Also, a bill (H. R. 16226) for the relief of Eli H. Rhodes—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16227) granting a pension to R. C. Worthington—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: Petition of the General Assembly of the Presbyterian Church, Pittsburg, Pa., to enact laws prohibiting the sale of intoxicating liquors in Soldiers' Homes, in Government buildings, and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Resolutions of the Philadelphia Board of Trade, in opposition to the passage of House bill 3076, limiting the hours of daily service of laborers—to the Committee on Labor.

By Mr. ALEXANDER: Resolutions of the Manufacturers' Club of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of St. Louis Union, No. 6, International Brotherhood of Firemen, for an increase of the pay of firemen in the United States service—to the Committee on Appropriations.

Also, resolutions of the Art League of St. Louis, Mo., asking for the repeal of duty on imported works of art fifty years or more of age—to the Committee on Ways and Means.

Also, resolutions of the Commercial Club of Kansas City, Mo., in favor of the admission to statehood of Oklahoma, New Mexico, Arizona, and Indian Territory—to the Committee on the Territories.

Also, petition of St. Louis Central Trades and Labor Union, indorsing House resolution 9, prohibiting the competition of enlisted men with civilians—to the Committee on Labor.

Also, petitions of citizens and business firms of St. Louis, Mo., favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the heirs of Thomas J. Ingraham, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Franklin Post, No. 69, Grand Army of the Republic, of Olathe, Kans., to accompany House bill granting a pension to Andrew J. Baucom—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petitions of the Friends Meeting and the Baptist Church of Oxford, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CASSEL: Petition of G. W. Hackenberger, of Bainbridge, Pa., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Bartenders' Alliance, Troy, N. Y., indorsing the proposed eight-hour law—to the Committee on Labor.

By Mr. FOERDERER: Petition of the Clawson Company, of Philadelphia, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to George P. Wood—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of citizens of St. Marys, Ohio, asking for favorable action upon the bill reducing the tax on liquor—to the Committee on Ways and Means.

Also, papers to accompany House bill 15944 granting an increase of pension to Joseph N. Carter—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Woman's Christian Temperance Union of Allegheny County, Pa., asking for the continuance of the anticanteen law, and opposing the admittance of New Mexico and Arizona to statehood without an antipolygamy provision—to the Committee on Military Affairs.

Also, petition of the Keystone Watch Case Company, Philadelphia, Pa., against the passage of the eight-hour bill—to the Committee on Labor.

By Mr. GROSVENOR: Petition of G. W. Cramer and other citizens of Urbana, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of American Pharmacal Company and others, of Evansville, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Wheeler Condenser and Engineering Company, of Cartaret, N. J., favoring the Lovering customs drawback law—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petitions of the F. R. Penn Tobacco Company, Reidsville, N. C., and F. Goolsby, Madison, N. C., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany House bill relating to the claim of William G. Tidwell—to the Committee on War Claims.

Also, papers to accompany bill granting a pension to Mrs. J. L. Jones, widow of a soldier of the Mexican war—to the Committee on Pensions.

By Mr. RIXEY: Petition of heirs of John T. Armstrong, deceased, of Alexandria, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN: Petitions of John O. Manning and 113 others, Delaney & O'Brian and 42 others, all citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY C. SMITH: Petition of Joseph B. Davis, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: Petition of Henry Lee and others for the improvement of White Oak River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS of Mississippi: Papers to accompany House bill granting a pension to Eli H. Rhodes, a soldier in the Indian wars in Florida—to the Committee on Pensions.

Also, petition of Sarah McClenachan for a pension—to the Committee on Pensions.

By Mr. YOUNG: Petition of Burnham, Williams & Co., Philadelphia, Pa., favoring House bill 15368, amending the customs drawback law—to the Committee on Ways and Means.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 18, 1902.*

The House met at 12 o'clock m., and was called to order by the Clerk, who read the following communication:

DECEMBER 18, 1902.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to perform the duties of the Chair this day.

D. B. HENDERSON, *Speaker.*

The SPEAKER pro tempore having taken the chair, prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

VENEZUELA.

Mr. HITT. Mr. Speaker, by direction of the Committee on Foreign Affairs, I submit a privileged report, two resolutions of inquiry, Nos. 352 and 363. The committee instructs me to recommend the adoption of No. 363, and that No. 352 lie on the table. I will send them to the desk, and ask that resolution No. 352 be read.

The resolution was read, as follows:

Resolved, That the honorable Secretary of State be, and he is hereby, requested to inform the House, at the earliest date practicable, and so far as he may be able to do, of the nature and extent of the claims of Great Britain and Germany, respectively, against Venezuela; whether the correctness or rightfulness of said claims, in whole or in part, is disputed by Venezuela; what effort, if any, and by whom, if anybody, has been made to settle peaceably, by arbitration or otherwise, the matters, or any of the matters, the subject of controversy between Venezuela upon the one side and Great Britain or Germany upon the other, and with what result, if any, with full particulars; what, if any, part the United States have taken or are taking in the controversy aforesaid; whom, if any, of the officers of the United States have been consulted by any of the parties to the said controversy, and in regard to what matter or matters, and with what result; what, if anything, has been said or done by the United States with relation to the Monroe doctrine and its due and respectful observance in the transactions with reference to the British and German claims against Venezuela, or any of them; to what extent, if any, the United States have been consulted or conferred with as to the substance, or application, or applicability of the Monroe doctrine to the Venezuela question aforesaid, and with what result; what, if anything, the United States have done, or are doing, to insure, or toward insuring, respect for the Monroe doctrine in and concerning Venezuela, and the result of such efforts, if any; and whether, in his judgment, the United States can, by a firm assertion of the Monroe doctrine, bring about, or aid in bringing about, a peaceful and fair adjustment of the disputes between the nations aforesaid, so as to have fully respected the principles of the Monroe doctrine and to preserve the governmental and territorial integrity and independence of Venezuela.

Mr. HITT. Mr. Speaker, for the better understanding of the action proposed, I ask for the reading of No. 363.

Resolution No. 363 was read, as follows:

Resolved, That the Secretary of State be directed, if not incompatible with the public interests, to inform the House of Representatives touching any understanding or agreement between the Governments of Great Britain and Germany on the one hand and the diplomatic officers of the United States on

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the other, or any assurances by the said Governments to the diplomatic officers of the United States, as to the nature, extent, and purpose of the joint demonstration of said Governments against Venezuela, and particularly with reference to the occupation of the territory of Venezuela, and to transmit to the House of Representatives the correspondence, if any, upon the subject between the diplomatic officers of the United States and the said Governments, or either of them.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman if this last resolution, 363, is to lie on the table?

Mr. HITT. I will state that the committee recommends the adoption of the last resolution, No. 363, as it calls for the whole correspondence on this subject, and I believe that correspondence will be transmitted to the House.

Mr. PAYNE. I notice that the first resolution is very broad and seems to include matters that ought not to be in the State Department.

Mr. HITT. The first resolution is included, substantially, in the second, except in one point, that which asks for opinions; that the committee thought was not in accordance with usage, and that part of the resolution was not approved. This does not imply that the committee disagreed to the inquiry being made, but it adopted the form of that general resolution, No. 363. Therefore I ask the House to act first upon resolution No. 363.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman if the inquiry or correspondence called for relates alone to the controversy between Venezuela on the one side and Germany and Great Britain on the other, and if so, why is the correspondence with respect to Italy omitted? I understand that Italy is figuring in the matter quite extensively, as well as other countries in Europe. Why not include all the correspondence?

Mr. HITT. I am advised, and I think I am certain, that the correspondence is the same that would be sent for one or the other resolution and covers the whole subject. It calls for what the Department has, and that is all we want.

Mr. RICHARDSON of Tennessee. Then there was no object in the committee omitting Italy?

Mr. HITT. No; this resolution was chosen because the phraseology seemed preferable, and it had in it the usual provision "not being incompatible with the public interests."

Mr. RICHARDSON of Tennessee. I understand the minority of the committee joined in the report.

Mr. HITT. This is the unanimous report of the committee, with the recommendation that the resolution referred to be adopted.

Mr. DINSMORE. The two resolutions are practically the same, the committee accepting No. 363.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the resolution 352 will lie on the table.

There was no objection.

UNION STATION.

The SPEAKER pro tempore laid before the House the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, with House amendments disagreed to by the Senate.

Mr. BABCOCK. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The following were announced as conferees on the part of the House: Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2492. An act to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

H. R. 4471. An act for the relief of James M. Chisham;

H. R. 11893. An act granting an increase of pension to Cornelia A. Dennis;

H. R. 13449. An act granting an increase of pension to Mary A. E. Scott;

H. R. 14801. An act to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement; and

H. R. 15593. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 6502. An act relating to ceded lands on the Fort Hall Indian Reservation.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 16057. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. WILLIAM J. SEWELL, late a Senator from the State of New Jersey.

Resolved, That the Senate extends to his family and to the people of the State of New Jersey sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of New Jersey a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

PHILIPPINE ISLANDS REVENUE ACT.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15702) to amend the Philippine Islands revenue act.

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

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PALMER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15702, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. About a year ago, Mr. Chairman, the House passed a bill providing revenue for the government of the Philippine Islands. Among other things embraced in that bill was section 2, which provided that upon all merchandise coming from the Philippine Islands to the United States a duty equal to 75 per cent of the duties under the Dingley Act be imposed and collected. In addition to that there were some export duties, and also some import duties on goods coming from other countries and from the United States to the Philippine Islands. Those latter duties were imposed by the Philippine Commission or Philippine government. We ratified and confirmed the tariff rate made by this Philippine Commission as to these duties, both export and import, however taking off finally the export duties on goods coming to the United States from those islands. Section 2, as I said, of that bill provided for the imposition of 75 per cent of the Dingley rates upon goods coming from the islands to the United States.

This bill simply amends section 2. It reenacts the section as amended, and the only change in the entire section made by this bill is on page 2—I think line 3—where we strike out 75 per cent and insert 25 per cent, so that, after the passage of this bill, there will be levied on goods coming from the Philippine Islands duties at the rate of 25 per cent of the Dingley rate. That is the only change we are making to the entire act.

The committee will remember that another section, section 4 of that act, provided that all the duties imposed by the act, all the revenues arising under the act, should not be covered into the Treasury of the United States, but should be turned over to the Philippine government for the support of that government.

This legislation is directly in line with the Porto Rican tariff act, a bill which originated in the House of Representatives, and which provided that 15 per cent of the duties under the Dingley Act should be imposed upon goods coming from Porto Rico to the United States. Although that bill was denounced in various quarters, and in many quarters, at the time of its passage as unconstitutional, as poor policy, as unjust to the people of the island of Porto Rico, and as a measure likely to bring upon them poverty and distress, yet, after two years under that bill, at the end of which time free trade was inaugurated between the United States

and that island, after two years of the beneficent influences of that bill, the island of Porto Rico and its people found themselves enjoying a greater state of prosperity in every direction than they had ever enjoyed before, save, perhaps, in the one item of coffee, upon which there was absolutely free trade between Porto Rico and the United States under that act.

Mr. McCALL. May I ask the gentleman if Porto Rico has languished any since free trade went into effect?

Mr. PAYNE. Oh, certainly not.

We provided, further, in that bill that after a suitable provision had been made to pay all running expenses of the government there should be free trade between Porto Rico and the United States. The bill was purely a revenue measure as well as a measure to give relief to the people of Porto Rico who were then paying 100 per cent of the Dingley rates. It was put on the ground of raising revenue to support that government; it was put on the ground of raising revenue because there was no other way in the disorganized condition of the people of the island to raise revenue, as the House will remember, because of the storm which had swept the island and the destruction of its industries.

Now, Mr. Chairman, under the present laws, since the 8th of March the revenues under section 2 of the Philippine Islands act have been small. They amount, up to the 30th of September, to the sum of $15,183.07, a very small sum compared with the $12,000,000 of revenue which have come from other sources in the islands. It is the opinion of the Commission, and the opinion of the Secretary of War, that if we reduce the rate of duty there will be so much greater amount of imports that the revenue will be much larger than it has been under the present act, and they ask that this 25 per cent of duties be retained simply as a revenue measure.

The report of the Secretary of War shows an apparent surplus of revenue over expenditures of about $2,000,000, as gentlemen will find in Appendix Q attached to that report, but this is only an apparent surplus. As I am informed, the amount has already been appropriated by the Philippine government for the necessary expenses of the islands.

One reason which is urged for the lowering of these duties is that which gentlemen will find in the report, or extracts of the report of the Secretary of War, which is published with the report of the committee. The Philippine Islands have been afflicted during the past year by the rinderpest, which has destroyed, they say, 90 per cent of the only beasts of burden known in these islands up to the time of the American occupation—the carabao. Of course this has worked great harm and disaster, especially to the agricultural portion of the people of those islands. Think of blotting out 90 per cent of the beasts of burden in any community, and the results which will follow that, Mr. Chairman, show that there must be a great disturbance of economical conditions and a great blow to the agriculture and commerce of the country.

Not only that, but a disease called the "surra" has also afflicted the horses and mules, those which the United States has taken over into these islands, as well as the native horses already there. So about 10,000 of these beasts of burden have been destroyed. The islands are in a bad condition financially. Added to this has been the cholera, which has swept away a great many human lives and has extended throughout a large portion of the islands and interfered greatly with the commerce and trade of the islands and with the people of other countries.

In addition to this it is reported by the Commission that about 75 per cent of the rice crop was destroyed by the storms—by hail, I believe. And then added to this there was a plague of locusts, which came in upon the islands and destroyed much of the remaining 25 per cent of the rice crop. So that the people need relief.

