is not to prohibit Chinese from coming upon the ships sailing under the American flag, but is to prohibit their employment under the American flag, a subject entirely different from that under consideration by the committee. Could it be in order, for instance, upon an immigration bill excluding certain classes of people from coming to these shores, to provide that our ambassadors abroad should not employ persons of that same description? It would hardly be contended that that would be in order.

The attention of the Chair has been called to a ruling made by Mr. Speaker Reed on the 19th of May, 1896, where a bill to amend the immigration laws of the United States was before the House, and it was proposed by that bill to exclude all male persons between 16 and 60 years of age "who can not both read and write the English language or some other language." Mr. CORLISS, of Michigan, offered an amendment excluding aliens living in another country and while so living there entering into the United States to engage in labor within its borders—what the Chair remembers the gentleman from Michigan termed "birds of passage."

A point of order was made against the amendment, and Mr. Speaker Reed sustained the point of order upon the ground that the amendment was not germane, although both the bill and the amendment had in view the protection of American labor. The Chair will say that if this amendment had proposed to prohibit the presence as employees of Chinese persons upon American ships touching American ports, where there would be an opportunity for escape from the ship from time to time, the Chair would have ruled that to be germane to the general purpose of the bill, which is to prohibit the entering of Chinese persons into American territory; but for the reasons that were so well stated by the gentleman from Pennsylvania [Mr. GROW], that this bill is not engaged in the regulating of the employment of labor, but in excluding persons of Chinese blood and descent from our territories, the Chair sustains the point of order.

Mr. KAHN. May I ask, Mr. Chairman, that the section be passed in order that I may amend my amendment to meet with the views of the Chair.

The CHAIRMAN. The gentleman from California asks unanimous consent that the section be passed. Is there objection?

Mr. HOOKER. In order that he may evade the ruling of the Chair? Mr. Chairman, I object, if that is the purpose.

The CHAIRMAN. Objection is made.

Mr. KAHN. Then I offer the following amendment:

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register, touching at an American port, to have or to employ in its crew any Chinese, etc.

Mr. PERKINS. Mr. Chairman, I raise the point of order to this amendment, and I submit it in no way changes the character of the prior amendment. The gentleman's amendment endeavors to do what? He says it shall be unlawful for any vessel to employ in its crew any Chinese person. That is as already ruled by the Chair and, as was suggested by the gentleman from Pennsylvania, a regulation of the employment of labor. He has merely added in describing this vessel, a vessel touching at an American port. Of course every vessel holding an American registry touches at an American port, but it does not in any way, as I submit, meet the ruling which has already been made by the Chair.

Mr. KAHN. Mr. Chairman, I ask leave to modify the amendment so that it shall read "at a voyage terminating at an American port."

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register on a voyage terminating at an American port to have or to employ, etc.

Mr. PERKINS. Mr. Chairman, I submit it does not change it at all. It still regulates the employment of Chinese.

Mr. COOMBS. Mr. Chairman, I would like to add a simple suggestion to what has already been said.

The CHAIRMAN. The Chair will be glad to hear the gentleman from California.

Mr. COOMBS. Mr. Chairman, anticipating, of course, that the Chair is ruling now upon a different proposition, this bill provides in section 1 that from and after its passage the coming, except under the conditions hereinafter specified, of Chinese laborers from any country shall be prohibited. It has been suggested in a remark to the chairman that when a vessel once pushes into port she loses that character which in fiction of law is attributed to her and which brings her exclusively within the jurisdiction of the Federal Government by reason of being an American bottom.

When she comes into port she comes within the jurisdiction of the sovereign State. She comes within the jurisdiction of the particular county whose borders describe the waters whereon she sails. Hence, essentially and technically, when she plies from one port to another of the United States, the moment she comes within the waters of a State she is upon American territory. She is within the State, she is within the confines of the United States, and those upon her come within all of the exclusive clauses of this bill.

The only mistake which we have made heretofore in considering this matter is this: Those who have objected to this particular amendment have said it was an attempt on the part of the Government to regulate the conduct of individuals in the employment of individuals. That is too narrow and restricted a construction. It is an attempt rather on the part of the Government of the United States to regulate, as this bill proposes to regulate, those who can come within the confines of the United States and within the confines of the State, and of course within the jurisdiction of the law which we here are proposing to enact.

The CHAIRMAN. As the Chair has stated, this bill is to prohibit the entrance of Chinese laborers into the United States. Seamen are laborers within the distinctions made in this bill, and the amendment now before the committee proposes to prohibit the coming of such laborers into an American port. It is based upon the theory that great safeguards are needed to carry out the purpose of the law. The bill is full of provisions which are intended to guard against evasions of the law. For instance, upon page 10 of the bill it is provided that even the Chinese who are entitled under this bill to enter our ports can only come in at certain named ports of entry. In other words, the regulation of American ships or foreign ships bearing Chinese to our shores is prescribed by this bill. The Chair thinks, therefore, that, with the modifications which have been made in the amendment, it is clearly in order and overrules the point of order. The question is upon agreeing to the amendment.

Mr. HITT. Mr. Chairman, will the Clerk read that part of the amendment which has been modified, which is the question before the committee?

The CHAIRMAN. The Clerk will report the first paragraph of the amendment.

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register, on a voyage terminating at an American port, to have or to employ in its crew any Chinese person, etc.

Mr. HITT. Go on and read the penalty.

The Clerk read as follows:

Not entitled to admission into the United States or into the portion of the territory of the United States to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding $2,000.

Mr. HITT. Now, Mr. Chairman, that is the essence of the amendment. The gentleman who first offered it said it was for the protection of American labor on ships, or for the protection of American seamen. The Chinese would be employed, if anywhere, upon vessels sailing the Pacific Ocean. We had testimony before our committee, and it is the abundant knowledge of all who are familiar with the subject, that scarce one in twenty of the persons employed upon ships sailing the Pacific Ocean is a native American. There is very little encouragement in any such provision to the noble American boy whom we wish to encourage.

I am a protectionist, but this protection attempted to be enforced upon the high seas, where men must carry on their business in competition with all the world and without any restrictions upon rivals, is protection gone to such an exaggeration and perversion that it almost amounts to insanity. It is not protection to nourish, but to destroy, American shipping. What would be the result? Ships sailing that sea have to run in competition with others of all nations. I am informed there are three steamers upon that ocean now flying the American flag. There are more than fifty steamers in competition with them flying the other different flags of the world and employing any labor they please or can. They depend for existence upon what they receive for freight and passengers—for the work done.

You propose by this amendment to exclude those who are under the American flag from purchasing labor in the market on the same terms as other ships who are their rivals. Remember, they do not now employ American labor. They can not. There are no American sailors now in the world in surplus above the market demand. There is a minority of American-born sailors upon ships that run right out of those very New England towns which were long the nursery of American seamen. If anyone will read the reports of our consuls at the Mediterranean ports it will be plain, from the names of those relieved, that the men employed on American ships east of the United States are not Americans born, except an inconsiderable part; and when you reach the oriental seas, and that torrid zone, an American-born sailor becomes still rarer.

Now, you propose to compel an American merchant whose money is put into a ship and who is trying to press trade forward, for his own profit, of course, to enlarge American commerce—you compel him in employing labor to pass by Chinese, if that is most advantageous, and to hire Malays, Lascars, Portuguese, Japanese, and all that miscellany found in the ports of the Eastern world. You can get Americans for clerks and engineers and foremen on these boats. You can get them for skilled labor. But you do not find an American in the sweat and heat and suffocation of those parts of the ship where Chinamen are employed. Now, the result would be——

Mr. METCALF. Do you not find them on the transports?

Mr. HITT. There are Americans on board, as I have said.

Mr. METCALF. You find them in the engine room and in the stoke room?

Mr. HITT. The engineers have to be Americans.

Mr. METCALF. You find firemen also who are?

Mr. HITT. They were not on those ships I saw there myself. Those that operated in the great heat were not Americans. Owners or agents and representatives of these ships appeared before the committee, and they told us they had a plain path before them. If they were compelled to hire men at $30 a month to take the place of Chinese getting from $7 to $8 a month, they simply would have to change the flag and sail under a foreign flag. Strangely enough this destructive proposition for our shipping is made to a House that is soon to consider the ship-subsidy bill to encourage shipping. First strike a blow to drive them to a foreign flag, and then propose a subsidy.

Why, it is, Mr. Chairman, simply our duty to at least let them alone. If you do not pass the subsidy bill you should spare them this useless restriction. Do not prevent them from doing what they can; and when they must hire foreign labor to compete with foreign ships in the carrying trade between Yokohama and Hongkong and over to Manila, why force them to forego the cheaper labor of the place when this interference is of no benefit to our people?

Mr. ALEXANDER. Will the gentleman allow me to ask him a question?

Mr. HITT. Certainly.

Mr. ALEXANDER. I would like to ask the gentleman from Illinois if there is any evidence before his committee that the Chinamen now employed upon our vessels escape or give us any trouble, or if it is found that under the regulations and laws that we now have they remain on their vessels when they land until the vessel goes out again?

Mr. HITT. If there was any such danger of escape a provision of this bill would prevent them from coming into our country. All the testimony that we have showed that they were laborious and docile. The only complaints that I have heard was that in times of great and terrible stress that they had not the courage of the Saxon, but they are industrious and obedient.

Mr. ALEXANDER. But my question is: Is there any evidence before your committee that the present law or the present regulations is not entirely satisfactory to all concerned?