It may occur to some gentlemen that they should have more relief than is carried in this bill; that we should take off the 25 per cent. If they did not need this revenue, Mr. Chairman, I should be in favor of taking off the 25 per cent, but they demand the revenue, as they did in the island of Porto Rico, and which was found so beneficial in Porto Rico. We reduced the duties to 15 per cent of the Dingley rates and added greatly to the commerce of that country, restored prosperity to that country, and gave them better prices for their sugar and tobacco that came into the United States.

Now, of course, any importations which will come directly under this bill in the next few years from the Philippine Islands will not at all affect the price of sugar and tobacco in the United States. They will get just as much here for their sugar and tobacco, and they will save upon the price which they get 50 per cent of the Dingley rates. So that in that way it will help out and promote the agricultural and commercial interests of the islands of the Philippines to pass this bill.

Mr. Chairman, I have been anxious to urge this bill before the House before the holiday recess so that it might get to the Senate as soon as possible, and thus relief might be heralded to the islands. A year ago I asked the House to pass the Philippine tariff bill, and urged it through the House. An attempt was made to pass it in another body, and it did not succeed until about the 8th day of March. Unless greater progress is made with this bill in the coordinate branch it will not get through there until after the 4th day of March. So I felt it my duty to urge upon the House the consideration of this bill at the earliest practicable moment that it might get over to the Senate for consideration and might speedily become a law in order to give relief to these people of the Philippine Islands. Mr. Chairman, I reserve the balance of my time.

Mr. ROBINSON of Indiana. Mr. Chairman, might I ask the gentleman his opinion in regard to the industries of rice and sugar that he speaks of in the Philippine Islands and the effect that this legislation will have upon those industries here? I call the gentleman's attention to the fact that in the report to the Secretary of War, and according to the interests of the Philippine Islands, they are asking as a necessity the importation of Chinese laborers to work and exploit those industries in the Philippines. What will be the effect upon the industries of rice and tobacco here?

Mr. PAYNE. Mr. Chairman, this bill has nothing to do with the importation of Chinese into the Philippine Islands. I am opposed to the importation of Chinese into those islands. It is now prohibited by law. I do not know whether it is proposed to change it here anywhere in the United States.

Now, as to rice; they never have been able to produce anywhere near the quantity of rice they consume, and of course they can not export it to the United States. So far as sugar is concerned, I have already explained that the little which would come from the Philippine Islands to the United States will not affect the price here, and therefore can not injuriously affect our people, but it will be of great aid to the raisers of sugar in the Philippine Islands.

Mr. Chairman, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Chairman, it is my purpose to occupy the floor but a few moments with the discussion of the measure before us. The bill before us is designed to amend the second section of the act passed by Congress during the long session of this Congress to provide revenue temporarily for the Philippine Islands, and for other purposes, passed, I think, on the 8th of March, this year.

As has been stated by the gentleman from New York, this bill deals alone with the second section of that act. That section imposed a tax at a rate equal to 75 per cent of the rates fixed in the present tariff law—the law known as the Dingley tariff law—upon all articles the growth and product of the Philippine Archipelago coming into the United States. The rate of duty charged by section 2 of that act upon all articles imported from foreign countries is found in the clause which I will read. After the passage of that act, as section 2 provides—

> There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries.

But the proviso in the second section is to this effect:

> That upon all articles the growth and product of the Philippine Islands there shall be charged 75 per cent of the present rates of duty—

That is, the duty prescribed in the Dingley Act.

Now, this bill provides simply for striking out "seventy-five" and inserting "twenty-five" as the rate per cent to be charged; so that if this bill should become a law the rate of duty charged upon articles and commodities the growth and product of the Philippine Islands coming into the United States will be 25 per cent of the present tariff rates. This, of course, is a reduction from the 75 per cent prescribed in the act of March 8, to which I have just referred. This bill, providing a reduction such as I have described, we felt in the Ways and Means Committee—that is, the minority of that committee—that however radically wrong the principle was upon which the bill proceeds, we were not in a position to vote against the final passage of the measure. In other words, we believed that if 75 per cent was wrong the 25 per cent would also be wrong in principle, but it would be less injurious, as we believed, and therefore we felt that in the final analysis we would support the bill; but we did not come to that conclusion without an earnest effort in the committee to amend the bill. Those amendments I shall not discuss; indeed, I shall not discuss the principle involved in this measure. I want to refer, however, to the amendments we will offer, and state their purport.

I say I will not discuss the principle involved in the bill. It involves, as stated by the gentleman from New York, substantially the same question that arose when Congress came to provide the tariff or tax law for Porto Rico. We believed then that the principle upon which Congress, under the direction of the dominant party, proceeded to deal with the taxation of the people of Porto Rico, and as they now propose to deal and have dealt with the people of the Philippines, was radically wrong. We believed and contended that it was unconstitutional. Some gentlemen may surrender this view of the case in consideration of events and history subsequent to the discussion on the Porto

Rican bill; but I believed then, I believe now, that such legislation is unconstitutional; and I know it is unjust and un-American. [Applause.]

But, as I have said, I shall not to-day undertake to thrash old straw and go over the former argument to the House of Representatives. I feel that it is useless to do so. The minority of the Committee on Ways and Means felt that while this measure in itself would be productive of some good, it ought to be amended. We proposed two or three amendments. The first of those was that—

No duty shall be charged upon articles, goods, and commodities imported into the Philippine Islands from the United States; and upon articles, goods, and commodities the growth and product of the Philippine Islands coming into the United States from those islands no duty shall be charged.

We felt that the people of this country—the producers, the manufacturers, the business people, who have goods, wares, and merchandise for sale—ought to have the right, if they can find a market in the Philippines, to send their articles and commodities to the people there. Therefore we undertook to provide free trade between the United States and the people of those islands, as contemplated by the amendment I have read. It is needless to say that that amendment was defeated in the committee. We next proposed another amendment, as follows:

That the rates of duty charged upon all articles, goods, and commodities exported from the United States into the Philippine Islands shall be 25 per cent of the present rates.

Now, we did not, by offering that amendment, purpose to bind ourselves to the principle involved in it. We did not mean to say that the principle involved was right; but we did undertake to say, "If you intend to charge the 25 per cent rate of duty upon articles the growth and product of the Philippine Islands coming into the United States, you should indorse a like levy and collect a like charge upon goods going from the United States into the Philippines, the object being to make the rate uniform." First, we proposed that nothing be charged. Second, that if you insisted on charging 25 per cent in the one case, you should charge 25 per cent in the other.

These two amendments being rejected, we made no further opposition to the reporting of the bill as it has been presented by the gentleman from New York.

Mr. Chairman, I do not desire to take further time. I have explained the object and purpose of the measure. I have shown what we sought to do, and what we shall continue to seek to do, in the House of Representatives. Failing, if we do fail, to amend the measure so as to make it better, I have felt and have no hesitation in saying that I shall vote for the bill. Other gentlemen can do as they see fit. I shall, however, offer a motion to recommit the bill. I give notice now to gentlemen on this side of the House and the other that we shall offer a motion to recommit the bill in order to provide that there may be uniform free trade between the Philippine Islands and the United States.

Mr. Chairman, I will not take further time.

Mr. SNOOK and Mr. MADDOX rose.

Mr. MADDOX. Before you sit down, I want to ask you a question.

Mr. RICHARDSON of Tennessee. I will yield first to the gentleman from Ohio, as he rose first.

Mr. SNOOK. The chairman of the Committee on Ways and Means gives as the principal reason why a duty of 25 per cent of the present rate is retained on all the goods from the Philippine Islands to this country is that it will raise a large revenue for the support of the Philippine Government. Can the gentleman give any idea as to how much revenue will be raised by that means?

Mr. RICHARDSON of Tennessee. No, sir; I think it would be a mere guess. We had the vice-governor of the Philippine Islands, General Wright, before us, and, as I remember, he was unable to give the amount. I could not answer the question.

Mr. SNOOK. I notice by the report of the minority——

Mr. RICHARDSON of Tennessee. I want to add also that we have had no statement. We do not know what revenues it will bring. The Secretary of the Treasury and the Secretary of War have not furnished us with any estimates or tables showing what that revenue would probably be.

Mr. SNOOK. I notice by the report of the minority this statement: "The majority claim that the imposition of 25 per cent of the Dingley rate is essential to the purpose of the Philippine revenues, and yet, under 75 per cent of the Dingley rate, the total revenues collected since June last is only about $15,000."

Mr. RICHARDSON of Tennessee. That is correct.

Mr. SNOOK. Would not that give a pretty good idea and show that under this bill there would not be any very considerable sum for that purpose?

Mr. RICHARDSON of Tennessee. Unquestionably. I now yield to the gentleman from Georgia [Mr. MADDOX], who desires to ask me a question.

Mr. MADDOX. For information, I notice in the latter part of this bill the following:

But all articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Have there been any export duties?

Mr. RICHARDSON of Tennessee. That is in the Philippine tariff, which has been reenacted.

Mr. MADDOX. Have they an export tariff?

Mr. RICHARDSON of Tennessee. I so understand it.

Mr. GAINES of Tennessee. They must pay to get the goods out of the Philippine Islands under the present law.

Mr. RICHARDSON of Tennessee. The gentleman from New York [Mr. MCCLELLAN] desires fifteen minutes, and I ask that he have it.

Mr. MCCLELLAN. Mr. Chairman, the remarkable haste with which this bill was reported from the Committee on Ways and Means and the unseemly eagerness with which it is being forced through this House impel me to believe that there is some motive behind the action of my colleague, the chairman of the committee [Mr. PAYNE], that does not appear in his report.

My colleague states as an excuse for his extraordinary precipitancy that the recommendation of the Secretary of War permits of no delay. The Secretary wishes immediate action upon this bill; accordingly we are to act immediately. I have too much respect and too much affection for my colleague to assume that that is the real motive that has caused him to force this bill through the House with indecent hurry. The time has not yet come and, God willing, never will come when an officer of the Government, in a sense a servant of the Congress, can send to this House an order, with the certainty that that order will be obeyed unquestioningly and unquestioned. [Applause on the Democratic side.]

The real motive behind the action of my colleague is not obscure to those who understand the circumstances under which this bill was reported.

A year ago my colleague urged the same hasty action in reference to the act to which this is an amendment. That act passed the House on the 18th of December, but did not become a law until the 8th of March following, nearly three months after we sent it to the Senate. My colleague knows as well as I know that if this bill passes to-day it can not receive consideration by the Senate until after the Christmas recess. My colleague knows as well as I know that if he delays action upon this bill until we meet again in January he will not delay its enactment twenty-four hours.

Some days ago there appeared before the Committee on Ways and Means the vice-governor of the Philippine Islands, the Hon. Luke E. Wright. Mr. Wright, in answer to a question asked by me, stated that in his opinion were Philippine products to be admitted into the United States free of duty the interests of the Filipinos would be better served than by the enactment of this bill.

That hearing has not yet been printed. The copy has not even been corrected by Mr. Wright. Members of the House do not even know that the hearing took place, and members of the Committee on Ways and Means who were not present at the meeting are ignorant of its contents. The gentleman has none but himself to thank if there is a suspicion on this side of the House that, chastened in spirit and humbled in heart by the disastrous result of his efforts in leadership while the Cuban reciprocity bill was under consideration, he fears that if the majority is permitted to study this question and to read Mr. Wright's statement conscientious Republicans will join with us in granting commercial justice to the Philippines. [Applause on the Democratic side.]

But the gentleman says that this is a mere question of revenue. Oh, how have the mighty fallen, and how has the strong man changed! [Laughter.] A year ago to-day my friend and committee colleague, the gentleman from Pennsylvania [Mr. DALZELL], in one of those brilliant speeches with which he so often delights the House, in a burst of fervid eloquence, stated that free trade with the Philippines would imperil the interests of American industries. And now we are told that this is a mere question of revenue. [Laughter.] Let it be a question of revenue, what then? It is true that Vice-Governor Wright stated before the Committee on Ways and Means that while there has been a surplus during every year of American rule in the Philippines, the Commission could usefully employ a larger revenue.

Mr. Chairman, I have never known of a government instituted by man that could not usefully employ a larger revenue than that which it obtained. [Laughter.] In the report of the chief of the Bureau of Insular Affairs, accompanying the report of the Secretray of War, for the fiscal year just ended—that report which my colleague would have us consider as a general order to the House of Representatives—I find that the total revenue collected since the beginning of the fiscal year on goods coming from the Philippine Islands into the United States amounts to the princely sum of $15,000—an amount that would put to shame the net profits of a reasonably successful peanut stand. [Laughter.] The Secretary of War assumes, presumably under the doctrine of "the maximum revenue-raising point," that if the rate of duty is

lowered the revenues will increase by leaps and bounds. The Secretary is possessed of a cheerful, even though speculative nature. The Secretary, either through inadvertence, or Heaven knows what, has omitted to give us any evidence in favor of his contention. There is not a word of proof, not a word of argument. We are asked to accept his statement, as the gentleman from New York [Mr. PAYNE] accepts it, as gospel written by an evangelist of the Administration. It is as safe to assume that if the rate of duty is lowered the revenues will fall as it is safe to assume that if the rate of duty is lowered the revenues will increase.

Let me quote again from that memorable speech of the gentleman from Pennsylvania [Mr. DALZELL]:

> Sir, I decline to regard the question of values as any factor in the decision of this question. * * * This issue is upon a higher plane than that of dollars and cents.

Truer and more eloquent words were never spoken upon the floor of this House. It makes us almost rub our eyes and wonder whether we are awake to hear such patriotism, such nobility of sentiment from a Republican, and from a high protectionist. [Laughter and applause.] We stand to-day upon the principle enunciated by the gentleman from Pennsylvania [Mr. DALZELL]. This question is upon a higher plane than that of dollars and cents. We stand in the same position where stood Abraham Lincoln and Charles Sumner. Let me quote the words of Lincoln upon an exactly similar question as that which now confronts us:

> I have expressed hithertofore and I now repeat my opposition to the Dred Scott decision, but I should be allowed to state the nature of that opposition, and I ask your indulgence while I do so. What is fairly implied by the term Judge Douglas has used, "resistance to the decision?" I do not resist it. If I wanted to take Dred Scott from his master, I would be interfering with property. But I am doing no such thing as that. All that I am doing is refusing to obey it as a political rule. If I were in Congress and a vote should come up on the question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision I should vote that it should.

In a speech on the floor of the Senate Charles Sumner said:

> The Senator from Maryland invoked the Dred Scott decision as a reason why Congress should not recognize colored persons as citizens. In reply I simply asserted the right of Congress to interpret the Constitution without constraint from the Supreme Court, and this I now repeat. Each branch of the Government must interpret the Constitution according to its own sense of obligation they have all taken. And God forbid that Congress should consent to wear the strait-jacket of the Dred Scott case.

We believe that "each branch of the Government must interpret the Constitution according to its own sense of the obligations we have all taken." We believe on this side that the whole scheme of revenue legislation imposed upon the Philippine Islands is unconstitutional. [Applause on the Democratic side.] We shall try, if an opportunity is afforded us, to amend this bill or to recommit it with instructions to the Committee on Ways and Means to report it back so drawn as to grant absolute free trade between the Philippines and the United States. It requires but little of the gift of prophecy, however, to foresee the result of such an amendment. [Laughter.] Under existing conditions on the other side, with the impossibility of careful examination or of study of the subject, with Mr. Wright's hearing unobtainable, with the gentleman from New York [Mr. PAYNE] urging his authority and cracking the party whip, with the gentleman from Pennsylvania [Mr. DALZELL] using his persuasive eloquence and invoking party discipline, it is safe to assume that the majority will flock down the center aisle after their shepherds like sheep to the shearing. If our motion to recommit is defeated, we will then be confronted with an alternative.

On the final passage of this bill we must vote either aye or no. If my vote against the bill would place me on record as favoring free trade with the Philippines—as favoring a return to constitutional methods—if my vote against this bill would help to grant free trade with the Philippines, I should vote against the bill. But a vote against the bill is a vote in favor of retaining the present rates of duty now upon the statute books. On the other hand, a vote for the bill does not alter the principles of existing law, but does reduce the rate of duty now imposed. I am confronted with a choice of evils, and, speaking for myself alone, if our motion to recommit is defeated I shall choose the lesser of the evils and vote for the bill. [Loud applause on the Democratic side.] Mr. Chairman, I yield back the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I yield ten minutes to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Chairman, this is a fair illustration of the method of legislation in this House. Not until the day before yesterday was it announced that this bill was to be considered by the Ways and Means Committee. About 4 o'clock of the evening before this vote was taken we received notice that the Ways and Means Committee would have a meeting to consider the Philippine reduction tariff bill. We had had one hearing before, at which it had been impossible for me to be present. The evidence of General Wright, at one time acting governor and second in power in the Philippine Islands, has been given but never printed. I asked that committee to furnish me a statement, if it had been prepared, and if not to give time for me to prepare it, to ascertain whether, under this bill, goods would come from the Philippine Islands to the United States cheaper than our goods would go into the Philippine Islands. I was anxious to know what would be the relative tariff rates between the two countries under the provisions of this bill.

The chairman of this committee at that time and now can not determine as to whether the people of the United States have less or better privileges in selling their goods in the Philippine Islands or whether the Filipinos have greater privileges here. No comparison is afforded. No effort is made to look at what was the trade between these two countries for the last two years. But the bill must be reported without discussion, without consideration, without an opportunity even to get from the Department a comparative statement. Mr. Chairman, I want to say for myself that I still adhere to the principle which I held both in the Philippine and Porto Rican questions. I believe it is law and I believe it is right that there should be free trade between this country and these so-called colonies.

I believe it is not only constitutional law, but I believe it is the best policy, in material results and in justice for the United States, to pursue that course. I believe that we will have friends in the Philippine Islands, if we are determined to hold them, if we will eliminate all tariffs between the two countries and have absolute free trade. This bill presents what kind of a spectacle? Here is one colony, Porto Rico, which has absolute free trade between it and the United States. Here is another colony, the Philippine Islands, upon which it is proposed by this bill to impose a duty of 25 per cent on all goods coming here. Yet with this inequality between these two colonies, giving benefits and blessings to one and not to the other, we expect the people in the Philippine Islands to acquiesce and thank God that they have such a beneficent and generous Government as this.

I want to say, in addition, that it is strange that twelve months ago there could be no reduction, that this committee wanted to have the entire Dingley rate on goods imported from the Philippine Islands here. It will soon be free trade. As soon as the large corporate interests and syndicates acquire a good foothold in the Philippine Islands; as soon as they get up a great land scheme, a great lumber interest, great tobacco interest, a great sugar interest; when all the syndicates have taken possession of all the interests of the islands and need the United States markets to unload their products upon, you will see a bill here giving free trade to goods coming from there.

I have an amendment to which I desire to call the attention of the House, and I especially desire members on the other side of the aisle to listen to it. It is impossible to determine as to whether we pay higher rates of duty on our goods going into the Philippine Islands than we charge them on their goods coming here. Now, I believe there should be an equality of tariff duties between the Philippine Islands and the United States. I believe the right way to act is to provide free trade, but in that amendment it provides that in no case shall the duty on goods imported from this country into the Philippine Islands be greater than the duty imposed on the goods coming from the Philippine Islands here. Now, why? I stand here representing a district in the United States. I think my constituents, my people, who are taxed to keep the government up in the Philippine Islands, who pay thousands and thousands of dollars of taxes each year to keep up the Government and administer the government of the Philippine Islands, ought to have privileges in their trade equal to the privileges given to the Filipinos who will send their goods here.

Under this bill we reduce greatly the duties on goods coming from the Philippine Islands into the United States, but this bill makes no reduction on goods going from the United States into the Philippine Islands. What is curious, our Republican friends have always told us we are to stand these taxes, we are to stand the expense of the army in the Philippine Islands on account of the great trade and benefit that is going to come to us. They have appealed to the greed of the American people for commerce and trade to sustain and fortify this colonial policy, yet when it comes to making it practicable, when it comes to bringing benefit in trade and commerce, they strenuously refuse to give a chance to American manufacturers, to the American farmers, to the American people to have any trade. Now, the excuse given is that the same privilege will have to be extended to Spain under the treaty of peace that was signed at Paris.

Mr. Chairman, under this treaty Spain has no privilege over the United States. Spain is not like the United States, one of the great exporting nations of the world. Spain is a nation which has no commercial activities. It is not raising wheat, corn, oats, and cotton, and all those products for export, like the United States. So that so far as Spain is concerned, if this tariff were reduced we would really have no competition. It has been rumored that there are great syndicates formed in the Philippine Islands under the bill that recently passed this House, and others are in process of formation. Now, if there are syndicates, and I do not know whether it is true or not, this bill gives them an absolute monopoly of all the trade and commerce of those islands,

and it opens our market to them and refuses to open their markets to us. That is a fair sample of the Republican colonial policy with respect to commerce and the business enterprises of the United States.

I want to represent America and American constituencies in this House. I think that the same privileges that are extended to the Philippine exporters ought to be extended to the American exporters, and where we have a reduction of duties on our goods going there, in the same proportion we can extend this privilege and right to them. I have an amendment to that effect. I want to appeal to this House, and I want to appeal to the members on the other side to stand by American constituencies, by American interests, American traders, American shippers, and American farmers. If we intend to hold the Philippine Islands; if we are going to the immense expense of having an army there, and administering the affairs of those islands; if we intend to have low tariff duties there, so that they can have the benefit of it, we should have low tariff duties, so that we can get the benefit of it.

So that the only excuse calling for this vast expenditure of money is the possible future trade, the possible future market, the possible future chance to the American farmer and the manufacturer; but not a particle of benefit in trade comes to those that pay these taxes by this bill. I want to have my amendment pending, Mr. Chairman, and I want to let the American people know whether the Republican party intends to benefit commerce and trade and export business by its colonial policy or not. [Applause.]

Mr. RICHARDSON of Tennessee. I now yield ten minutes to the gentleman from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Chairman, in giving my support to this bill I desire to have it understood that I do not concede the right of Congress to lay and collect taxes upon commerce coming to us from any territory belonging to the United States. I believe that when the treaty of peace with Spain was signed the Philippine Archipelago became American territory, belonging to the United States, and the Filipinos became American citizens, and that under the Constitution of the United States we are entitled to have free trade and free commercial intercourse wherever the flag of the United States floats with authority. Anxious as I am to rid our country of the burden cast upon us by that treaty and give the Filipinos their land and liberty, so long as we have them I shall hold to that doctrine.

But, Mr. Chairman, the Supreme Court of the United States—and I speak with all due deference to that great body—by a shifting majority of one decided that it was lawful to lay and collect a tax upon importations from territory belonging to the United States. For the purposes of legislation, it is useless to question that decision. I shall therefore vote for this bill because it charges those who are entitled to free trade with the United States a 25 per cent tax instead of a 75 per cent tax, and to that extent is more just to the Filipinos and our people than the present law.

One would think, Mr. Chairman, that the report made by the majority of the Ways and Means Committee was a Democratic document in all respects save in its claim of right to levy any tax at all and in advocating a law discriminating against our own people. When those who are wedded to the idol of protection can consent to give to Congress and to the American people reasons such as are contained in the report of the majority, there is some hope yet that Ephraim may be dissevered from his idols. Just listen, it sounds like a Democratic message and not an epistle from the high priests of protection. What does it say?

> It is believed by the Secretary of War and also by the Commission that more revenue will be received from a duty of 25 per cent, as proposed, than under the present rate of 75 per cent of the Dingley rates.

That, Mr. Chairman, is the enunciation of the old Democratic doctrine—that a moderate tariff will relieve the producers and consumers of our country from unjust exactions and afford greater revenue to the Government to meet its expenses than will a protective tariff. That is good Democracy, and the trouble is when these gentlemen come to do even measurable justice to our Filipino citizens, now subjects of the Republican party and the Republican Administration, they can not do it without in a measure falling into Democratic thought and Democratic theories of government. But there is another proposition advanced in the remarkable document submitted by the Republican majority of the Ways and Means Committee.

> In addition to raising revenue—

So says the report of the majority—

> the passage of the bill will doubtless have an important effect in encouraging the industries of the islands.

Now, Mr. Chairman, how is this beneficial effect to be had; how is it to come to the Filipinos under this bill? Simply by admitting their goods into the markets of the United States upon more reasonable terms than they now receive. If that proposition be true, is it not equally true that if this bill contained a provision admitting our goods from the United States into the Philippine Islands at a duty rate of 25 per cent instead of 75 per cent, as at present, that such reduction would in like manner stimulate and benefit American products, American industries, and American manufactures? Carry that argument, gentlemen on the Republican side, to its logical conclusion and you reach what? That when the goods of any country are admitted upon more favorable terms where they seek a market, that such concessions stimulate the manufacturing and the productive enterprise of such country.

Now, then, when this Philippine policy was entered upon we were told that we were going to get a great volume of increasing business, and men who sheltered themselves under the doctrine of Providence and "Rally round the flag, boys," at heart were looking with longing eyes and stretching out the bony fingers of greed and avarice toward these islands and their products and the possibilities therein.

You told the American people that the Orient was the proper outlet for American trade, and yet to-day you refuse to admit American goods into the Philippine Islands, either upon the basis of free trade or to reduce the tariff upon American goods exported to the Philippine Islands to 25 per cent of the present Dingley rate, the basis upon which you propose to admit here goods from the Philippines. If it is a good thing for the Filipinos to get their goods in here at one-third of the present rates, why is it not a good thing for the manufacturers and producers of the United States to get their goods into the Philippine Islands at one-third of the present rate, even if we can not have free commercial intercourse with them?

Now, then, if you propose to keep up this tariff wall, admitting Philippine goods here at 25 per cent of the rate at which goods from foreign countries are admitted, and denying the people of the United States access to the markets of these conquered provinces upon like terms, how do you expect to get this boasted advantage to American trade and American business?

We are told that under the treaty with Spain, if we reduce the duty on goods going there from this country to 25 per cent, we shall be compelled to give the same terms to Spain. Even if that be true, what disadvantage can it be to us to get into that country upon an equality with Spain, and at an advantage of 75 per cent in tariff duties over any other country seeking the Philippine trade? Spain now enjoys equality with us; then what harm can come to the Philippine islanders or to the producers and manufacturers of the United States by breaking down the tariff wall that exists between this country and an American possession, no matter where it exists? The logical effect of the argument submitted here by the majority of the Committee on Ways and Means—the protection Republican members of that committee—is that by reducing the tariff into this country you increase the revenues and reduce the tax upon the consumer; not only that, but by reducing the duty in foreign countries and securing more favorable trade relations with them you stimulate at home the productive energies of American enterprises and the great business interests seeking a market for our surplus products and our surplus of manufactured goods.