Mr. HITT. None at all. We have no evidence of anybody being dissatisfied. Some persons who appeared before the committee advocated this upon the ground that it would be extending protection. This, of course, at first warmed up the heart of a Republican member, who liked to hear of protection to the American boy, who was to be employed on the American ship. But the slightest examination showed that it was not likely to protect American labor, but extinguish American shipping.

Mr. CLARK. Mr. Chairman, I am perfectly aware that these steamship companies, appealing to the American people, say that if this section is put into this bill, they will go under the

British flag. I do not believe there is a word of truth in that, and I will state my reasons. Our ships sailing under the American flag have the benefit of the coastwise trade to Hawaii, Porto Rico, and all our other ports, and it is very profitable—constantly and rapidly growing more so. The American steamship lines are never going to give up that trade by going under the British flag.

One reason that they want Chinese sailors is that when they come to our ports the Chinese sailors are not allowed to land. They are kept on board the ship. None of the Chinese come off and go on a spree. If one of them does get off, the entire police system of the Treasury Department is at the service of the ship to run down their Chinese sailor, collar him, and drag him back on board ship. Now, that is one reason that they give that they will go under the British flag. The other one, that American sailors can not stand the work in the heat and in the hot climate, is proved by all the evidence in this volume of evidence taken before the Senate committee not to be tenable. And I repeat the statement that I made a while ago, that the American sailor is just as much entitled to this protection as the American land laborer.

I want to make another remark, Mr. Chairman, while I am at it. If this legislation is not entirely germane to this bill, there is a bill coming over here before long, if it has not already come, that it will be germane to, and I serve notice now to all concerned that if this section does not go into this bill it will go into the ship-subsidy bill, if that bill comes before this House.

Mr. HITT. That is the proper place.

Mr. CLARK. I know; but "this is the day of salvation, and now is the accepted time." [Laughter and applause.]

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

REPEAL OF WAR-REVENUE TAXES.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, and I ask that the statement be read instead of the report.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, calls up the conference report on the war-revenue tax bill, and asks that the statement be read and that the report be not read. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments 12 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 18, and agree to the same.

SERENO E. PAYNE,
JOHN DALZELL,
*Managers on the part of the House.*
NELSON W. ALDRICH,
W. B. ALLISON,
G. G. VEST,
*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

Statement of the managers on the part of the House of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10530, "To repeal war-revenue taxation, and for other purposes."

The managers on the part of the House state for the information of the House that the Senate receded from its amendments numbered 12 and 19. No. 12 was the only substantial amendment made by the Senate, which sought to retain the tax on so-called bucket shops. And the House has receded from its disagreement to the amendments of the Senate which changed the phraseology of the bill, but made no material change in its provisions.

The bill, therefore, as presented by the conference, is substantially in form and is in effect the same bill as it passed the House by a unanimous vote.

SERENO E. PAYNE,
JOHN DALZELL,
*Managers on the part of the House.*

Mr. RICHARDSON of Tennessee. Does the gentleman from New York wish to occupy any time at all?

Mr. PAYNE. No. Does the gentleman from Tennessee want any time?

Mr. RICHARDSON of Tennessee. I want a few minutes.

Mr. PAYNE. I hope the gentleman will be brief, as I promised the gentleman from Illinois, chairman of the Committee on Foreign Affairs, that we would not take up much time.

Mr. RICHARDSON of Tennessee. There is no gentleman on this side of the House that has asked for time in the matter, and I do not propose to occupy but a few moments myself.

Mr. PAYNE. How many minutes does the gentleman want?

Mr. RICHARDSON of Tennessee. Not over five minutes.

Mr. PAYNE. I will yield five minutes to the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to say that, representing the minority of the conferees, I declined to sign the conference report. This is a bill which repeals the last vestige of taxes enacted for the purpose of conducting the Spanish-American war, to raise revenue for that purpose. Some weeks ago the bill was reported from the Committee on Ways and Means, a unanimous report, recommending the passage of the bill and the repeal of all of these taxes. In the views of the minority, duly submitted at that time, we took the position that as a whole we would vote for the bill.

We did not think it wise to repeal all of the war taxes that had been enacted when the Spanish war broke out; we did not think it was just to the people to repeal all of the taxes that were provided in that revenue bill, some of which were not burdensome, and leave other taxes upon the necessaries of life. In other words, we thought there should be such a revision of the tax laws as would leave the taxes upon some of the articles that were taxed in the war-revenue act and which were not taxed before its passage, and take the tax off some of the necessaries of life upon which they are now left by the Republican tariff. But when the bill was presented as a whole we felt constrained to give it our support; and so, upon a yea-and-nay vote, this bill passed the House unanimously and without debate, as will be remembered.

When the bill went to the Senate the Senate amended it in a number of instances, immaterial the most of them, but they did provide that the taxes which the war-revenue act had placed upon transactions which took place in what is called "bucket shops" should still remain taxed. With that material amendment they passed the bill repealing the taxes. The House refused to agree to the Senate amendment, and conferees were appointed. After a full and free conference the Senate has receded from that amendment. If the conference report is adopted the bill passes, and the tax is taken off of bucket shops, as well as all other war taxes.

For myself, I am still of the opinion that there should be such a revision of the tax laws as would leave some of the taxes imposed by the war-revenue act upon the articles taxed in that act and which should be taken off from articles of prime necessity to the people. But it seems that it is impossible to have such legislation in this Congress. It certainly is impossible to do it by defeating this conference report, and thus defeating this bill. Therefore, while I could not bring myself to sign the conference report, and recommend that this tax be taken off of "bucket shops," yet I can not oppose the adoption of the conference report, because to defeat the conference report would mean to leave the war-revenue taxes existing upon the country.

I do not think the members of our party can vote to leave the war-revenue taxes on any longer, and if we vote down the report it defeats the law. With this explanation and my explanation as to why I refused to sign the conference report, I am content that the report should be adopted and that the bill should be passed.

Mr. PAYNE. Mr. Speaker, this provision was agreed upon because we did not believe in taxing the small fellows and letting the larger ones go scot-free, and because we were anxious to wipe out the last vestige of the war-revenue taxes. We promised the people that when the necessity had gone by we would repeal these taxes. That time has come, and by sustaining this report we wipe out every vestige of those taxes, and I ask for a vote.

The question was taken; and the conference report was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

CHINESE EXCLUSION.

Mr. HITT. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the Chinese-exclusion bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair.

Mr. HITT. Mr. Chairman, when the committee rose the amendment under consideration was one in relation to the employment of Chinese on ships upon the high seas. The question is so perfectly simple that I will not detain the committee further with remarks upon it. I ask for a vote.

Mr. CANNON. I want to say only a word upon this amendment. There is no man in this House who, from the inception of

Chinese-exclusion legislation, has voted for it more uniformly than I have. I am not going into the reasons for such legislation; they are patent to everybody. There is now no division of sentiment on this question. In the beginning there was a very decided division of sentiment.

I doubt, however, Mr. Chairman, the wisdom of this amendment; and very briefly I will state my reasons. Within the borders of the United States we are supreme. The Republican party, since it came into power, has consistently followed along the line of protection of American labor, the development and diversification of American industries, until we are now, as we are proud to say, the first nation on earth, not only in agriculture but in manufactures as well. Within our borders we are supreme; and within our borders it is safe to say labor receives, as compared with the wages paid elsewhere in the world, 1¾ as compared with 1.

Now, when we get outside of our own territory, upon the high seas, and engage in commerce with other nations, we are not supreme. We there come into competition with all the balance of the world. If the English ship, or the German ship, or the Japanese ship will take our products and carry them from our ports to the markets of the world for a less sum than we can hire our own ships to do it, the transportation goes in foreign bottoms.

Now, what is the fact? It costs something more to build ships in the United States than it does elsewhere. But from our extraordinary developments in iron and steel that cost has been largely minimized in the United States; and I am under the impression that in shipbuilding for our coastwise trade and for our foreign trade we can, with our invention and industry, make ships very nearly as cheaply as they can be made elsewhere.

But when one of our vessels hoists the American flag and starts upon its journey to Europe or to Asia—when it ships its crew, labor being compensated in the United States, as I have stated, at a higher rate than labor abroad—the wages of American sailors and officers upon our ships, when we can get those sailors, are 50 to 100 per cent higher than the wages paid upon foreign ships for similar services, the result is that our merchant marine in the foreign trade hardly exists.

Now, what is the remedy? Many people believe the remedy is Government aid—subsidy. I have always doubted whether there is any remedy while the present condition remains, because we can not protect our labor upon the high seas in competition with the labor of other countries that is just as effective, but receives only half as much. And I undertake to say that any grant from the Treasury of the United States to aid American ships will not be efficient unless that grant is permanently enough, first, to equal the subsidy that foreign governments pay, and, second, to make up the difference between the wage that the foreign seaman gets from a foreign ship and the wage that the seaman gets upon the American ship.

Now, gentlemen upon the other side of the House are in the main against Government aid to the domestic shipping. Many of us on this side have doubted the wisdom of that policy. The result is, however, that with this condition it is said our merchant marine is swept from the seas. That is very largely true, so far as the merchant marine is concerned.

We have, however, a few ships on the Atlantic coast and in our European trade. But if I recollect aright, in our commerce from here to Europe there are less than 20 per cent of American-born seamen upon our ships. The balance are foreign born; most of them foreign subjects.

On the Pacific coast, as my colleague [Mr. HITT], who is better informed than I am tells me, the percentage of American seamen on American ships is almost nil. Now, what is the proposition? We have a few—some very large—steamers lately built in American shipyards by American labor; others are under contract. They can live with great difficulty now and are knocking at our door for subsidy grants from the Treasury which, if I should enter the domain of prophecy, I should say are not yet in sight. But we can discuss that question when we come to it.