Shun it as you may, the Republican party will be compelled to yield to the growing sentiment in this country for free-trade relations not only with our island possessions, but with the world.

I do not wonder that the devotees of the high protective principle shrink from disturbing the citadel in which tariff beneficiaries are intrenched, but unless they do abate their rapacity the country will destroy their special privileges, root and branch. [Applause.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, when a measure involving practically the same issue now presented was before this House the question whether there was any constitutional power to pass a law like this was somewhat discussed. The practical, economical question involved was also considered to some extent, so far as there was opportunity. This side of the House considered it a disregard and abuse of constitutional power to impose upon the people of the Philippine Islands and upon those of the United States such legislation as was embodied in the bill then passed. It was regarded also as bad policy (the constitutional question aside) to impose so high a rate of duty. I suppose upon the other side considerations of the Constitution have as little influence now as they had then. The bringing forward of this bill, however, is a concession that as to the practical question involved, as to the effect and operation of the law itself (constitutional considerations aside), the enormously high duty imposed has been productive of evil instead of good.

The gentlemen now propose to reduce the duty two-thirds. Upon this side we should be glad to have it removed entirely, both because the legislation is bad in effect and because it is unwarranted in principle. It is, however, too much to hope that in this House, constituted as it is, legislation within the grooves and

boundaries of the Constitution may be secured. It is somewhat gratifying, however, that gentlemen upon the other side, so full of wisdom and so abundant in their rosy predictions but a few months ago, are now here themselves asking for legislation which then they rejected, because not only was the question whether there should be such legislation at all, whether there was any authority or could be any authority for it at all raised and discussed, but the proposition to make the duty lower, if there should be a duty at all, was made and voted upon, and with almost, if not quite, the solid opposition of the other side, the proposition for lower rates of duties was rejected. Gentlemen are now testifying by what they are doing to the correctness of our conclusions as to the economic question involved. But it is almost too much to hope that the time may not be far distant when they will concede also the correctness of our views on the constitutional question. That is quite too much to hope from that side.

The Constitution has very little to do with the deliberations of the gentlemen, and very much less to do with their actions. But they do concede, and they do now themselves proclaim, not that they disregarded the Constitution (because they care nothing about that), but that they blundered egregiously in their rate of duty, that their attempted legislation has been a ghastly failure, that it is an abortion from which they themselves are glad to flee.

The bringing forward of this bill for 25 per cent of the Dingley duties as the rate to be fixed instead of 75 per cent is a concession by them that upon the economic question involved they were wrong two-thirds, and even from their own standpoint right but one-third. Let us hope the time is not far distant when a further demonstration will satisfy even those gentlemen that they are wrong as to the remaining third, and that, not out of regard for the Constitution, which will not influence them, but from a demonstration of another failure, they will remove the duty entirely.

We have gone into a fine performance over in the Philippine Islands. The beauty of it in some respects is illustrated by what is taking place down in Venezuela now. The time was when this country was thrilled by a Presidential message upon the Venezuelan situation, when it was declared to the world that the American Republic had regard, if others had not, for the Monroe doctrine. Now we are treading tenderly. Having done ourselves what is a complete abandonment and violation in spirit of the Monroe doctrine, in projecting ourselves into the politics and into land grabbing in the Old World, we are moving slowly and tenderly and gingerly, afraid of our shadows, afraid to disclose anything, afraid to discuss anything in relation to the Monroe doctrine, because we know not at what point or in what way or with what effect the assertion of it now may make us ridiculous in regard to some of our own performances which are coincident in point of time. If only we could let the Filipinos have the measure of independence which we boast is the right of all people, if only we could free our own people from the exactions which come from spoliation in the Old World and the New, if only we could swing back to the sound doctrines of the past, the Monroe doctrine included, how well it would be for us, and how well it would be for all the wide world with whom we may have any concern or dealings. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, when the Porto Rican tariff bill was before the House for consideration, I found myself by force of circumstances in company with the opposition against the passage of the bill. I believed I was right in opposing that bill. I doubted the constitutionality of the measure and was much opposed to the policy of the bill as applied to the island of Porto Rico. The Supreme Court of the United States afterwards decided that the bill was constitutional, and whatever may be thought of the course of logic that brought about that conclusion, the judgment of that court has finally settled the question, and the power of Congress to enact this kind of legislation is no longer a proposition open to debate. In relation to the matter of policy, the situation presented by the Philippine Archipelago is materially different from that presented by the island of Porto Rico. When the Porto Rican tariff bill was enacted, no civil government had been established for the island of Porto Rico with authority to impose in behalf of its people a tax upon the commerce of the United States going to the island.

Something less than a year ago Congress passed the Philippine government bill, a bill broad, liberal, and humane in its provisions, conferring upon the civil government almost unlimited power to impose all kinds of customs and internal taxations upon the commerce of the world, including the United States. I believe that ultimately there ought to be free trade between this Government and all of its possessions, but I am willing to accept the judgment of the Committee on Ways and Means that the time has not yet come to establish free trade between this country and the Philippine Archipelago. I believe this measure is one of great importance. I know it is one that will do incalculable good to the trade of the Philippine Archipelago, and the reduction of the customs charges to 25 per cent of the Dingley rates is not only justified, but, perhaps, required by existing conditions. This measure is simply an amplification of the liberal and humane policy outlined by the Congress in the Philippine government bill passed last summer, a continuation of the humane and liberal policy uniformly embodied in our acts of administration of the Philippine Archipelago ever since that archipelago fell within the sovereignty of the United States.

I do not believe that in all history such liberal and humane laws have been enacted toward colonies or dependencies or possessions or territories, or whatever you may style them, or such a generous policy of administration as has characterized the relations of this Government toward that archipelago. I am somewhat familiar with the conditions in the Philippine Islands, and know of the imperative need of legislation of this character. Trade is languishing, a general condition of depression exists, and the reduction in customs rates that we made about a year ago afforded but little relief. If we are to enjoy the benefits of the trade with the Philippine Archipelago, we must establish a more liberal trade policy with it, and I believe the reduction provided by this bill will encourage trade and be a stimulus to production, and that it will result in great benefit both to the islands and to the United States. Therefore I am heartily in favor of the bill.

Mr. RICHARDSON of Tennessee. I yield ten minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, this bill is not a surprise to me. The reason for its introduction is that more revenue is needed in the Philippine Islands. The 75 per cent tariff which you levied upon goods coming into this country, and which you agreed to pay back to the servants of the American people who run the Philippine Islands, has not yielded much revenue. When the Philippine Islands have had anything to export they have sent it to England and her colonies and to Spain, and precious little of it to this adopted mother of theirs.

Now, the result is that the President and the administration in the Philippine Islands find that they have not much revenue with which to run the islands, and that this source of revenue which they told you would be so large if you put 75 per cent tariff on goods brought into this country has not had that effect. Now they come to you and say if you will lower this revenue to 25 per cent the net amount of it will be much greater, and you will begin to get some goods into this country from the Philippine Islands. I do not doubt that that is a fact, and I do believe that we should give every advantage to the Philippine Islands. Under these restrictive tariff laws no country and no management could ever bring anything like prosperity to those islands. I will mention one fact. Take the tobacco interests in the Philippine Islands. It will not pay them to grow and send their tobacco to any country that levies a duty against it. It will not pay the grower and shipper to do that; and tobacco is one of the few great products which she must depend upon in her export trade.

Now, this bill shows to you that the prediction of a lot of rainbow chasers who have absolutely disregarded cause and effect have not come true, and in the future, unless based upon better grounds than in the past, I say to you I do not believe they will ever come true.

What were the conditions in the Philippine Islands in 1901? The chief product was rice. In a speech I made in the last session of this Congress I said that there would be a deficiency in rice, because a large amount of territory which was accustomed to grow rice had been withdrawn from rice cultivation; that the men who worked that land had been lured into the city because better wages were given them by the United States commissary and quartermaster departments, and the result was that they left their land lying idle, and there was just that much less rice grown in the country. Was not that true? What do you find this year? You find $2,000,000 raised for the purpose of going to Siam and buying rice to feed a starving population.

Now, I say this was the natural result, which you will always find running from cause to effect. I intimated that this condition of affairs would exist, that it will exist in the near future more than it does now for another cause, and that is that the rinderpest has killed off about nine-tenths of the carabao of those islands, the only animal with which the rice fields could be plowed. The result has been that instead of having rice to export, they have not enough rice with which to feed themselves. Yet these men who predicted such prosperity for the Philippine Islands wanted to tell you that they based their prediction upon a large amount of rice for export.

Then they told you that there would be a large amount of sugar for export. The same conditions have followed with reference to sugar. There has been less sugar land under cultivation and less ability to cultivate it. The consequence was there was

less revenue derived from sugar and very little of it was shipped out of the country, and certainly it could not be shipped to a country that charged 75 per cent of the Dingley rates.

But beyond that you heard them talk of coal. Have you ever heard from that day on to this of any coal being found or developed or shipped abroad? How was it as to copper? Have you heard of any great copper mine being put into operation? A full year has elapsed since that time. How about iron, and how about the great production of gold that was to be produced in such enormous quantities? Have you heard anything of it? Oh, no. And you have not even heard anything about timber.

I can simply say to you, gentlemen, that all these things that were talked about by these optimists have been rainbows. They have been chasing them and making you believe that those islands are going to be very productive and very interesting to us because of what we were going to get from them. But as we go along from year to year we will find the condition now presented will not improve to any great extent, because they have based their predictions upon just what I have pointed out existed in the city of Manila in 1901. There was at that time an artificial stimulus to business. The city was busy because America was paying her soldiers there. America had a lot of men who went there for the purpose of selling to our soldiers articles we imported into that country.

In other words, as long as American money was poured into that country of course its trade was stimulated. But just as soon as you withdrew your troops and withdrew this large amount of money which we spent there—money of the American taxpayers, not money earned or made in the Philippine Islands—you began to have this condition of affairs which demanded greater revenues for those who are making appropriations and spending the money there. The gentlemen told us they would be pleased to have free trade with those islands, but free trade is not what they want. They want more money to pay their salaries with, they want money to pay the expenditures with. They have told you that these islands would amply pay their way, and now they want money taken at our ports, money paid in this country in duty, turned back into their treasury.

I am sorry to say that I see nothing very bright in the future of those islands. I see very little of the results of the boasted American management there. It is true they have peace; but peace does not seem to bring plenty or prosperity. It does not seem to bring development. I was in hopes that I was wrong and they were right. I have watched daily the news from the Philippine Islands, and we have found what? We have found plague, famine, and increased taxation. That is about all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I understand there is no other gentleman on that side who desires to speak.

Mr. Chairman, I have but few words to say in conclusion. The question has been raised by gentlemen on the other side, Why not take off the duties on goods coming from the Philippine Islands? For this reason: Under the treaty of Paris, whatever concession we make on goods coming from the United States to the Philippine Islands must be made on goods coming from Spain to the Philippine Islands. Now, the United States and Spain together send into the Philippine Islands a little more than one-fifth of the importations received there from the whole world, so that taking off the duties takes off one-fifth of the revenue from the customs duty.

The revenue from customs duties in the Philippine Islands amounts to nearly $9,000,000 a year; so that that proposition would take off from one million and three-quarters to two millions of dollars of revenue by having absolute free trade from the United States to the Philippine Islands and between Spain and the Philippine Islands on goods exported from Spain to the Philippine Islands. Of course we can not have that, because the Philippine expenditures are running up to the revenue from year to year. When the time comes, perhaps after the treaty with Spain, which is to extend for ten years, shall have expired, and we can then leave Spain on an even keel with the rest of the world, the time will come for free trade. It may come sooner than that; it may come then. We can not do it now; and that is the reason the committee have reported the bill in this way.

It is true that General Wright did say that it would be better to have free trade than to have 25 per cent. He did say so, and anybody can see it would be better for the people of the Philippine Islands and the farmers of the Philippine Islands to have free trade; but he did also say in that connection that they needed this revenue—they needed what revenue they could get from this duty—and he thought the revenues would be increased from the reduction to 25 per cent instead of 75 per cent, because of an increased importation of goods from the Philippine Islands into the United States.

Now, Mr. Chairman, I am ready for the bill to be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the second section of the act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, is hereby amended to read as follows:

"SEC. 2. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 25 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein shall be hereafter exempt from any export duties imposed in the Philippine Islands."

Mr. RICHARDSON of Tennessee. I desire to offer the following amendment:

The Clerk read as follows:

That no duty shall be charged upon articles, goods, or commodities imported into the Philippine Islands from the United States, and upon articles, goods, and commodities the growth and product of the Philippine Islands coming into the United States from those islands no duty shall be charged.

Mr. PAYNE. Mr. Chairman, I raise the point of order on that amendment, that it is not germane to the section or to the bill. The section provides for duties on goods coming from the Philippine Islands to the United States. The amendment of the gentleman amends the law so as to apply to goods going into the Philippine Islands from the United States, which is entirely another subject-matter.

Mr. RICHARDSON of Tennessee. In reply to the gentleman, I only want to say that it is impossible to separate the questions on a point of order. The gentleman by his statement conceded that one part of the proposition would be in order. We are dealing with the importation of the goods into the Philippine Islands. Now, I think it would be monstrous to say that while dealing with importation into, we can not deal with exportation from, the islands. No such narrow construction as that was ever placed on any tariff bill by the Committee of the Whole, by any committee of the House, or by the House of Representatives. I venture to say on a duty the whole question of taxes or revenue is raised, and whether it is revenue derived from goods coming from the Philippine Islands or revenue on goods going there, it is in order. As to the amendment not being germane to the section, there is but one section; and if it is germane to any part of the bill, it is germane to that section. So I think there is no question but that the amendment is in order. This is the same amendment voted on in the Committee on Ways and Means without objection. The same rule which applied there applies here. There was no offer to make it out of order or have it ruled out of order in the Ways and Means Committee, and surely the same rules apply there as here.