But even crippled and few in number as those American-built ships are, the proposition is to go further and say by this amendment: "The English ship, the German ship that plies between Asiatic ports and the United States, carrying the products of the respective countries back and forth, may employ Chinese seamen, but the American-built ships shall not employ Chinese seamen." The result is that our ships can not compete in the same trade with the foreign-built and foreign-manned ships, and the American ship goes out of business or hoists a foreign flag and then is upon all fours with the foreign ship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Only one word in conclusion. So that if this amendment be enacted the result in my opinion is that even the few ships we now have in the foreign trade on the Pacific go under foreign flags and no more will be built to go under the American flag.

"Ha! ha!" cries the gentleman from Missouri [Mr. CLARK], "I am protecting the American sailor." Are you? No; in the first place, because the American sailor is not there to be protected, and second, while you profess to be protecting the American sailor you say to the American mechanic in our own shipyards, "You never shall build another ship to go into the Pacific foreign trade." [Applause.]

Mr. HOOKER. Mr. Chairman, I desire to say a word on this amendment. Its object was expressed in the original bill introduced by the gentleman from California [Mr. KAHN] excluding the employment of all Chinese sailors on our vessels in the Orient. We considered that matter with great care and with great deliberation. We took the testimony of sailors; we took the testimony of the men who built the ships and who run them now. We took all the evidence that was offered on the subject, and the deliberate judgment of the majority of the committee was to strike out that provision of the bill which is now sought to be reintroduced by the gentleman from California.

They have appealed to the American Congress in former years and now to protect California from the introduction of the Chinese cooly, and we have always done so. We did it in the last treaty. We propose to do it now, completely and entirely. The gentlemen from California [Mr. COOMBS and Mr. KAHN] have introduced into the bill amendment after amendment whose function and object was to make it more stringent or, to use their own emphatic word, more drastic, or, I might say, more inhuman.

They introduced these amendments for that purpose, and they have had them adopted one after another, almost sub silentio, and now they propose to reverse the action of your committee, which, by a large majority, introduced this bill, allowing your ships in the Orient to do what other ships do in carrying on the trade between the Orient and the East—to employ Chinese sailors. Why? Not, as my honorable friend from Missouri [Mr. CLARK] says, to protect American seamen, for there are no American seamen.

Everybody concedes—the gentlemen from California and everywhere else who are familiar with this subject concede—that the Chinese can be employed so much cheaper, that the Germans employ them, that the English, the Japanese, and all the nations of the world employ them; and now you propose to exclude Chinese from American boats, denying to the vessels built by your own capital, constructed by your own mechanics, and put into this great trade, you propose to deny to them the right which the vessels of every other nation have. It is said by my honorable friend from Missouri [Mr. CLARK] that there is no danger that they will adopt the English flag or the German flag or the Italian flag.

But there is, Mr. Chairman, absolutely an unquestioned danger that they will have to go out of the trade, absolutely go out of the trade. Do you want to protect American industry, American seamen, and American labor by driving your own American ships out of the competition? Are the gentlemen from California willing to so far jeopardize American labor and jeopardize American shipowning interests as to say that in order to exclude the cooly they will deny the right to our vessels to employ the Chinese laborers as all other vessels employ them? This is not right; this is not just. We should allow the vessels engaged in this trade, carrying the American flag and protecting the American deck, to get their sailors as cheap as vessels of other countries, or you will drive them from the enterprise in which they are engaged.

Are you willing to do that? Is that patriotic, is that sensible, is that according to the true idea of protecting the American labor? I am a good deal like my distinguished friend from Illinois. I do not mean the chairman of the Committee on Foreign Affairs [Mr. HITT], distinguished as he is, but I mean his distinguished colleague from Illinois, who is the chairman of the Appropriations Committee [Mr. CANNON]. I want to say to my honorable friend from Illinois [Mr. CANNON] that I agree with him that you can not protect the American sailor, you can not protect the American labor, by subsidies dragged out of the tax box of the people, the Treasury of the United States, and I am in hopes when that other measure comes up that we shall have the gentleman from Illinois with us in opposition to that nefarious bill.

Mr. PERKINS. Mr. Chairman, it is now very late, and it is important that this bill should be disposed of before the adjournment. This question has been fully discussed alike in the general debate and under the five-minute rule. I therefore move that debate on this section and amendments be closed.

The CHAIRMAN. The question is on the motion of the gentleman from New York, that debate upon the pending amendment and section be closed.

The motion was agreed to.

The CHAIRMAN. The motion now is on agreeing to the amendment offered by the gentleman from California.

The question was taken; and on a division (called for by Mr. KAHN) there were—ayes 77, noes 72.

Mr. HITT. I ask for tellers, Mr. Chairman.

Tellers were accordingly ordered; and the Chairman appointed Mr. HITT and Mr. KAHN.

The committee divided; and the tellers reported—ayes 100, noes 74.

Accordingly the amendment was agreed to.

Mr. ADAMS. I give notice that I shall demand the yeas and nays in the House on that amendment.

The CHAIRMAN. That will be in order. Of course the gentleman has the right.

The Clerk read as follows:

SEC. 42. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any rules and regulations by him deemed needful to an efficient execution of this act.

The Secretary of the Treasury shall make all needful appointments and the Commissioner-General of Immigration shall make all needful designations to secure the execution of this act.

All officers appointed or designated to enforce the provisions of this act are empowered to administer oaths touching the right of any Chinese to enter, pass through, or remain in the United States.

Mr. COOMBS. Mr. Chairman I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 22, page 26, after the word "regulations," the following: "providing additional requirements concerning the contents of the several characters of certificates mentioned in this act, and shall otherwise make and enforce all rules and regulations."

Mr. PERKINS. I ask that the Clerk report that amendment again.

The CHAIRMAN. Without objection, the amendment will be again reported, and the committee will be in order.

The amendment was again read.

Mr. PERKINS. We have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 43. That when the appropriate officer at the port of arrival of any Chinese shall pass upon the application of such person for the right of entry or reentry into or of transit through the United States his decision shall be final: *Provided*, That said Chinese, and also any officer of the Treasury Department, may appeal from said decision to the Secretary of the Treasury.

Such appeal must be filed with the officer making the decision appealed from within five days after the making of such decision.

Where the applicant for entry or transit shall base his claim solely on alleged citizenship of the United States he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and a hearing shall be had as on a writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district as in deportation cases.

Mr. KAHN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out, in section 43, in line 9, page 27, the words "the right of."

Also, in line 25, page 27, after the word "cases," insert the following: "And if the decision be adverse to such claimant, he shall be returned as provided in section 27."

The CHAIRMAN. Without objection, the amendments proposed by the gentleman from California will be considered as agreed to.

There was no objection.

The CHAIRMAN. At this point the Chair desires to call the attention of the committee to the fact that the amendment offered by the gentleman from California [Mr. COOMBS] to line 12, page 10, inadvertently contained the word "after" instead of the word "before" in the designation of the place where the amendment was intended to be made. Without objection, the error will be corrected.

There was no objection.

The Clerk read as follows:

SEC. 48. That the term "Chinese" as used in this act includes all persons who are Chinese either by birth or descent.

Mr. CLARK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "descent," at the end of line 12, page 29, insert the following words:

"And as well those of mixed blood as those of the full blood, as well males as females; and wherever herein personal pronouns are used the masculine includes the feminine."

Mr. PERKINS. I hope that amendment will not prevail. This section was reported out in the shape which it now is by a committee of which my friend from Missouri [Mr. CLARK] was a member, and he found no fault with it then. The addition of the final words is pure surplusage, and the opinion of the committee was, as my friend from Missouri will remember, that the best wording was the general wording, to exclude all those who are Chinese either by birth or by descent, well-known legal terms; whereas the terms used by the gentleman from Missouri, in my judgment, will lead only to confusion. I trust the Committee of the Whole will be of the same opinion as were the committee that revised this section.

Mr. CLARK. Mr. Chairman, I will confess very frankly that at one time I thought the language used by the majority of the committee was sufficient; but when you take into consideration the fact that if you leave out this phrase about the mixed blood every Chinese who wants to get into the United States will claim that he has another strain of blood in him, and you will never be able to find out the truth. I am in favor of fixing it so there can be no doubt about it, and that is what this amendment will do exactly.

The question being taken on the amendment, the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. CLARK) there were—ayes 74, noes 70.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 50. That nothing in the provisions of this act shall be construed so as to prevent the admission of Chinese into the United States for the purpose of participating in any fair or exposition authorized by act of Congress, subject to such regulations as may be prescribed by the Secretary of the Treasury.

Mr. MONDELL. Mr. Chairman, at the beginning of this session of Congress I introduced a bill for the extension of the Chinese-exclusion laws. I congratulate the committee on the result of its labors in molding from the various bills presented for its consideration the measure now presented for the consideration of the House.

It has ever been the pride of the Republic that the immigrant seeking here a home and an asylum has found our outer gates swinging inward and a hospitable welcome on his arrival. All that we have or should require of him is that he shall be honest, physically capable of caring for himself, morally and mentally healthy, sincerely desirous of becoming, in spirit as well as in fact, one of us; that he should be intelligent enough to understand and appreciate and be heartily in sympathy with our ideas of government and willing to assume the responsibilities of American citizenship.