Mr. DALZELL. Mr. Chairman, I desire simply to call the attention of the Chair to the fact that the duties imposed upon goods coming from the Philippine Archipelago into the United States are regulated by an act of Congress to which this is an amendment, while the rates of duty imposed upon articles going into the Philippines are regulated by the Philippine Commission in accordance with the tariff schedule prepared by that Commission and ratified by Congress.

Mr. SWANSON. That was by an act of Congress, and the Commission have no power to regulate it now.

Mr. RICHARDSON of Tennessee. One act has just as much force as another. In other words, that act of Congress is no more solemn than this act would be. It would be unheard of to say that we could not modify a former act.

Mr. DALZELL. I do not mean to say that. I am arguing the question of germaneness. I say it is not germane to the pending bill to modify the tariff rates imposed by the Philippine Commission, although it is, of course, within the power of Congress, in a proper way, to modify the rates. I am directing myself simply to the question of germaneness.

Mr. McCLELLAN. Let me suggest to the gentleman that the last two lines of the paragraph under discussion in this bill exempt such goods from export duty in the Philippine Islands.

Mr. DALZELL. I understand, but that provision is also original in the act that we are now proposing to amend, and has nothing to do with the rates of duty imposed by the Philippine Commission.

Mr. RICHARDSON of Tennessee. The whole question is open, Mr. Chairman, it seems to me. We have a perfect right by this independent act now to modify the rate of duty on goods going into the Philippines and on goods coming here. The whole question is open, and it can not be limited, as suggested by the gentleman's point of order.

Mr. GAINES of Tennessee. Mr. Chairman, on page 721 of the Manual the Chair will find a ruling that will perhaps aid the Chair in the decision of this question. I will read: "A bill raising revenue means a bill repealing a revenue law as well as one enacting such law." We are now "repealing" and "enacting" a "revenue law." We are repealing the law down to 25 per cent, and certainly the rule ought to work as far down as repealing a part of the existing law entirely. This amendment proposes to repeal the law in part by putting some articles on the free list.

The CHAIRMAN. In the opinion of the Chair the point is not well taken. The question is on the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, just a moment. I discussed this amendment briefly in general debate, and I only want to say further that it seems to me that if we are going to treat these people in these colonies right we ought to give them the benefit of our trade. We ought to have an opportunity to trade with them and they should have the same opportunity to trade with us. I hope the amendment will be adopted.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—49 ayes, 64 noes.

So the amendment was rejected.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I now offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

That the rate of duty charged on all articles, goods, and commodities exported from the United States into the Philippine Islands shall be 25 per cent of the present rate.

Mr. PAYNE. Mr. Chairman, I make the same point of order that I made against the other. This does not have the same excuse that the other had—that it relates to goods coming into this country from the Philippine Islands.

Mr. RICHARDSON of Tennessee. I presume the ruling will be the same, and therefore I do not desire to be heard. The same principle applies.

The CHAIRMAN. The Chair is of opinion that the point of order is not well taken.

Mr. RICHARDSON of Tennessee. Mr. Chairman, the effect of this amendment was argued by me in general debate. As I stated, I do not desire to take the time of the committee further than to say that this bill provides that upon all articles, goods, and products of the Philippine Archipelago coming into the United States from that archipelago there shall be collected, levied, and paid only 25 per cent. Now, this amendment, if adopted, simply reverses it and places the rate at 25 per cent on exports from the United States into the Philippine Islands. Now, if we are going to reduce from 75 to 25 per cent the duties upon goods brought here from those islands, is it not manifestly just that we should make the same reduction upon the articles our own people send to the Philippine Islands? If I were to argue the matter a week, I could not make the point stronger than I have done. If we want to do justice to our own people—to treat them as well as we treat the Filipinos—let us adopt this amendment.

Mr. PAYNE. This amendment would simply reduce the revenues of the Philippine government a million and a half dollars annually. We can not afford to do it. Let us have a vote.

The question being taken on the amendment of Mr. RICHARDSON of Tennessee, there were on a division (called for by Mr. RICHARDSON of Tennessee)—ayes 50, noes 82.

So the amendment was rejected.

Mr. GAINES of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 1 by adding after "islands," line 17, page 2, these words: "*And provided further*, That all coals mined and shipped from the Philippines to the United States shall be placed on the free list, and that there shall not be levied and collected any duty on such coal."

Mr. GROSVENOR. Would it be in order to amend the amendment by inserting after "coal" the words "and ice?" [Laughter.]

Mr. GAINES of Tennessee. If the Republicans wish to continue to give the cold shoulder to the Filipinos, that amendment may be all right. [Laughter.]

The question being taken, the amendment of Mr. GAINES of Tennessee was rejected.

Mr. SWANSON. Mr. Chairman, I desire to offer the following amendment:

That no duty shall be charged upon articles, goods, or commodities imported into the Philippine Islands from the United States in excess of the duty upon like articles, goods, or commodities imported from the Philippine Islands into the United States.

Mr. Chairman, we have no schedule prepared showing—the chairman of the committee can not inform us, nobody knows—what will be the comparative rates of duty when this bill is passed upon articles or goods coming from the Philippine Islands into the United States and similar goods going from the United States into the Philippine Islands. No opportunity was given to ascertain that matter before this bill was considered and passed in the committee. It was railroaded through without any certain information being possessed by a single member of the committee which was intrusted with the preparation of legislation on this subject. I think that a citizen of the United States engaged in trade or commerce or business or farming—any citizen who has something to sell—ought to have extended to him with reference to such articles the same privileges or opportunities of trade with reference to rates that are extended to other persons similarly situated.

Mr. Chairman, when this bill passes and becomes a law, as seems to be the purpose of those in power, it will be impossible to determine to what extent American enterprise, American industry, including the farming industry of this country, is discriminated against in these foreign markets. The effect of this amendment which I have offered will be that a higher rate of duty can not be charged upon goods shipped from the United States to the Philippine Islands than is charged on similar goods coming here. The amendment simply means that there shall be equality of duty, equality of trade, equality of right—that the American citizen engaged in trade or commerce shall have the same rights and privileges as the citizen of the Philippine Islands.

To vote against this amendment is to say that you are not willing to give to the American farmer the same privilege to sell his farm products in the Philippine Islands that you are willing to give to farmers of the Philippine Islands to sell their products in the American market. It is to say that you are not willing to give to the American manufacturer the same chance to sell his goods in the Philippine Islands that you are willing to give to the Filipino merchant to sell his goods here. The operation of this amendment will be that our farmers and manufacturers can not be charged in the Philippines a duty in excess of what we charge them when they send their goods here.

The only excuse that has been urged or intimated against a proposition of this kind has been made by the chairman of the Committee on Ways and Means, who has said that if we allow this privilege to our farmers, to our laborers, to our merchants, the same privilege would have to be extended to Spain under the treaty of peace. Mr. Chairman, we need apprehend no danger from Spain. She is not a manufacturing nation; she is not a trading nation; she makes nothing of any consequence to be exported. The simple effect is to give the American farmer and the American manufacturer in the Philippine Islands certain advantages not possessed there by those of other nations; and I insist that we, as representatives of the American people, their commerce and their aspirations, should insist upon the enjoyment of these privileges by our own citizens.

Mr. GAINES of Tennessee. Does my friend from Virginia think that when the Filipinos have been for years and years, and are now, the victims by the thousands and thousands of disease, pestilence, and horrible wars, and with famine now staring them in the face, bankrupt in spirit, bankrupt as a people, with a bankrupt treasury, that we, who make the laws which control them, should force them in such condition to pay the same duty on goods they send to the United States that we pay when we send our goods to the Philippines, when we are free of disease, pestilence, famine, and wars, a rich, strong, and happy nation, with an overflowing Treasury?

Does the gentleman contend that such a law under such circumstances would be just?

Mr. SWANSON. I think it would be just in this way: This bill proposes to give to the people of the Philippine Islands a reduction of duty—allowing them to pay on their imports to the United States 25 per cent of the duties imposed upon imports from other countries. I think that while this may be a benefit to the Filipinos they would be still further benefited if they were enabled by the free importation of our goods into that country to buy them cheaper. I am not a protectionist holding the theory that a high tariff imposed upon goods and products entering the Philippine Islands would be a benefit to the Filipinos. I have not yet learned to think that a high protective wall erected around those islands—that a law prohibiting them from buying American goods cheaply—would be an injury to them. If the gentleman belongs to that school of philosophy his views are distinctly different from mine. I say that it would benefit the Filipinos to give them American goods cheaply—to permit the importation of American goods into their markets at a low rate of duty. In view of the large sums of money that this Government has been and is obliged to spend in the Philippines, it seems to me it would only be just to American merchants, American farmers, and American manufacturers to extend to them the privileges which my amendment proposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. SWANSON) there were—ayes 58, noes 84.

So the amendment was rejected.

The Clerk began the reading of section 2.

Mr. RICHARDSON of Tennessee. Mr. Chairman, before section 2 is read, I wish to offer one more amendment to the first section. I move to amend by striking out, in lines 3 and 4 of page 2, the words "only 25 per cent of the rates of duties aforesaid" and insert the following: "no rates of duty."

I do not believe that we ought to charge any rate of duty upon those goods. We have not yet voted upon a separate amendment to that effect, and I therefore move that amendment. The effect of it will be simply to admit the goods and commodities of the Philippine Archipelago the products of those islands free of duty into the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. PAYNE. Mr. Chairman, 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 pro tempore having resumed the chair, Mr. PALMER, 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. 15702) to amend an act entitled "An act temporarily to provide revenues for the Philippine Islands, and for other purposes," and had directed him to report the same to the House with the recommendation that it do pass.

Mr. PAYNE. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was read the third time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit the following motion to recommit.

The Clerk read as follows:

Recommit to the Ways and Means Committee with instructions to report a bill providing that no duty shall be charged upon articles, goods, and commodities imported into the Philippine Islands from the United States; and further, that upon articles, goods, and commodities, the growth and product of the Philippine Islands, coming into the United States from those islands, no duty shall be charged.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Tennessee to recommit.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—ayes 56, noes 79.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand tellers.

Pending the ordering of tellers, Mr. RICHARDSON of Tennessee demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 122, answering "present" 5, not voting 133; as follows:

YEAS—94.

Allen, Ky.	Dinsmore,	Lewis, Ga.	Robinson, Ind.
Ball, Tex.	Dougherty,	Lindsay,	Rucker,
Benton,	Feely,	Little,	Russell,
Billmeyer,	Fitzgerald,	Lloyd,	Ryan,
Bowie,	Flood,	McCall,	Selby,
Broussard,	Fox,	McClellan,	Shallenberger,
Brundidge,	Gaines, Tenn.	McDermott,	Sheppard,
Burgess,	Gilbert,	McLain,	Sims,
Burleson,	Glass,	Maddox,	Slayden,
Burnett,	Glenn,	Maynard,	Small,
Caldwell,	Gordon,	Mickey,	Snook,
Candler,	Griggs,	Miers, Ind.	Spight,
Cassingham,	Hay,	Moon,	Stephens, Tex.
Clark,	Hooker,	Naphen,	Swann,
Clayton,	Jett,	Norton,	Swanson,
Cochran,	Johnson,	Padgett,	Thomas, N. C.
Conry,	Jones, Va.	Pierce,	Underwood,
Cooney,	Kehoe,	Randell, Tex.	Wiley,
Cooper, Tex.	Kitchin, Wm. W.	Ransdell, La.	Williams, Ill.
Cowherd,	Kluttz,	Rhea,	Williams, Miss.
Crowley,	Lamb,	Richardson, Ala.	Wooten,
Dalzell,	Lanham,	Richardson, Tenn.	Zenor.
Davey, La.	Lester,	Rixey,	
De Armond,	Lever,	Robb,	

NAYS—122.

Alexander,	Burke, S. Dak.	Draper,	Graff,
Aplin,	Burkett,	Driscoll,	Graham,
Ball, Del.	Burton,	Eddy,	Grosvenor,
Bartholdt,	Butler, Pa.	Esch,	Grow,
Bingham,	Cannon,	Fletcher,	Hamilton,
Bishop,	Capron,	Foerderer,	Hanbury,
Boreing,	Cassel,	Foster, Vt.	Haskins,
Boutell,	Coombs,	Fowler,	Haugen,
Bowersock,	Cooper, Wis.	Gaines, W. Va.	Hedge,
Brandegee,	Cromer,	Gardner, Mass.	Henry, Conn.
Bromwell,	Crumpacker,	Gardner, Mich.	Hepburn,
Brown,	Currier,	Gardner, N. J.	Hill,
Brownlow,	Cushman,	Gibson,	Hitt,
Bull,	Dick,	Gill,	Holliday,
Burk, Pa.	Dovener,	Gillet, N. Y.	Hopkins,
Hull,	Mercer,	Perkins,	Stewart, N. J.
Jenkins,	Metcalf,	Powers, Me.	Sulloway,
Jones, Wash.	Miller,	Prince,	Tayler, Ohio
Knapp,	Minor,	Reeder,	Thomas, Iowa
Kyle,	Mondell,	Reeves,	Tirrell,
Lacey,	Moody, Oreg.	Roberts,	Tompkins, Ohio
Lawrence,	Morgan,	Schirm,	Tongue,
Lessler,	Morris,	Shattuc,	Van Voorhis,
Lewis, Pa.	Mudd,	Sibley,	Vreeland,
Loud,	Needham,	Skiles,	Wachter,
Loudenslager,	Nevin,	Smith, Ill.	Wadsworth,
Lovering,	Otjen,	Smith, Iowa	Warnock,
McCleary,	Palmer,	Southard,	Weeks,
McLachlan,	Parker,	Sperry,	Young.
Mahon,	Payne,	Steele,	
Mann,	Pearre,	Stevens, Minn.	