It is true that many have come to our shores in the past who have not fully measured up to this standard of fitness, but the major portion of the millions of immigrants who have come to us from Europe have measurably fulfilled these requirements and in the course of time have become of our most valuable citizens—honest, industrious, intelligent, Americans in spirit as well as in name, who have assisted nobly in the upbuilding and development of this great nation.

But, Mr. Chairman, there are races the members of which seem to be utterly lacking in those elements which are essential to citizenship in a country like ours, whose traits and characteristics, fixed by long centuries of isolation and nonintercourse with the outer world, have developed a race of men who, whatever their virtues may be, are certainly lacking in many of those which characterize all of the races which have progressed along the lines of civil and religious liberty and free government.

This is peculiarly and especially true of the Chinese, whose continued and more complete exclusion from our shores we expect to provide for by the measure now before the House. The Chinaman in America is forever and always an alien. For the most part he does not attempt to be or to appear to be anything else, and when he does the veneer of Americanism is so thin as to disclose the Tartar at the slightest touch. It is safe to say that no Chinaman ever landed on our shores who fulfilled the conditions I have suggested as requisite in a useful immigrant. None ever landed, in my opinion, nor would there be likely to any land if allowed so to do, with any other purpose than to accumulate a competency with which to return to his native country to pass the evening of his day. Now, this may be praiseworthy in him from a Chinese standpoint, but from an American standpoint it stamps him as a class highly undesirable.

Not only does the Chinaman land on our shores without the slightest thought or expectation of adopting our views or of conforming to our methods, but he comes with habits fixed and inflexible, with racial characteristics and racial vices which render him unfit for American citizenship even if he desired it. His extreme frugality and untiring industry, his self-denial of many

of those things which we consider necessities, while in the abstract they might not be considered in the nature of serious faults, render him such a dangerous rival of our citizens in the lines of industry which he undertakes as to disturb our entire industrial system where he is present in any considerable numbers, with an inevitable tendency toward breaking down and lowering American standards of living and our ideals of the duties, responsibilities, and possibilities of life outside, beyond, and above the mere drudgery of existence.

So it seems to me, whatever view you take of the Chinese as an immigrant, his presence must be considered undesirable and a menace to our institutions. He does not wish or desire to come here to become an American, to adopt our ideas, to learn of our institutions, and to assist in upholding and developing them, therefore he should be denied admittance; and if by chance he should so desire he should still be excluded, for his racial instincts, tendencies, and disposition are such that he must of necessity be forever a disturbing element in our social and industrial economy.

I congratulate the committee upon the result of its labors, for I believe they have drafted a bill which will more effectually exclude the Chinese than the present law, and this is a consummation greatly to be desired.

Not only should American labor be protected from a general inroad of these people, but no additions whatever should be allowed to their numbers. No American workingman should be compelled to seek employment in competition with them, for he can not successfully compete with them without adopting their methods of life, and God forbid that any American should be brought to the low standards of living of the Chinese cooly.

I am heartily in favor of those provisions of the bill which provide for the exclusion of Chinese coolies from the Philippines and Hawaii. Hawaii already has a most serious problem in her large Asiatic population, and it should not be added to by a single individual by immigration.

In the Philippines the people of those islands should be left to work out their own salvation under our guidance without the competition of hordes of Chinese. It is true that their presence there in large numbers might assist in the rapid development of some classes of projects, but we might better run the risk of less rapid development than invite the danger of further complication by large Chinese immigration.

I am thankful, Mr. Chairman, that our portals are to be still more safely guarded against the coming of the yellow peril. I have no fear that continued exclusion will affect in any way our trade with China; but if it should, it were infinitely better that we never sold China a dollar's worth of merchandise or produce than that we should degrade our people by compelling them to compete with coolie labor or endanger our institutions by an influx of hordes of the heathen Chinee. [Applause.]

Mr. BOREING. Mr. Chairman, in the very few words that I have to speak on the pending measure I can not say that I either desire or expect to change the views or the vote of any member of the House, because I believe for once we are all practically agreed as to the enactment of a very unusual law. The United States has always been and is to-day the habitation of a free people and the home of reform, whose Government desires to establish trade relations with all countries, and whose missionaries seek to convert the heathen in all lands. We must therefore have the best of reasons for excluding any class of people from the advantages afforded by American institutions.

Hence, Mr. Chairman, it may become necessary for the members of this Congress to give to their constituency and to the country their reasons for passing such a bill as is proposed by either the majority or the minority report of the committee. As for myself, I shall support the majority report with such amendments as the Committee of the Whole House may recommend. In so doing I do not, in my opinion, commit an unfriendly act toward the Government of China, because I draw the line, not upon nationality, but upon character.

I do not believe that this country has ever been as strict in the enactment and enforcement of emigration laws as it ought to have been. If I had my way about it we would require of every foreign-born person who seeks either residence or citizenship among us a certificate of character from the country from which he emigrates, disclosing his antecedents. This would not only tend to protect society, but would tend to prevent the assassination of our Presidents.

In my estimation this legislation is in the defense of our homes and our people. I mean the homes of our farmers, mechanics, and wage earners, as well as the homes of our business and professional people. In the American home, the school, and the church are taught and developed virtue, intelligence, courage, and patriotism. These are the elements that make up American character, all of which are totally wanting in that class of Chinese who are excluded by this bill. This evil is intensified by the fact that this undesirable class of people are brought here under contracts both mercenary and vicious, to compete with our laboring class of people, in whose homes are taught the virtue and courage that make up American manhood and womanhood.

I will never consent, Mr. Chairman, to any legislation in this country that lowers the standard of labor or the laborer. It is the testimony and the experience of the representatives and people of California and other localities that have been made the dumping ground of these harlots and criminals that they as well as the merchant class of Chinamen are not attracted by the forms of our Government, have no sympathy with our institutions, no intelligent appreciation of the American womanhood; that they bring with them to this country a deep-seated moral leprosy (worse than the physical leprosy that they leave behind) which tarnishes American society, undermines American civilization, and is detrimental to the morality and progress of our people. For these and other reasons I favor the proposed legislation and in so doing I am quite sure I reflect the sentiments of my constituents, because we only fix a standard for immigrants that we require of our own people, and cast no reflection upon the better class of the Chinese population and offer no offense to the Chinese Government.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Montana, Mr. CLARK of Wyoming, and Mr. KEARNS as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendment, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 7018. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10117. An act granting a pension to Sarah H. H. Lowe; and

H. R. 184. An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.

CHINESE EXCLUSION.

The committee resumed its session.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After the word "Treasury," line 23, page 29, add "which shall provide effectively for the deportation of such Chinese as soon as their participation in such fair or exposition is completed.

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not wish to take the time of the committee in discussing this amendment. I desire only to say that it is to prevent scandals occurring again as have been found when Chinese came to participate in Chinese villages and were sold after the exhibition had closed. There does not seem to be any objection to the measure, as it will only strengthen the section.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. CLARK. I move to strike out the last word. The situation about this bill is this: The majority reported the bill; the Democratic minority reported a substitute, making the provisions more drastic. Every single solitary amendment that has been offered or adopted here to-day was contained in that Democratic substitute. Having got into the bill by way of amendment what we started to get into it, we shall not press the substitute, because we have already accomplished our object of making the bill stronger and more effective. [Applause on the Democratic side].

Mr. HITT. Mr. Chairman, in further support of the gentleman's motion to strike out the last word, and that I may have the last word, I will add to what he says that I had not heard before that there was such a question——

The CHAIRMAN. The gentleman from Illinois of course means in opposition?

Mr. HITT. I will change the statement. I will oppose his motion to strike out the last word, my purpose being to secure the last word for myself. [Laughter.]

In the preparation of this bill the patient, long-continued, and

sincere labors of all the members of the committee were earnestly given, including those of the gifted and patriotic gentleman from Missouri, not then in the state of mind into which he found himself let down by political needs, nor willing "to party give up what was meant for mankind." We all worked together, and we wrought out a bill with much consultation and conciliatory yielding, without a single dissenting vote, without a single vote against its conclusions.

Afterwards the gentleman who had agreed to this bill, and helped make it, brought into the House and presented here the Senate committee's revision of the Kahn bill, the same original bill on which we had worked, but changed in the committee room of the Senate. We had an impression that the House committee was expected by this House to do some work and report it. We did not suppose a bill was to be reported to this House by the Senate committee. From the first hour we began work on the bill we have considered it with the aid of the members of the House from the Pacific coast, who were invited in, they having no members on our committee.

These gentlemen, and those representing the various interests of labor and industry in all forms, appeared before the committee in the three weeks of hearings given. The result was that we were in a very tolerant frame of mind and endeavored to consult and learn from all who were interested. I heard nothing about Republicans and nothing about Democrats. For myself I must say that I have witnessed the work of your Committee on Foreign Affairs for twenty years, and known it when the country was alternately under the administration of Democrats and Republicans, but this is the first time in considering foreign affairs that I have heard of a Democratic minority of that committee [applause] or have heard it from the committee upon the floor of this House.

Mr. Blount, long our chairman, was a stanch Democrat, a hard pan Democrat, always zealous for his party on party questions, and we honored him for it; but if a stranger had been in these galleries when matters from the Committee on Foreign Affairs were being discussed by Blount in the House, strenuous as he was, no one could have told whether that noble American was a Democrat or a Republican. [Loud applause].

The gentlemen who compose this committee have endeavored in this bill, and will always endeavor, to frame legislation in that same spirit; and I feel sure that hereafter my amiable friend from Missouri will cordially help us.

Mr. MERCER. Does the gentleman know of any objection to this legislation?

Mr. HITT. There is really no objection among the members of the House to this legislation. It has not been possible to find pairs for gentlemen who had to be absent from the expected vote, because all were for the bill.

I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031 and instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments?

A separate vote not being demanded, the amendments were submitted to the House in gross, and agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the bill had passed.

Mr. KLEBERG. I call for a division.

Mr. HITT. I make the point of order that the call came too late, that the result had been announced. I move to reconsider the vote by which the bill was passed, and move that that motion be laid on the table.

The SPEAKER. The result was announced, and no gentleman rose in his seat to demand a division.

The motion of Mr. HITT to lay on the table the motion to reconsider the vote by which the bill was passed was then agreed to.

REPRINT.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 12765) relating to reciprocity with Cuba, and also the report and the views of the minority.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of the bill H. R. 12765, together with the report and the views of the minority. Is there objection? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in all the Senate amendments to the Indian appropriation bill and ask for a conference thereon by the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the table the Indian appropriation bill, nonconcur in the amendments of the Senate, and to ask for a conference thereon. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

CHARTERS OF NATIONAL BANKS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 176) to provide for the extension of the charters of national banks.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the act of July 12, 1882, to extend for a further period of twenty years the charter of any national banking association extended under said act which shall desire to continue its existence after the expiration of its charter.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, I object.

Mr. FOWLER. Mr. Speaker, I move to suspend the rules and pass the bill. It is simply for the extension of the bank charters.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. FOWLER. I ask unanimous consent that the second be considered as ordered.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if he was instructed by the committee to make the motion?

Mr. FOWLER. Yes; I was.

Mr. RICHARDSON of Tennessee. And the Chair holds that this is in order to-day, I understand?

The SPEAKER. This is an individual suspension. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object, Mr. Speaker.

The SPEAKER. The Chair will appoint the gentleman from New Jersey [Mr. FOWLER] and the gentleman from Tennessee [Mr. RICHARDSON] as tellers.

The House divided; and the tellers reported 90 ayes and 47 noes; so a second was ordered.

The SPEAKER. The gentleman from New Jersey has twenty minutes and the gentleman from Tennessee twenty minutes.

Mr. FOWLER. Mr. Speaker, only one object is covered by this bill and that is to extend the charters of national banks. There are, according to the report of the Comtroller of the Currency, a list of 280 banks, with an aggregate capital of $66,853,300, whose corporate existence will reach their termination for the second time during the years 1902–1903.

The date of the first expiration is July 14, 1902. It is evident that it is a matter of the highest importance that the charters of these banks be extended, because the rights and privileges that have grown up under these present charters are of great value. Another reason is that if they liquidate great expense will be incurred and great loss must be necessarily borne by the stockholders of these corporations. I do not know that I care to say anything further now upon the bill. I will reserve the balance of my time until the gentlemen on the other side consume theirs.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, the only purpose of this bill is to allow national banks now existing and whose charters will expire during this and the early part of next year to extend their charters. Under the law they might liquidate and reincorporate. In order to prevent the necessity of the liquidation of so many banks, and forcing the collection of the paper and disturbing the business conditions, this bill simply allows them to extend their corporate existence for twenty years instead of liquidating and reincorporating.

I see no difficulty in the matter. I voted for the bill in the committee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not care to occupy any time, but I will yield to the gentleman from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Speaker, I only wish to state that as a Democrat who subscribes to the platform of the Democratic party, which embodies also my individual convictions, I can not follow those members of the minority who have signed this report. I do not believe individually, nor does the party with which I stand, approve of national banks as banks of issue.

If we are to extend with each recurring Congress banks of issue for twenty years to come, I am at loss to understand how the

time will ever come when we shall restore to the Government of the United States the power to control the circulation, issue currency, and coin the money of the country, a function that I believe should vest exclusively in the National Government and never be surrendered to private corporations. It is no answer to this objection to say that banks can reorganize and recharter under existing laws. Let the Republican party, which is responsible for national banks of issue, take the responsibility for all legislation looking to their continuance and the enlargement of their privileges. Personally I do not think Democrats should vote for any proposition in line with Republican policies.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SMITH of Kentucky) there were—ayes 85, noes 40.

Mr. BALL of Texas and Mr. KLEBERG. The yeas and nays, Mr. Speaker.

Mr. PIERCE. No quorum, Mr. Speaker.

The SPEAKER. The demand for the yeas and nays has not been withdrawn and that is the matter before the House. Twenty-three gentlemen rising, not a sufficient number, and the yeas and nays are refused.

Mr. PIERCE. No quorum, Mr. Speaker.

The SPEAKER (after counting). One hundred and sixty-one members present, not a quorum.

Mr. BALL. Mr. Speaker, I move that the House do now adjourn.

The question was taken on a division demanded by Mr. SMITH of Kentucky and Mr. BALL of Texas.

The SPEAKER. On this question the ayes are 53 and the noes 103. There not being a quorum present, the Chair orders the doors closed and the yeas and nays will be called, so that members can vote as their names are called or be marked present. The question is on suspending the rules and passing the bill. Those in favor will vote "aye" and those opposed will vote "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 116, nays 48, answered "present" 18, not voting 174; as follows:

YEAS—116.

| | | | |
|---|---|---|---|
| Adams, | Evans, | Knapp, | Perkins, |
| Allen, Me. | Fleming, | Kyle, | Prince, |
| Aplin, | Fordney, | Lacey, | Pugsley, |
| Bingham, | Foss, | Lessler, | Ray, N. Y. |
| Bishop, | Foster, Vt. | Lewis, Pa. | Reeves, |
| Bowersock, | Fowler, | Littlefield. | Russell, |
| Burke, S. Dak. | Gaines, W. Va. | Long, | Scott, |
| Burkett, | Gardner, Mich. | Loud, | Sherman, |
| Burton, | Gardner, N. J. | McCleary, | Sibley, |
| Butler, Pa. | Gibson, | McClellan, | Smith, Ill. |
| Calderhead, | Gillet, N. Y. | McDermott, | Smith, Iowa. |
| Cannon, | Gillett, Mass. | Martin, | Smith, S. W. |
| Conner, | Graff, | Mercer, | Smith, Wm. Alden |
| Coombs, | Graham, | Meyer, La. | Southwick, |
| Cooper, Wis. | Green, Pa. | Minor, | Sperry, |
| Corliss, | Greene, Mass. | Mondell, | Stevens, Minn. |
| Cousins, | Grow, | Moody, Mass. | Stewart, N. Y. |
| Cromer, | Hall, | Moody, Oreg. | Storm, |
| Currier, | Hamilton, | Morris, | Sutherland, |
| Curtis, | Haugen, | Needham, | Tawney, |
| Cushman, | Hedge, | Nevin, | Tayler, Ohio |
| Dahle, | Hemenway, | Olmsted, | Thomas, Iowa |
| Dalzell. | Hepburn, | Otjen, | Tompkins, N. Y. |
| Darragh, | Hill, | Padgett, | Tongue, |
| Dayton, | Hitt, | Palmer, | Vreeland, |
| Douglas, | Hughes. | Parker, | Warner, |
| Dovener, | Jones, Wash. | Patterson, Pa. | Weeks, |
| Emerson, | Kahn, | Payne, | Woods, |
| Esch, | Ketcham, | Pearre, | The Speaker. |

NAYS—48.

| | | | |
|---|---|---|---|
| Ball, Tex. | Griffith, | Lloyd, | Robinson, Nebr. |
| Bowie, | Hooker, | McLain, | Selby, |
| Breazeale, | Howard, | Maddox, | Sims, |
| Burgess, | Jackson, Kans. | Mickey, | Smith, Ky. |
| Burleson, | Johnson, | Miers, Ind. | Stark, |
| Burnett, | Jones, Va. | Moon, | Tate, |
| Candler, | Kehoe, | Pou, | Underwood, |
| Clayton, | Kleberg, | Randell, Tex. | Vandiver, |
| De Armond, | Lassiter, | Rhea, Va. | Wiley, |
| Flood, | Latimer, | Richardson, Ala. | Williams, Ill. |
| Fox, | Lindsay, | Richardson, Tenn | Williams, Miss. |
| Glenn, | Little, | Robinson, Ind. | Zenor. |

ANSWERED "PRESENT"—18.

| | | | |
|---|---|---|---|
| Boreing, | Irwin, | Overstreet, | Smith, H. C. |
| Clark, | Lever, | Pierce, | Wanger, |
| Crowley, | Mahon, | Salmon, | Watson. |
| Finley, | Mann, | Shafroth, | |
| Griggs, | Metcalf, | Small, | |

NOT VOTING—174.