ANSWERED "PRESENT"—5.

Adamson,	Deemer,	Hughes,	Meyer, La.
Bell,			

NOT VOTING—133.

Acheson,	Elliott,	Latimer,	Sherman,
Adams,	Emerson,	Littauer,	Showalter,
Allen, Me.	Evans,	Littlefield,	Smith, Ky.
Babcock,	Finley,	Livingston,	Smith, Henry C.
Bankhead,	Fleming,	Long,	Smith, Samuel W.
Barney,	Fordney,	McAndrews,	Smith, Wm. Alden
Bartlett,	Foss,	McCulloch,	Snodgrass,
Bates,	Foster, Ill.	McRae,	Southwick,
Beidler,	Gillett, Mass.	Mahoney,	Sparkman,
Bellamy,	Goldfogle,	Marshall,	Stark,
Belmont,	Gooch,	Martin,	Stewart, N. Y.
Blackburn,	Green, Pa.	Moody, N. C.	Storm,
Blakeney,	Greene, Mass.	Morrell,	Sulzer,
Brantley,	Griffith,	Moss,	Sutherland,
Breazeale,	Heatwole,	Mutchler,	Talbert,
Brick,	Hemenway,	Neville,	Tate,
Bristow,	Henry, Miss.	Newlands,	Tawney,
Burleigh,	Henry, Tex.	Olmsted,	Taylor, Ala.
Butler, Mo.	Hildebrant,	Overstreet,	Thayer,
Calderhead,	Howard,	Patterson, Pa.	Thompson,
Connell,	Howell,	Patterson, Tenn.	Tompkins, N. Y.
Conner,	Irwin,	Pou,	Trimble,
Corliss,	Jack,	Powers, Mass.	Vandiver,
Cousins,	Jackson, Kans.	Pugsley,	Wanger,
Creamer,	Jackson, Md.	Reid,	Warner,
Curtis,	Joy,	Robertson, La.	Watson,
Dahle,	Kahn,	Robinson, Nebr.	Wheeler,
Darragh,	Kern,	Rumple,	White,
Davidson,	Ketcham,	Ruppert,	Wilson,
Davis, Fla.	Kitchin, Claude	Scarborough,	Woods,
Dayton,	Kleberg,	Scott,	Wright.
Douglas,	Knox,	Shackleford,	
Dwight,	Landis,	Shafroth,	
Edwards,	Lassiter,	Shelden,	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. HEATWOLE with Mr. TATE.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. DEEMER with Mr. MUTCHLER.

Mr. KAHN with Mr. BELMONT.

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. HUGHES with Mr. TRIMBLE.

Mr. JACK with Mr. FINLEY.

Mr. WANGER with Mr. ADAMSON.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. CONNER with Mr. BANKHEAD.

Mr. BURLEIGH with Mr. GRIFFITH.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. LONG with Mr. NEWLANDS.

Mr. FORDNEY with Mr. KLEBERG.

Mr. BARNEY with Mr. THOMPSON.

Mr. CURTIS with Mr. MCANDREWS.

For four days:

Mr. MOODY of North Carolina with Mr. CLAUDE KITCHIN.

Until January 8:

Mr. MARTIN with Mr. SHACKLEFORD.

For this day:

Mr. WOODS with Mr. BELLAMY.

Mr. WATSON with Mr. WHITE.

Mr. WARNER with Mr. VANDIVER.

Mr. SOUTHWICK with Mr. TALBERT.

Mr. SAMUEL W. SMITH with Mr. REID.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. SHELDEN with Mr. LATIMER.

Mr. SCOTT with Mr. PATTERSON of Tennessee.

Mr. PATTERSON of Pennsylvania with Mr. MCCULLOCH.

Mr. OVERSTREET with Mr. SHAFROTH.

Mr. MARSHALL with Mr. LASSITER.

Mr. HOWELL with Mr. JACKSON of Kansas.

Mr. HILDEBRANT with Mr. HOWARD.

Mr. IRWIN with Mr. GOOCH.

Mr. FOSS with Mr. HENRY of Texas.

Mr. HULL with Mr. POU.

Mr. EMERSON with Mr. FOSTER of Illinois.

Mr. CONNELL with Mr. EDWARDS.

Mr. CALDERHEAD with Mr. DAVIS of Florida.
Mr. BRICK with Mr. CREAMER.
Mr. BLACKBURN with Mr. BUTLER of Missouri.
Mr. WRIGHT with Mr. BRANTLEY.
Mr. SHOWALTER with Mr. THAYER.
Mr. COUSINS with Mr. LIVINGSTON.
Mr. LITTAUER with Mr. MAHONEY.
Mr. BABCOCK with Mr. HENRY of Mississippi.
Mr. STEWART of New York with Mr. KERN.
Mr. DAVIDSON with Mr. ELLIOTT.
Mr. DOUGLAS with Mr. GOLDFOGLE.
Mr. OLMSTED with Mr. PUGSLEY.
Mr. JACKSON of Maryland with Mr. SMITH of Kentucky.
Mr. TAWNEY with Mr. FEELY.
Mr. KNOX with Mr. NEVILLE.
Mr. JOY with Mr. BARTLETT.
Mr. HEMENWAY with Mr. BELL.
Mr. WM. ALDEN SMITH with Mr. STARK.
Mr. BATES with Mr. WHEELER.
Mr. LANDIS with Mr. SULZER.
Mr. ACHESON with Mr. SPARKMAN.
Mr. ADAMS with Mr. MCRAE.
Mr. GREENE of Massachusetts with Mr. SCARBOROUGH.
Mr. CORLISS with Mr. BREAZEALE.
Mr. EVANS with Mr. WILSON.
Mr. DARRAGH with Mr. FLEMING.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The bill was passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, the bill H. R. 3109 is the special and continuing order for this hour. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, with Mr. LAWRENCE in the chair.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the time may be equally divided, that in favor of the bill to be controlled by myself, and in opposition by the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The gentleman asks unanimous consent that the time may be equally divided and controlled by himself and the gentleman from Georgia [Mr. ADAMSON]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, I now yield such time as he may desire to the gentleman from Ohio who reported this bill.

Mr. TOMPKINS of Ohio. Mr. Chairman, very few subjects have attracted more general and deep interest than the consideration of ways and means by which the people of the country may obtain pure food and unadulterated drugs. Nearly fourteen years ago the subject was first introduced into Congress by a Senator from Nebraska, and since then it has continually engrossed the attention of this body. Various societies throughout the country have taken action upon the question and made certain and emphatic recommendations. A large congress has been organized, known as the pure-food congress, and at its last meeting in this city there were present more than 400 delegates representing all classes, occupations, and all branches of industry and human pursuits. As a result of the deliberations of the convention last mentioned, there was practically a unanimous recommendation to Congress that such a measure as the one now pending be enacted into a statute.

The purpose of this bill is not to prohibit the manufacture or sale of anything that is not deleterious, but it is to prohibit the manufacture of any sort of food that is deleterious, and to provide that any food or drug which is adulterated shall bear upon its face the badge of what it is, so that the purchaser may know what he is to get and he will secure that for which he pays. The Committee on Interstate and Foreign Commerce has spent more than three weeks in listening to the testimony of experts and laymen, the testimony of manufacturers and merchants, in its almost daily sessions through that period, and while there were three bills relating to the same subject, in addition to this one, pending before the committee, it was the conclusion of the majority of the committee that the bill 3109 best represents the wishes of the people upon the subject and will be most practicable in its operations.

The bill provides that the Secretary of Agriculture shall, from the chemical branch or bureau of the Department, create a special bureau of chemists who shall examine food products and drugs which are placed upon the market. The authority of this bureau when constituted will not be permitted to go into any State and interfere with any such product manufactured within that State, but it shall have supervision over such products which are shipped from one State into another, into the Territories, or into the District of Columbia, and it will forbid the manufacture of any deleterious food product and sale of any adulterated product under false representation.

Now, this bureau of chemistry shall have authority to prescribe certain standards of excellence in food and of purity in drugs. When anyone ships an article from one State to another which is forbidden by this statute, or any impure drug, upon information delivered by an agent of this bureau upon inspection of any suspected article, the district attorney for the district in which the offending article is found shall institute proceedings in the proper court to inflict the prescribed punishment. When a test is being made of a certain food product or drug, not only will the statute provide that the inspecting agent on the part of the Government, but the person against whom complaint is lodged shall have the right to be present and have his chemist there.

The bill defines what a "drug" is, and includes all medicines and preparations recognized in the United States Pharmacopœia for internal and external use. Defining the word "food:" It includes all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound. The term "misbranded" shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

The definition of "adulteration" is:

For the purposes of this bill an article shall be deemed adulterated, in case of drugs, if when sold under a name recognized in the United States Pharmacopœia it differs from the standard of strength, quality, or purity as determined by the test laid down in such Pharmacopœia, official at the time of the investigation, and if its strength or purity fall below the professed standard under which it is sold; if it be an imitation of or offered for sale under the name of another article, and, in the case of a confectionery, if it contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food, any substance mixed with it so as to lower or injuriously affect its quality or strength, so that such product when offered for sale shall tend to deceive the purchaser.

If any substance or substances has or have been substituted wholly or in part for the article, so that the product when sold shall tend to deceive the purchaser.

If any valuable constituent of an article has been wholly or in part abstracted, so that the product when sold shall deceive the purchaser.

If it be an imitation of or offered for sale under the distinctive name of another article. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed so that said product when sold shall tend to deceive the purchaser.

If it contain any added or poisonous ingredient which may render such article injurious to health.

If it is falsely labeled as a foreign product, or is in imitation of another substance of a previously established name, or which has been trade-marked or patented.

If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

But food shall not be deemed adulterated in certain cases:

Where compounds are known under their own distinctive names.

Where articles are labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends.

Where the same is labeled, branded, or tagged so as to show the character and constituents thereof. Where substances which enter into the preparation or preservation of food and which change their chemical nature in the preparation of food are branded

at the time of manufacture with the names of the resulting substances which are left in the food when ready for consumption, together with the name and address of the manufacturer.

And as a protection to proprietors or manufacturers of proprietary food which contains no unwholesome added ingredient he shall not be compelled to disclose trade formulas, except so far as to secure freedom from adulteration or imitation.

As to the dealer, he is absolved from all liability if he receives from the manufacturer, resident of a State of this country, a written guaranty that the article sold to the dealer and offered by him to the public is exactly what it purports to be.

The bill provides, in that feature which looks to its execution, that any dealer offering for sale a suspected article shall be compelled to give to the Government inspector a sample of the article complained of, and at the instance of the person against whom the complaint is alleged the sample shall be divided into three parts, one to be kept by him, one to be kept by the Government, and one to be kept by the United States district attorney. And these formulas of which I spoke a moment ago, when they have been established by this bureau of chemistry, may be offered in evidence in the courts in any proceeding under this proposed act. But this formula shall not be taken as prima facie evidence of the guilt of the accused, but its effect will be merely to serve as the opinion of that bureau upon these given substances; and the weight of it, whatever weight it may have, may be overthrown by testimony called by the defendant in the case.

The bill, before it was amended by the committee, contained these words:

Such standards and determinations, when so fixed * * * may be read in evidence in the United States courts, but shall not be considered as determining the adulteration of any articles under * * * this act until such standards and determinations are approved in the courts.

Your committee struck out the words "until such standards and determinations are approved in the courts," because it was not deemed to be within the power of Congress to fix the quality and conclusiveness of evidence in any proceeding at law, nor in a court in one case to approve of a standard in evidence which shall be binding and conclusive in another case. That is to say, your committee is of the opinion that while such standards and determinations may be offered in evidence, they are to be received for what they are worth intrinsically and may be overthrown by other evidence.

Section 10 of the bill excludes its provisions from commerce wholly internal in any State, and from interfering with the exercise of their police powers by the several States, and forbids their interference with laws enacted for the District of Columbia or by the Territorial legislatures for the several Territories regulating commerce in adulterated foods within such District and Territory.

There is no disposition on the part of the advocates of this bill to invade any State and undertaking to usurp the police powers of that State or to substitute its courts for the State courts in reference to any manufacture or any dealing in articles of commerce that are found wholly within that State, but recognizing, as has been demonstrated, the ineffectiveness of the miscellaneous sorts of legislation upon this subject by the various States, recognizing how inoperative have been statutes looking to the control of commerce passing out of one State into another, there has been, as I said in the beginning, a universal demand for the interposition of Congress, with the power which is vested in it by the Constitution, not only to regulate commerce between the States in the sense of controlling common carriers, but to go further and exercise such police power in connection with this commerce that nothing which is deleterious or deceptive or is a fraud or an imposition upon the people shall pass from one State to another.

Instead of being an interference with the administration of justice and the execution of the food laws of the various States, it is intended to be an auxiliary to those laws, and to help preserve to the people of the respective States pure food, pure drugs, saving them from fraud and deceit.