| | | | |
|---|---|---|---|
| Acheson, | Bates, | Brick, | Butler, Mo. |
| Adamson, | Beidler, | Bristow, | Caldwell, |
| Alexander, | Bell, | Bromwell, | Capron, |
| Allen, Ky. | Bellamy, | Broussard, | Cassel, |
| Babcock, | Belmont, | Brown, | Cassingham, |
| Ball, Del. | Benton, | Brownlow, | Cochran, |
| Bankhead. | Blackburn, | Brundidge, | Connell, |
| Barney, | Blakeney, | Bull, | Conry, |
| Bartholdt, | Boutell, | Burk, Pa. | Cooney, |
| Bartlett, | Brantley, | Burleigh, | Cooper, Tex. |
| Cowherd, | Henry, Miss. | Maynard, | Showalter, |
| Creamer, | Henry, Tex. | Miller, | Skiles, |
| Crumpacker, | Hildebrant, | Moody, N. C. | Slayden, |
| Cummings, | Holliday, | Morgan, | Snodgrass, |
| Davey, La. | Hopkins, | Morrell, | Snook, |
| Davidson, | Howell, | Moss, | Southard, |
| Davis, Fla. | Hull, | Mudd, | Sparkman, |
| De Graffenreid | Jack, | Mutchler, | Spight, |
| Deemer, | Jackson, Md. | Naphen, | Steele, |
| Dick, | Jenkins, | Neville, | Stephens, Tex. |
| Dinsmore, | Jett, | Newlands, | Stewart, N. J. |
| Dougherty, | Joy, | Norton, | Sulloway, |
| Draper, | Kern, | Otey, | Sulzer, |
| Driscoll, | Kitchin, Claude | Patterson, Tenn. | Swanson, |
| Eddy, | Kitchin, Wm. W. | Powers, Me. | Talbert, |
| Edwards, | Kluttz, | Powers, Mass. | Taylor, Ala. |
| Elliott, | Knox, | Ransdell, La. | Thayer, |
| Feely, | Lamb, | Reeder, | Thomas, N. C. |
| Fitzgerald, | Landis, | Reid, | Thompson, |
| Fletcher, | Lanham, | Rixey, | Tirrell, |
| Foerderer, | Lawrence, | Robb, | Tompkins, Ohio |
| Foster, Ill. | Lester, | Roberts, | Trimble, |
| Gaines, Tenr. | Lewis, Ga. | Robertson, La. | Van Voorhis, |
| Gilbert, | Littauer, | Rucker, | Wachter, |
| Gill. | Livingston, | Rumple, | Wadsworth, |
| Goldfogle, | Loudenslager, | Ruppert. | Warnock, |
| Gooch, | Lovering, | Ryan, | Wheeler, |
| Gordon, | McAndrews, | Scarborough, | White, |
| Grosvenor, | McCall, | Schirm, | Wilson, |
| Hanbury, | McCulloch, | Shackleford, | Wooten, |
| Haskins, | McLachlan, | Shallenberger, | Wright, |
| Hay, | McRae, | Shattuc, | Young. |
| Heatwole, | Mahoney, | Shelden, | |
| Henry, Conn. | Marshall, | Sheppard, | |

During the roll call the following proceedings took place:

Mr. RICHARDSON of Tennessee. I rise to a parliamentary inquiry. I wish to ask whether the Chair ordered the call of the roll on the motion to adjourn or upon the motion to suspend the rules and pass the bill?

The SPEAKER. Upon the motion to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. What became of the demand of the gentleman from Texas [Mr. BALL] for the yeas and nays on his motion to adjourn?

The SPEAKER. There was no such demand made.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Texas to call the yeas and nays on his motion to adjourn.

The SPEAKER. He did not. The Clerk will proceed with the call of the roll.

The Clerk resumed the call.

Mr. BALL of Texas (interrupting the roll call). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The roll call can not be interrupted; the gentleman is out of order.

Mr. BALL of Texas. On a question of personal privilege am I not in order?

The SPEAKER. Not while the roll is being called. The Clerk will proceed.

The call of the roll was resumed and concluded.

The SPEAKER (at the close of the roll call) directed that his name be called, and voted "aye."

Mr. OLMSTED. I desire to present an excuse for the absence of my colleague, Mr. CONNELL. He has been called home by illness in his family. If present, he would vote "aye."

Mr. OVERSTREET. I have a general pair with the gentleman from Missouri, Mr. COWHERD. I desire, therefore, to withdraw my vote, which was cast in the affirmative, and to answer "present."

Mr. LEVER. Mr. Speaker, I have voted "no" on this question, but as I am paired with the gentleman from Ohio, Mr. HILDEBRANT, I desire to withdraw my vote and be marked "present."

Mr. CROWLEY. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr. BULL. Having voted "no," I desire now to withdraw my vote and be marked "present."

Mr. METCALF. Mr. Speaker, having voted in the affirmative, I desire now to withdraw my vote, as I have a general pair with the gentleman from Kentucky, Mr. WHEELER. I ask to be recorded "present."

Mr. WATSON. Mr. Speaker, I have voted "aye;" but as I am paired with the gentleman from Georgia, Mr. LIVINGSTON, I ask to withdraw my vote and to be recorded "present."

Mr. PIERCE. Mr. Speaker, I have learned that my colleague, Mr. BROWNLOW, with whom I have a general pair, is out of the city. I therefore desire to withdraw my vote and be recorded "present." If my colleague were here, I should vote "no."

The SPEAKER. The last statement of the gentleman is not in order.

Mr. CLARK. I have just ascertained that the gentleman from Indiana, Mr. LANDIS, with whom I am paired, did not vote on this question. I therefore desire to withdraw my vote, which was cast in the negative, and be marked "present."

The Clerk announced the following pairs:

Until further notice:
Mr. STEELE with Mr. COOPER of Texas.
Mr. GROSVENOR with Mr. SNOOK.
Mr. BARNEY with Mr. MCRAE.
Mr. SHATTUC with Mr. RUCKER.
Mr. IRWIN with Mr. GOOCH.
Mr. BOUTELL with Mr. GRIGGS.
Mr. LANDIS with Mr. CLARK.
Mr. STEWART of New Jersey with Mr. SALMON.
Mr. SHOWALTER with Mr. SLAYDEN.
Mr. EDDY with Mr. SHEPPARD.
Mr. HULL with Mr. WILLIAM W. KITCHIN.
Mr. MCCALL with Mr. STEPHENS of Texas.
Mr. POWERS of Maine with Mr. CONRY.
Mr. SCHIRM with Mr. CLAUDE KITCHIN.
Mr. SHELDEN with Mr. SPIGHT.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. JENKINS with Mr. LANHAM.
Mr. CAPRON with Mr. JETT.
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.
Mr. OVERSTREET with Mr. COWHERD.
Mr. BROWNLOW with Mr. PIERCE.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. SKILES with Mr. TALBERT.
Mr. RUMPLE with Mr. THOMPSON.
Mr. DEEMER with Mr. MUTCHLER.
Mr. WANGER with Mr. ADAMSON.
For the day:
Mr. WADSWORTH with Mr. MCANDREWS.
Mr. HOWELL with Mr. SHACKLEFORD.
Mr. ACHESON with Mr. DOUGHERTY.
Mr. BEIDLER with Mr. SHALLENBERGER.
Mr. BABCOCK with Mr. RUPPERT.
Mr. BLACKBURN with Mr. KLUTTZ.
Mr. MCLACHLAN with Mr. GOLDFOGLE.
Mr. HILDEBRANDT with Mr. LEVER.
Mr. ALEXANDER with Mr. SHAFROTH.
Mr. FOERDERER with Mr. SULZER.
Mr. HEATWOLE with Mr. BRANTLEY.
Mr. JACK with Mr. FINLEY.
Mr. FOWLER with Mr. BARTLETT.
Mr. BURK of Pennsylvania with Mr. ELLIOTT.
Mr. MUDD with Mr. HENRY of Texas.
Mr. BARTHOLDT with Mr. KERN.
Mr. DICK with Mr. BELMONT.
Mr. SULLOWAY with Mr. SNODGRASS.
Mr. WRIGHT with Mr. LESTER.
Mr. WATSON with Mr. LIVINGSTON.
Mr. LAWRENCE with Mr. BELL.
Mr. FLETCHER with Mr. BANKHEAD.
Mr. BATES with Mr. BELLAMY.
Mr. BALL of Delaware with Mr. ALLEN of Kentucky.
Mr. WACHTER with Mr. SMALL.
Mr. BRICK with Mr. BRUNDIDGE.
Mr. BLAKENEY with Mr. BROUSSARD.
Mr. BRISTOW with Mr. BUTLER of Missouri.
Mr. BROWN with Mr. CALDWELL.
Mr. BURLEIGH with Mr. SPARKMAN.
Mr. CASSEL with Mr. COCHRAN.
Mr. CONNELL with Mr. COONEY.
Mr. CRUMPACKER with Mr. LAMB.
Mr. DAVIDSON with Mr. DINSMORE.
Mr. DRAPER with Mr. DAVIS of Florida.
Mr. DRISCOLL with Mr. FITZGERALD.
Mr. GILL with Mr. FOSTER of Illinois.
Mr. HENRY of Connecticut with Mr. GAINES of Tennessee.
Mr. HANBURY with Mr. HAY.
Mr. HASKINS with Mr. HENRY of Mississippi.
Mr. HOLLIDAY with Mr. MCCULLOCH.
Mr. HOPKINS with Mr. MAHONEY.
Mr. JACKSON of Maryland with Mr. MAYNARD.
Mr. KNOX with Mr. NAPHEN.
Mr. LITTAUER with Mr. NORTON.
Mr. MARSHALL with Mr. PATTERSON of Tennessee.
Mr. MILLER with Mr. RANSDELL of Louisiana.
Mr. MOODY of North Carolina with Mr. REID.
Mr. MORRELL with Mr. RIXEY.
Mr. MORGAN with Mr. ROBB.
Mr. POWERS of Massachusetts with Mr. ROBERTSON of Louisiana.
Mr. REEDER with Mr. RYAN.
Mr. ROBERTS with Mr. SWANSON.
Mr. TIRRELL with Mr. THAYER.
Mr. SOUTHARD with Mr. WILSON.
Mr. MOSS with Mr. NEWLANDS.
Mr. WARNOCK with Mr. FEELY.
Mr. TOMPKINS of Ohio with Mr. THOMAS of North Carolina.
For the session:
Mr. COOMBS with Mr. DAVEY of Louisiana.
Mr. BULL with Mr. CROWLEY.
Mr. MAHON with Mr. OTEY.
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. BOREING with Mr. TRIMBLE.
Mr. YOUNG with Mr. BENTON.
For this vote:
Mr. GRAHAM with Mr. SCARBOROUGH.
Until Wednesday:
Mr. JOY with Mr. CUMMINGS.
Until the 18th:
Mr. LOVERING with Mr. LEWIS of Georgia.
The result of the vote was announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7990. An act granting an increase of pension to Uriah Reams;

H. R. 10044. An act granting an increase of pension to William Larzalere;

H. R. 11381. An act granting an increase of pension to Abraham N. Bradfield;

H. R. 10193. An act granting an increase of pension to John Hollister;

H. R. 10363. An act to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina;

H. R. 9821. An act granting a pension to John W. Moore;

H. R. 1706. An act granting an increase of pension to John E. White;

H. R. 6466. An act granting a pension to Josephine M. Dustin;

H. R. 3180. An act granting an increase of pension to Edward S. Dickenson;

H. R. 6713. An act granting an increase of pension to Freeman R. E. Chanaberry;

H. R. 5413. An act granting an increase of pension to Alfred H. Van Vliet;

H. R. 1011. An act granting an increase of pension to John S. Raulett;

H. R. 3418. An act granting a pension to Dennis Dyer;

H. R. 6029. An act granting an increase of pension to Mary E. Kelly;

H. R. 11409. An act to authorize the construction of a traffic bridge across the Savannah River, etc.;

H. R. 11375. An act granting a pension to Charles F. Merrill;

H. R. 10289. An act granting a pension to Eliza Stewart;

H. R. 9301. An act granting an increase of pension to Barbara McDonald;

H. R. 3084. An act for the relief of bona fide settlers in forest reserves;

H. R. 2120. An act granting an increase of pension to Horatio N. Warren; and

H. R. 2124. An act granting an increase of pension to Dewit C. McCoy.

ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FOERDERER, for four days, on account of important business.

Then, on motion of Mr. PAYNE (at 5 o'clock and 48 minutes), the House adjourned until 12 o'clock to-morrow.

---

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the secretary of the American National Red Cross, transmitting the annual report for the year ended December 31, 1901—to the Committee on Foreign Affairs, and ordered to be printed, except accompanying pamphlet.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ella Adamson, administratrix of estate of Frederick Read, against the United States—to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURKE of South Dakota, from the Committee on Mines and Mining, to which was referred the bill of the Senate (S. 156) to provide for the payment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims, reported the same without amendment, accompanied by a report (No. 1467); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the Senate (S. 3057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, reported the same with amendments, accompanied by a report (No. 1468); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 11173, reported in lieu thereof a substitute (H. R. 13405), authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, accompanied by a report (No. 1469); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13328) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported the same without amendment, accompanied by a report (No. 1473); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

---

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8840) granting an increase of pension to J. H. Lauchley, reported the same with amendments, accompanied by a report (No. 1426); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 962) granting a pension to Rodney W. Anderson, reported the same with amendment, accompanied by a report (No. 1427); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8145) granting an increase of pension to Harvey B. Linton, reported the same with amendment, accompanied by a report (No. 1428); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6063) granting an increase of pension to John Brill, reported the same with amendments, accompanied by a report (No. 1429); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9950) granting an increase of pension to Moses Whitcomb, reported the same with amendment, accompanied by a report (No. 1430); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7041) granting an increase of pension to Thomas J. Pleasant, reported the same with amendment, accompanied by a report (No. 1431); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2817) granting a pension to John Beeson, reported the same with amendments, accompanied by a report (No. 1432); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11051) granting an increase of pension to Henry E. Williams, reported the same with amendments, accompanied by a report (No. 1433); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7367) granting a pension to Ellen D. Campbell, reported the same with amendment, accompanied by a report (No. 1434); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13146) granting an increase of pension to Charles H. Helmcamp, reported the same with amendment, accompanied by a report (No. 1435); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2486) granting an increase of pension to William Matthews, reported the same with amendment, accompanied by a report (No. 1436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1528) granting an increase of pension to Charles Dalyrmple, reported the same without amendment, accompanied by a report (No. 1437); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12148) granting an increase of pension to Frederick O. Clark, reported the same with amendment, accompanied by a report (No. 1438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9544) granting an increase of pension to George W. Barry, reported the same with amendments, accompanied by a report (No 1439); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2660) granting an increase of pension to Henry Runnebaum, reported the same with amendment, accompanied by a report (No. 1440); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10795) granting an increase of pension to William A. Campbell, reported the same without amendment, accompanied by a report (No. 1441); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13037) granting an increase of pension to Frank W. Anderton, reported the same with amendments, accompanied by a report (No. 1442); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11783) granting an increase of pension to Charles M. Montgomery, reported the same with amendments, accompanied by a report (No. 1443); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9819) granting an increase of pension to Robert A. Pinn, reported the same with amendment, accompanied by a report (No. 1444); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10899) granting an increase of pension to William Warner, Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 1445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12995) granting an increase of pension to John Lilley, reported the same with amendments, accompanied by a report (No. 1446); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4451) granting an increase of pension to George K. Thompson, reported the same with amendments, accompanied by a report (No. 1447); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3524) granting an increase of pension to Frederick A. Slocum, reported the same with amendments, accompanied by a report (No. 1448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7110) granting an increase of pension to Mrs. B. F. Power, reported the same with amendments, accompanied by a report (No. 1449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12977) granting an increase of pension to William L. Church, reported the same with amendment, accompanied by a report (No. 1450); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6897) granting an increase of pension to William G. Buchanan, reported

the same with amendments, accompanied by a report (No. 1451); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1238) granting a pension to Margaret A. Stuart, reported the same with amendments, accompanied by a report (No. 1452); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12683) granting a pension to Sarah L. Bates, reported the same with amendment, accompanied by a report (No. 1453); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3262) granting an increase of pension to David T. Bruck, reported the same with amendment, accompanied by a report (No. 1454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11170) granting an increase of pension to William Kunselman, reported the same without amendment, accompanied by a report (No. 1455); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12770) granting a pension to Carrie M. Schofield, reported the same with amendments, accompanied by a report (No. 1456); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3323) to pension Daniel L. Mallicoat, reported the same with amendments, accompanied by a report (No. 1457); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 721) granting an increase of pension to Lavalette D. Dickey, reported the same without amendment, accompanied by a report (No. 1458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12239) granting an increase of pension to Agnes Clark, reported the same with amendments, accompanied by a report (No. 1459); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1745) granting an increase of pension to Marvin Chandler, reported the same with amendment, accompanied by a report (No. 1460); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7507) granting an increase of pension to James M. Ashley, reported the same with amendments, accompanied by a report (No. 1461); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12446) granting a pension to Mary Shearer, reported the same with amendments, accompanied by a report (No. 1462); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2849) to increase the pension of Charles S. Ely, reported the same with amendments, accompanied by a report (No. 1463); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3592) for the relief of Henry Lane, reported the same without amendment, accompanied by a report (No. 1464); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 3385) for the relief of George C. Ellison, reported the same without amendment, accompanied by a report (No. 1465); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 8133) to grant authority and jurisdiction to the Court of Claims, reported the same without amendment, accompanied by a report (No. 1466); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 363) for the relief of the University of Kansas, reported the same without amendment, accompanied by a report (No. 1470); which said bill and report were referred to the Private Calendar.

Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 7792) for the relief of John L. Young, reported the same with amendment, accompanied by a report (No. 1471); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 11007) for the relief of Capt. Herman C. Schumm, reported the same without amendment, accompanied by a report (No. 1472); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 10775) for the relief of Charles E. Sapp, reported the same without amendment, accompanied by a report (No. 1478); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others, reported the same with amendments, accompanied by a report (No. 1479); which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 2909) for the relief of Rev. George W. C. Smith, and the same was referred to the Committee on Military Affairs.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 13404) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 13405) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, as a substitute for H. R. 11173—to the House Calendar.

By Mr. MORRIS: A bill (H. R. 13432) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

By Mr. BULL: A bill (H. R. 13433) providing for the retirement of petty officers and enlisted men of the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 13434) to provide for an increase in the Pay Corps of the Navy—to the Committee on Naval Affairs.

By Mr. BATES: A bill (H. R. 13438) to promote the efficiency of the clerical service in the Navy of the United States, to organize a clerical corps of the Navy of the United States, to define its duties, and regulate its pay—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 13444) relating to the retirement of officers of the Army who served previous to April 9, 1865—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits—to the Committee on the District of Columbia.

By Mr. THAYER: Resolution (H. Res. 203) that the Attorney-General be requested to inform the House of Representatives what steps have been taken toward investigating the beef trust—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial from the legislature of Colorado, against retirement of greenbacks—to the Committee on Banking and Currency.

By Mr. BELL: Memorial of the Colorado legislature concerning the Philippine Islands—to the Committee on Insular Affairs.

Also, memorial of the Colorado legislature against retirement of greenbacks—to the Committee on Banking and Currency.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 13406) granting an increase of pension Edmon H. Short—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13407) to remove the charge of desertion from the military record of Silas Nicholson—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 13408) granting a pension to Andrew Switzer—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 13409) to remove the

charge of desertion from the military record of Thomas D. Franklin—to the Committee on Military Affairs.