That there is an interest on the part of the people in this subject and that there is a demand on their part that Congress shall do something upon this important matter is evidenced by the fact that in nearly all the States of the Union pure-food laws are in existence and are being enforced with more or less success. I am informed that the legislature of the State from which my friend who represents the minority in the discussion of this matter comes—the State of Georgia—I understand that within the last few weeks, by a unanimous vote of the senate and house of representatives of that State, a pure-food law has been enacted.

I do not understand that there is any organized opposition to this measure, except possibly as to the method of executing its provisions. Upon the sentiment that the people should be protected against fraud and deception, upon the proposition that health should be preserved by withholding from market impure food, there can be no dissension in the opinion of our people. Congress, by interfering so far as the scope of interstate commerce extends with the manufacture of impure drugs and adulterated food, seeks simply to throw around the purchaser and the consumer the protection of giving notice to him of what he is buying and what he is consuming.

Your committee, Mr. Chairman, are of the opinion that while a man has the right per se to manufacture a substance which looks like strawberry jam, he has no right to manufacture that substance and inject into it timothy seed and brand the vessel containing this fabrication with the name "strawberry jam." Your committee feel that the manufacturer or the dealer who sells this product should sell it for what it actually is, and should say: "While this looks like strawberry jam, while the timothy seed which it contains looks like strawberry seed, neither is genuine." And when a man puts an article upon the market which he calls coffee we want it to be coffee, not stuff compounded from tree bark and soil, which, by an ingenious process of compression and drying, is made to resemble the coffee berry, when there is no coffee at all in it.

Now, it is well known that among condiments which we daily use it is almost impossible to get pure pepper, pure cinnamon, or any of those things which go to give flavor to the food which we consume, it being universally recognized that nearly every one of these articles is adulterated; so that the consumer considers himself fortunate if he does buy something which is absolutely pure.

These adulterations are the outgrowth of the abnormal conditions which existed during the civil war. Army contractors, when they furnished to our soldiers shoddy clothing, when they furnished to them foods which were compounded of inferior substances—when we had so little time to investigate and protect ourselves against these conditions, rude as the fabrications were and easily detected as they might have been—the success met with in those times by those manufacturers of adulterated and counterfeit articles has led to an active industry, so that there are all over this country manufacturers engaged in the adulteration and debasement of food and drugs, until, as I said a moment ago, we feel like congratulating ourselves when we know that we have bought a pure article of food or an absolutely pure drug.

Mr. McDERMOTT. Will the gentleman yield for a question?

Mr. TOMPKINS of Ohio. Yes, sir.

Mr. McDERMOTT. As this bill applies to the District of Columbia, and under certain conditions to every State, it provides that if a dealer shall offer for sale or shall sell an adulterated article he shall be guilty of a misdemeanor. With reference to the District of Columbia, it is provided that of every article that he has for sale he must furnish, at the request of the Government, a sample which may be analyzed. That sample is to be analyzed by Government officials on the one part, and, if the seller so desires, by some chemist selected by him; and if these two chemists differ, there shall be what you might call a chemist referee, who shall decide the dispute. So that you have an analysis on the part of the Government and an analysis on the part of the dealer, with the recognized proposition that those two chemists may disagree and that a third analysis may be furnished.

Yet you provide in this bill that without any scienter being established on the part of the dealer as to the fact that the article is adulterated he shall be held guilty of a crime. How could a grocer in the District of Columbia be protected in selling the kind of coffee or pepper that the gentleman has described, although he may have had no knowledge that the article was not perfectly pure? In other words, is it the intention of this bill that without any knowledge on the part of the dealer that there is an adulteration—that being a question that may be decided by three different forms of analysis, by three different chemists—the dealer shall be deemed guilty of a crime? Is there to be no question under this bill as to the intention or knowledge of the dealer in respect to the adulteration of the article? Is that the idea?

Mr. TOMPKINS of Ohio. I will answer the gentleman by saying that the bill provides that the dealer can protect himself by a certificate from the manufacturer that the article is genuine and that it is just what it purports to be. That is all the protection he needs and he is acquitted of all blame. If it is an adulteration the punishment should fall upon the manufacturer and not upon the dealer. Does that meet the gentleman's question?

Mr. McDERMOTT. In what section is that?

Mr. TOMPKINS of Ohio. I will answer in a moment.

Mr. PADGETT. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TOMPKINS of Ohio. In a minute.

Mr. MANN. I will state for the information of the gentleman from Ohio that what he refers to is in section 6 of the bill.

Mr. TOMPKINS of Ohio. For the information of the gentleman from New Jersey, Mr. Chairman, I will read from the bill, in answer to his inquiry—on page 8 of the bill:

Provided further, That no dealer shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity, in a form

approved by the Secretary of Agriculture as published in his rules and regulations, signed by the manufacturer, or the party or parties from whom he purchased said articles: *Provided also*, That said guarantor or guarantors reside in the United States. Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Mr. McDERMOTT. I will study that section for a moment.

Mr. TOMPKINS of Ohio. I will be glad now to answer any questions of the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. The question I wanted to call attention to was the second proviso on page 8, which limits or qualifies that the guarantor or guarantors reside in the United States. Now, suppose that a dealer is unknowingly selling an adulterated foreign article, in the absence of any knowledge or information that it is defective?

Mr. TOMPKINS of Ohio. The answer to that is this: Of course, if the manufacturer lives beyond the seas, he is beyond the jurisdiction of our courts. We can not punish him. If he lives here, we think that the punishment should fall upon the manufacturer, and not upon the dealer; but if the manufacturer is foreign, then the local dealer should protect himself against prosecution by making sure that he is not selling an imitation or debased or impure article.

Mr. PADGETT. Ought not there to be a qualification that the dealer should knowingly violate the law?

Mr. TOMPKINS of Ohio. Well, the difficulty is in proving the knowledge in matters of that kind. In most cases you can prove intention where fraud is charged, but you can not in cases of this kind. A dealer would say that he had obtained the goods under such conditions that led him to believe they were genuine and pure; that he paid a fair price for them, and he thought they were all right. Now, how are you going to prove to the contrary?

Mr. PADGETT. Is it wise legislation to provide for the punishment of a man unless that man is guilty intentionally of some wrong?

Mr. TOMPKINS of Ohio. Of course the innocent ought not to be punished; but there are two forms of offenses.

Mr. PADGETT. Does not this bill provide for the punishment of the innocent and comprehend them within the scope of its enactment?

Mr. TOMPKINS of Ohio. In one sense, yes; but there are two ways in which offenses may be committed. One is by actually committing an offense, by knowingly and willfully doing that which is known to be wrong. The other is by being so willfully ignorant, so lacking in investigation and research and information, that it amounts to an offense.

Mr. PADGETT. Would it not be necessary that the dealer should analyze all of his articles. Suppose he analyzes one sample and that was all right, but that the sample that was analyzed by the chemist was wrong. Would he not be convicted under the provisions of this bill?

Mr. TOMPKINS of Ohio. The bill provides that the dealer may call his own chemist and they may investigate the matter. If there be a disagreement it shall be submitted to court, and the amendment suggested by the committee to the bill shows that the purpose of the legislation is not to have anything absolutely prima facie against the accused, but it all must be judicially determined whether or not he is committing an offense under this act.

Mr. PADGETT. That is, as to the specific sample that is there provided for?

Mr. TOMPKINS of Ohio. Yes.

Mr. PADGETT. Suppose the dealer has a sample analyzed and the report of the analysis is good?

Mr. TOMPKINS of Ohio. Yes.

Mr. PADGETT. And then the chemist provided by the Department of Agriculture analyzes another sample, and that is found to be bad?

Mr. TOMPKINS of Ohio. Well, then, I suppose the dealer is guilty.

Mr. PADGETT. Then he would be guilty, and yet he would be acting in good faith and without any intentional wrong.

Mr. TOMPKINS of Ohio. You speak of two different samples.

Mr. PADGETT. I am speaking of two different samples of the same quality or product.

Mr. TOMPKINS of Ohio. They can not be of the same quality or product when one is pure and the other is impure.

Mr. PADGETT. Suppose, for instance, it should be canned goods, and one can was examined by one chemist and another can by a different chemist, and one should be reported pure and the other impure?

Mr. TOMPKINS of Ohio. The bill provides that before there can be any prosecution under it the Secretary of Agriculture, through his agent, shall obtain a sample of the goods which are being sold, and the prosecution is predicated upon that particular sample and none other.

Mr. PADGETT. That is just the very question I am talking about.

Mr. TOMPKINS of Ohio. And if that sample is impure, then he is guilty, unless he has taken that protecting guaranty of which I spoke a moment ago.

Mr. PADGETT. Yes; but you deprive him of a guaranty from any foreign dealer, and you throw him upon his own investigation. Now, he investigates, and the investigation that he made was in good faith and satisfied him as far as it went that the goods were pure. But the investigation and analysis of another sample showed that that part of it was impure. You say that he shall be convicted upon the analysis that was found impure, and that the analysis which he made in good faith and which showed the sample to be pure shall avail him nothing, and that he shall be convicted regardless of his good faith and the sincerity of his purpose, and in the absence of any knowledge or purpose to violate the law.

Mr. TOMPKINS of Ohio. I do not know about that.

Mr. SCHIRM. I should like to ask the gentleman from Ohio whether this bill would not work a hardship upon the retail dealer, since there is a provision in this bill whereby the wholesale dealer can protect himself by securing from the manufacturer a certificate as to the character of the drug or food that he buys from him, and whether the result of this will not be to organize a band of detectives to go about from one small dealer to another, and put each dealer in the position of expending large sums of money to make this expert analysis, and also put him in the position of not being able to prove that the goods he has sold are sold under the very certificate that the wholesale dealer retains, and from whom he himself has bought or purchased?

Mr. TOMPKINS of Ohio. The retail dealer can protect himself with the same certificate, under this act.

Mr. SCHIRM. Then I should like to ask the gentleman from Ohio further whether it would not be a difficult thing to identify just exactly what passed under that certificate, or whether there is any provision available for stamping packages, barrels, and boxes, and the prevention of the removal of the goods sold under certificate, so that they can always be identified by that certificate.

Mr. TOMPKINS of Ohio. That matter was discussed at considerable length in the committee. It is to be expected in the preparation of all statutes for the protection of society that complications will arise, and there are times when the innocent may suffer along with the guilty. But, as to this particular point, it was suggested that if a bill was made out showing so much merchandise of a certain kind sold, so many barrels of flour, for instance, so many bags of coffee in a certain bill, and the guaranty of the wholesaler in the last instance and of the miller in the first instance is on that bill, that that is a protection to the dealer in the articles contained therein.

Mr. SCHIRM. Do I understand the gentleman from Ohio to mean that if a retail dealer is indicted under this act it is necessary for him to go back to the wholesale dealer and find which certificate covered the goods he bought from him in order to protect himself against prosecution?

Mr. TOMPKINS of Ohio. I do not say that conviction is inevitable. I say that the analysis of this sample would be prima facie evidence of guilt, but he could show his innocence by other means if he were not guilty.

Mr. SCHIRM. But in your reply to the gentleman from New Jersey, in order to obviate this obligation of establishing his innocence, you say it is overcome by the fact that he covers himself with a certificate from the manufacturer.

Mr. TOMPKINS of Ohio. I stated to the gentleman from New Jersey that that was one of the ways in which he could protect himself. He could have this guaranty from the wholesale dealer or manufacturer.

Mr. SCHIRM. Now, let me ask the gentleman this: No doubt he will admit that the wholesale dealer, buying from the manufacturer, buys in large quantities, often in bulk. The stuff that he buys is distributed among many retail dealers. Now, if a retail dealer is indicted it will be a difficult matter for the wholesale dealer to protect his customer by the certificate that he holds, for the reason that he may not be able to identify that stuff that he sold as the stuff for the sale of which the retail dealer is indicted.

Mr. TOMPKINS of Ohio. Maybe that is all right. Upon every statute book of every State in this Union where laws have been enacted on this subject there are objections to be found; but we must do the best we can to throw around the dealer all the environment of protection we can under this act, and give him all the show we possibly can give him. But because some one will be put to some inconvenience and some expense to clear his skirts, is that sufficient reason why we should be without any protection to the people at all in the way of pure-food legislation?

Mr. SCHIRM. I am as much in favor of pure food as the gentleman is, but these laws work a hardship upon people who are the least able to bear it. It is well known that a great part of the retail grocers in the cities are foreigners, men who by their thrift have saved a few hundred dollars and have put them into a corner grocery store. They are not acquainted with the laws; and of course I know that ignorance of the law is no excuse; but it works a hardship upon John Schmidt to go and tell him he must have an analysis made of the pepper sold to another John Schmidt to see whether it is pure food. That will throw them into such a state of confusion that you might as well just set them out of business at once.

Mr. TOMPKINS of Ohio. I thought the gentleman from Maryland was asking me a question.

Mr. SCHIRM. I was trying to show you the effect of this.

Mr. TOMPKINS of Ohio. I will give you some time if you desire.

Mr. SCHIRM. I was trying to show you how burdensome it was, and that the burden is being put upon those who are the least able to bear it.

Mr. TOMPKINS of Ohio. I now yield to the gentleman from New Jersey.