Also, a bill (H. R. 13410) granting an increase of pension to Philip Hawn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13411) granting an increase of pension to Clarence D. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13412) granting an increase of pension to Jacob L. Etnire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) granting an increase of pension to William H. Clark—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13414) granting a pension to Mrs. E. M. Campdoras—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13415) granting an increase of pension to Jacob F. Denneler—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 13416) granting an increase of pension to Mrs. Isabella H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13417) granting an increase of pension to Zebulon M. Burns—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13418) granting an increase of pension to Lilian T. Wood—to the Committee on Invalid Pensions.

Also, A bill (H. R. 13419) granting a pension to Florence R. Russell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 13420) to pay Velvia Tucker arrears of pension due her father, William N. Tucker—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 13421) for the relief of William S. Hoskins—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 13422) for the relief of Henry Newman—to the Committee on Claims.

By Mr. KEHOE: A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 13424) granting an increase of pension to Edward F. Hassett—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13425) granting an increase of pension to William B. Padgett—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 13426) for the relief of H. M. Dickson, William T. Mason, the Dickson-Mason Lumber Company, and D. L. Boyd—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 13427) granting an increase of pension to Daniel Foley—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13428) for relief of James W. Hardin and to remove charge of desertion—to the Committee on Military Affairs.

By Mr. REID (by request): A bill (H. R. 13429) to remove charge of desertion against James H. Tilley—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 13430) granting an increase of pension to Jacob H. Hege—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13431) granting an increase of pension to David W. Reed—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13435) granting an increase of pension to Ira Waldo—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13436) granting an increase of pension to Charles A. Adams—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13437) granting an increase of pension to Samuel W. Overman—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13439) granting an increase of pension to William Blanchard—to the Committee on Invalid Pensions.

By Mr. DAHLE: A bill (H. R. 13440) granting an increase of pension to John W. Roberts—to the Committee on Invalid Pensions.

By Mr. GILLETT of New York: A bill (H. R. 13441) granting an increase of pension to W. W. Winegar—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 13442) granting a pension to John Eskew—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13443) granting a pension to Sarah G. Williams—to the Committee on Invalid Pensions.

---

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Holbrook Lodge No. 378, Brotherhood of Locomotive Firemen, of McKees Rocks, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. APLIN: Resolutions of Michigan State Grange, Patrons of Husbandry, against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Brotherhood of Railroad Trainmen No. 562, Alpena, Mich., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Petition of citizens of Hillsboro, Wis., urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. BARTLETT: Resolutions of the mayor and council of the city of Valdosta, Ga., favoring House bill 12205, to establish a United States circuit and district court at Valdosta—to the Committee on the Judiciary.

By Mr. BELL: Resolutions of the Labor Union of Cripple Creek, Colo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of citizens of Alcester, S. Dak., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BURLESON: Resolutions of Retail Clerks' Union No. 458, of Taylor, Tex., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CURRIER: Petition of the Woman's Christian Temperance Union of Colebrook, N. H., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. CRUMPACKER: Petition of Polish Society of Michigan City, Ind., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, petition of Cigar Makers' Union No. 335, of Hammond, Ind., against a reciprocity treaty with Cuba—to the Committee on Ways and Means.

By Mr. CURTIS: Resolution of Department of Kansas, Grand Army of the Republic, favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, protest of business men of Corning and Leona, Kans., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Division No. 28, Order of Railway Conductors, Atchison, Kans., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Retail Clerks' Union of Horton, Kans., and division No. 28, Order of Railway Conductors, of Atchison, Kans., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. DAYTON: Papers to accompany House bill 13417, granting a pension to Zebulon M. Burns—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the National Association of State Dairy and Food departments, for uniform legislation for the conduct of said departments—to the Committee on Agriculture.

By Mr. EDWARDS: Petition of Bricklayers and Masons' Union No. 1, of Butte, Mont., and of Miners' Union No. 45, of Bridger, Mont., favoring a restriction of the immigration of cheap labor from Europe to the United States—to the Committee on Immigration and Naturalization.

Also, resolution of Yellowstone Division, No. 191, Order of Railway Conductors, Glendive, Mont., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Typographical Union No. 255, Anaconda, and Yellowstone Division, No. 191, Order of Railway Conductors, Glendive, Mont., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of Martin R. Delaney Circle, No. 122, Ladies of Grand Army of the Republic, of Allegheny, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over and increasing widows' pensions to $12 per month—to the Committee on Invalid Pensions.

Also, petition of the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of said departments—to the Committee on Agriculture.

By Mr. GREEN of Pennsylvania: Resolutions of Bricklayers' Union No. 15, of Allentown, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Protest of Pomona Grange No. 22, Patrons of Husbandry, of Jefferson County, Ind., against the passage of the ship subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Resolution of United Mine Workers

No. 255, of Dugger, Ind., favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of Brotherhood of Railroad Trainmen No. 297, Toledo, Ohio, and Order of Railway Conductors No. 270, of Youngstown, Ohio, and Trade and Labor Council of Chillicothe, Ohio, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HEPBURN: Resolutions of C. E. Boynton Lodge, No. 13, Brotherhood of Railroad Trainmen, of Eagle Grove, Wright County, Iowa, in support of the bill known as "the Foraker-Corliss safety-appliance bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Petition of R. B. Hayes Post, No. 120, Grand Army of the Republic, Department of Illinois, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. KERN: Petition of sundry citizens of Carlyle, Ill., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Central Trades Labor Assembly of Sparta; Federal Labor Union No. 8533, of Marissa, Ill., and Arnold Lodge, No 44, Locomotive Firemen, East St. Louis, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of citizens of Ottumwa, Iowa, for the appointment of a commission to investigate equal suffrage—to the Committee on Rules.

By Mr. LINDSAY: Resolution of Levi P. Morton Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Federation of Labor, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MAHON: Resolution of Colonel P. D. Housum Post, No. 309, Grand Army of the Republic, Chambersburg, Pa., in relation to the extension of the post-exchange system—to the Committee on Military Affairs.

Also, resolution of Broad Top Division, No. 158, order of Railway Conductors, Huntingdon, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McRAE: Petition of Adams Division, No. 59, Order of Railway Conductors, of Texarkana, Ark., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MOODY of Massachusetts: Resolutions of Cigar Makers' Union No. 324, Riggers, Tarers, and Scrapers' Union No. 9599, of Gloucester, Mass., and Local Union No. 247, of Salem, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MOODY of North Carolina: Petition of citizens of the State of North Carolina in relation to the claim of Harvey M. Dickson, William T. Mason, The Dickson-Mason Lumber Company, and David L. Boyd against the United States for damages on account of a certain injunction suit brought against said parties by the United States—to the Committee on Claims.

By Mr. MOODY of Oregon: Petition of citizens of Malheur County, Oreg., relative to the leasing of public lands—to the Committee on the Public Lands.

Also, resolution of Miners' Union No. 42, of Bourne, Oreg., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. MOON: Papers to accompany House bill 1269, in behalf of William D. Humbard—to the Committee on Appropriations.

Also, affidavits of R. H. Howard, H. F. Rogers, H. D. Huffaker, T. E. Abernathy, M. D., S. T. Fowler, Henry R. Jordan, and H. J. Springfield, to accompany House bill 8049, for the relief of H. J. Springfield—to the Committee on Invalid Pensions.

By Mr. MORRELL: Memorial by the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of the said departments—to the Committee on Agriculture.

Also, resolutions of Shirt Waist and Laundry Workers' Union of Philadelphia, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBB: Resolutions of Federal Labor Union No. 9402, of Fredericktown, Mo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolutions of Branches Nos. 16, 61, 208, and 344, and St. Valentine Branch, Societies of the Polish National Alliance, all of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SCHIRM: Resolutions of Patapsco Lodge, No. 432; Baltimore, Md., Brotherhood of Locomotive Firemen, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. SHALLENBERGER: Petition of J. C. Den and other citizens of Arapahoe, Nebr., in favor of House bills 170 and 179—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to Samuel L. Brass—to the Committee on Invalid Pensions.

By Mr. STEELE: Resolutions of Martha Washington Circle, No. 21, Ladies of Grand Army of the Republic, Marion, Ind., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to $12 per month—to the Committee on Invalid Pensions.

Also, resolutions of Union No. 227, Painters and Decorators, of Hartford City, Ind., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Alabama: Resolutions of Gulf City Lodge, No. 437, Railroad Trainmen, of Mobile, Ala., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WACHTER: Petitions of citizens of Baltimore, Md., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, paper to accompany House bill granting a pension to Morris B. Slawson—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolution of Graham Post, No. 106, Grand Army of the Republic, Pottstown, Pa., favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting an increase of pension to David W. Reed—to the Committee on Invalid Pensions,

By Mr. WRIGHT: Resolutions of Watkins Post, No. 68, and Captain James Ham Circle, No. 76, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

---

## SENATE.

### TUESDAY, *April 8, 1902.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

#### AMERICAN NATIONAL RED CROSS SOCIETY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the secretary of the American National Red Cross Society, transmitting, pursuant to law, the annual report of that society for the year ended December 31, 1901. The Chair suggests that the communication and accompanying papers be referred to the Committee on Foreign Relations, and that only the typewritten part of the report be printed. Without objection, it will be so ordered.

#### COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT pro tempore appointed Mr. McCOMAS a director, on the part of the Senate, of the Columbia Hospital for Women and Lying-in Asylum, under the provisions of the act of June 10, 1872.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 176) to provide for the extension of the charters of national banks.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service;