Mr. McDERMOTT. I think that idea of making the wholesaler finally responsible is a very happy one, but what I am troubled about is that when we read the section you have not made him responsible. You have relieved the retailer. He may show that the formula adopted by the Government as to the degree of purity has been complied with. You say that it shall relieve the retail dealer. You then provide that—

> Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Now, then, it is not provided in any case that the party who has given the guaranty is merely responsible for his guaranty. He has not done anything that the retail dealer is responsible for under this act at all. He has sold the goods in Philadelphia with a certificate which he believes to correspond with the requirements of this act, and that certificate is that the goods are salable under the provisions of this act, and you say that the party giving that guaranty shall be liable to the prosecution, fines, and other penalties. What does that mean?

Mr. TOMPKINS of Ohio. It means that he shall be prosecuted for selling a false and spurious article.

Mr. McDERMOTT. It does not say so.

Mr. TOMPKINS of Ohio. That is what it means.

Mr. McDERMOTT. Oh, but it does not; it means what it says, and my suggestion is in the line of an amendment to make it say something that means something. In other words, you are about to make the wholesale dealer liable, and yet you have not provided any offense whatever. You have made the fact of his giving a certificate there, with or without knowledge of its falsity, an avenue of escape for the retail dealer. Then you provide that the giving of that certificate shall make the wholesale dealer responsible. Your certificate may be signed by the manufacturer or by the wholesale vendor, and then you provide for what? That it shall contain the full name and address of the party making the sale, not the full name and address of the manufacturer, and the said party shall be amenable to prosecution, fines, etc., that can be visited upon the retail vendor when he is guilty of doing certain acts which are made the basis of the crime, and which the wholesale vendor can not possiby do.

My objection, therefore, is that you do not provide anything whatever except this: That the manufacturer may, and most manufacturers will, if we take their advertisements in the daily papers as indications of what they think of the purity of their goods, give a certificate that it has all the things required by the Secretary of Agriculture. That protects the retail dealer whether the certificate is false or not. You have not any provision, whether the goods are sold in Pennsylvania or elsewhere—you have not any provision which applies to the wholesale dealer. It is a certificate or demonstration of the fact of the purity of the goods which is to be demonstrated subsequently by the chemical analysis, and of the belief of the man who sold them to him. For the truth or untruth of that certificate you have provided no penalty in the act whatever.

Mr. TOMPKINS of Ohio. That is covered by the sweeping provision that anybody who manufactures or sells any adulterated article of food or drug shall be punished under the penalties provided for in this act. The certificate is for the sole purpose of protecting the retail dealer or the middleman between the retail dealer and the manufacturer. You can not go back of the manufacturer; you can not give him a certificate for the article, because if it is impure nobody knows it better than he does. Of course, the manufacturer knows if the article he manufactures is impure, but the one to whom he sells the goods in good faith, the person who buys them from him in good faith, stands on the certificate that he gives him, and he will say to the Government, when complaint is made that he is selling impure goods, "I stand on the certificate from a reputable manufacturer." It protects the wholesale dealer, who, on the basis of a certificate, will say, "I thought I was selling pure goods;" but when you come to the manufacturer he stands alone, without any protection thrown around him at all, except his ability to prove that the article sold was pure.

Mr. McDERMOTT. I beg to suggest to the gentleman that under section 6 he does not stand in any such position.

Mr. TOMPKINS of Ohio. The certificate is to protect the innocent retail dealer——

Mr. McDERMOTT. Why not protect the wholesale dealer?

Mr. TOMPKINS of Ohio. It will. It says the dealer; it does not say wholesale or retail.

Mr. McDERMOTT. You provide that a certificate of guaranty shall be an absolute plea in bar. Now, you attempt under this act to provide that one who furnishes the plea shall be punished if it is shown the plea is false. That is the idea of the act, but the words do not accomplish that purpose.

Mr. TOMPKINS of Ohio. The gentleman misconceives that provision of the act.

Mr. McDERMOTT. If the gentleman can show me how under that wording——

Mr. TOMPKINS of Ohio. That simply protects the innocent dealer, the vendor, whether he be a wholesaler or a retailer. That is all it is for.

Now, Mr. Chairman, I decline to yield any further, for I have given all the time I care to the colloquy.

Mr. Chairman, there can be no question here, it seems to me, as to the power of Congress to legislate on this subject and in this manner; that it has a right to regulate by police power the kind and quality of goods that shall be transported from State to State, and that there is a real necessity for such legislation, as this has been made manifest by the almost universal demand of the citizens of our country for this bill.

A number of gentlemen appeared before the committee during the hearings in organized opposition to the bill. The wholesale manufacturers and distributers of the West and of the East were before the committee in amiable opposition to the bill—some as to the underlying principle of it and some to the proposed manner of execution. But I am informed that since the adjournment of the first session of this Congress all this opposition has subsided, and that practically there is not among the manufacturers and the wholesalers any objection to this legislation.

We have the power to so legislate, as established by repeated precedent. We created an Interstate Commerce Commission to regulate freight rates. It has been declared a constitutional body. We have required railroads engaged in interstate commerce to use safety appliances in the operation of their trains. It stands. We have levied tribute upon the manufacturers of oleomargarine because it imitates butter, and the law will stand. We quarantine against diseased cattle being transported from one State to another, and we isolate and hold fast upon the islands or our seas travelers visiting or returning to our shores who are suspected of having infectious or contagious disease. If we can do these why may we not protect our people against debased and fraudulent food and impure drugs? If we can, and we can, I think we should.

Mr. HEPBURN. I reserve the balance of my time.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] is recognized.

Mr. ADAMSON. The chairman of the Committee on Appropriations [Mr. CANNON] expressed to me a few moments ago a desire that we should go back into the House for a few minutes in order that some measure in which he is interested might be called up.

Mr. HEPBURN. I move, then, that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. LAWRENCE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, and had come to no resolution thereon.

URGENT DEFICIENCY BILL.

Mr. CANNON. I desire to call up from the Speaker's table the urgent deficiency bill. The Senate has put on that bill two amendments—one appropriating $8,000 for the completion of the Sherman statue; the other making an appropriation of $3,400 for miscellaneous items covered by the contingent fund of the

Senate. I should be glad to have the House concur in those two amendments.

The amendments were read.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House concur in these two amendments of the Senate. Is there objection?

There was no objection; and it was ordered accordingly.

On motion of Mr. CANNON, a motion to reconsider the order just made was laid on the table.

PURE FOOD.

On motion of Mr. HEPBURN, the House again resolved itself into Committee of the Whole House on the state of the Union (Mr. LAWRENCE in the chair), and resumed the consideration of House bill 3109.

Mr. ADAMSON. Mr. Chairman, in the protracted hearings before the Committee on Interstate and Foreign Commerce I discovered to my own satisfaction, after giving sufficient reading to the bill and its terms, that there was not only no necessity for its enactment, but that such legislation would be fraught with pernicious and dangerous consequences. I then gave my attention not so much to the details of the bill itself as to bringing out in the way of question and answer from those who appeared before the committee whether the States and local communities could not determine for themselves what their people should eat and drink and wear, and where they should buy such articles, instead of requiring that the burden should be put upon the Government of the United States of doing that in which it was never designed to have any concern.

Of course I regard many of the features of this bill as themselves objectionable; but on the whole, I think, and others before the committee and on the committee concurred, I believe, in this opinion, that the bill drawn and introduced by the distinguished chairman of the committee was the best of its kind if such legislation must be resorted to.

Mr. Chairman, I know that there is great interest in the question of food. So there is in a great many other questions. I heard and saw demonstrations by chemists and scientists before the committee, and heard appalling descriptions of germs and bacteria, and of the filth and worthlessness and deleterious and poisonous character of all there is to eat and drink, especially in this community, until it was almost enough to destroy one's appetite and prepare a man to declare that he would never eat or drink again.

Experiments are now going on in this city under the direction of one of the scientists who has appeared not only before our committee, but before a great many communities throughout the United States, to the pleasure of those communities, I am glad to say, because he is an excellent and amiable gentleman and an able scientist. He is now carrying on in this city experiments with a dozen young men of perfect physique and health, and they are going through the experiment of trying the effect upon their health of the various substances resulting from the efforts to compound and cheapen food. I do not mean to say that he is using what he denounces as deleterious and poisonous foods, but he is trying everything against which one element appearing before the committee inveighs so vigorously—those combinations which people manage to discover and use by which they may blend, as they claim, purely harmless substances, thereby furnishing to the people food products just as pure, just as wholesome, as those not thus compounded and yet cheaper.

Now, Mr. Chairman, I do not know what the result of those experiments will be. They are going to try all kinds of combinations and so-called adulterations, except those recognized to be poisonous. If those who eat the mixed foods become lean and those who eat only the pure food become fat, of course the argument will be against such mixtures. But if some of those who eat the pure and unadulterated foods and drink the pure and unadulterated drinks grow lean or die, or if those who confine themselves alone to the other character of meat and drink should grow fatter and live longer, what would become of science?

Now, Mr. Chairman, I do not propose to discount the importance of purity and, above all, honesty in all sorts of commercial dealings. I have gone so far, after listening to the hearings of the committee, as to suggest to my conferees that the laboratory proposed could be a great and useful institution as a gatherer of information and a disseminator of education among the people of the country. I have even gone farther and suggested as a safe ground upon which we could all compromise and stand that, if desirable, this central establishment, with greater facilities, with more powers to gather information, with more ability to arrive at the truth of these things, could publish the results of the information obtained. I have gone even farther and proposed to agree that every man shipping from one State into another should be required, if the product be a compound, to label upon the package the exact ingredients which make the compound. Farther than those things, Mr. Chairman, I am not willing to go.

Now, I do not wish our friends or the people to understand that this is a bill confined in its operations to the District of Columbia and the territory subject solely to the jurisdiction of the United States. The bill proposes to extend its provisions to all our domain and govern all interstate business. I do not desire my friend from Ohio to understand, as he intimated, that I am stickling here about the question of States' rights. I believe if he would consider the question he would decide that he is as proud of his State as I am of mine and as jealous of her rights and sovereignty. I desire to say to him that all that subject was thrashed over by the ablest and greatest statesmen the world ever saw. I desire to state that long since that, and long since some people fondly imagined that States' rights had been stamped out and it was all right to invade local authorities and local communities, there has appeared in every State in this Union which ever seemingly denied it as lively a recognition of the doctrine and as keen a demand for it as rests in my breast whenever interest awakened their conscience on the subject.

The statesmen who prepared and builded the great edifice of this Government designed it to discuss and deal with great questions involving the liberties, the independence, and the welfare of this growing Republic, the greatest the world ever saw, and make its success and glory a shining light to all mankind. They never expected, when placing in the great bulwark of our liberties the commerce clause, thereby to monopolize all the functions and attention of the Federal Government and prostitute and use all the efforts and abilities of its statesmen in talking about matters of trade which were never intended to attract their attention except for one purpose. That purpose was solely and purely to prevent one State from discriminating against and injuring the interests of the people of another State in commerce—that, and no more. The doctrine has been evolutionary. Many things have been done under it that ought not to have been done, and I regret to say that in the fight before our committee, the hearings on the bill, between the classes of people who appeared before the committee, it was evident that all were willing to use the functions of the Government if they could be used for their own purpose.

Mr. Chairman, I think that my State can punish every solitary act, every fraud, every crime that has been described in any of these hearings, and any other State in this Union can do the same if it will. I contend that it is utterly unnecessary to burden this Government with little police matters that all the local communities can better attend to, and I know that after science has done its best or its worst, after all the laboratories have exhausted themselves, when all has been done and said that can be done and said, in the last analysis it will be proved that the old ladies in the home, the housewives, the old cook who used the elbow grease to mix the dough to make the bread—not last year's wasp nests which we have now and which is called bread—knew more about the subject than all science and all scientists.

Mr. Chairman, there are two or three insuperable objections to the framework of this bill. There is in it the provision talked about by the gentleman from New Jersey [Mr. McDERMOTT] in his questions to the gentleman from Ohio. One of them provides that a person pretending to represent the Government may force a dealer, under penalty of prosecution for refusal to sell or deliver a sample, which shall be divided into three parts, which are subjected to a sort of toss-up arbitration arrangement, the result of which shall be submitted to a court on a prosecution, to the exclusion of all evidence about other goods, even those coming in the same case or package.

I think when you say to a man, "I do not know whether you will ever commit a crime or not; but under the authority of the Government of the United States I come here and demand that you commit one right now, in order that I may make a case against you and get per diem and mileage; and if you sell to me I will convict you, provided this chemical arbitration furnishes the evidence, and if you refuse me I will convict you anyhow," that fellow is certainly between his santanic majesty and the deep blue sea.

Now, it is quite as much as we can expect of human infirmity if, when you are really swindled, you take upon yourself the burden of your own grievance and place in operation the machinery for the obtaining of justice that the law furnishes and go ahead and punish the man who has already defrauded you. But to provide for the encouragement, not only of violations of the law, but to aid and extend the operation of a pestilential lot of spies, meddlers, and informers, who work for per diem and mileage, and sometimes other rewards incident to informing, would make a system a great deal more impure than any food or drink any people ever consumed and less to be desired.

Mr. Chairman, there is another objection to the bill, and not only that, but a thing that in my mind exhibits the great demand in some quarters for the bill. That is the provision that exempts a citizen from the expense of remedying his wrongs in the courts and puts upon the Department first the duty of getting up the

evidence and then calling upon the Federal officers whose duties would be to proceed with the prosecution. In the State courts where there is an act of cheating and swindling the injured man must simply, as the negro says, "tote his own skillet" and take up his own burden and attend to his own business.

Now, Mr. Chairman, I believe in pure food, pure coffee, pure everything that we eat and drink; but I believe in pure government. I believe in domestic and local government. I believe in the government of the home circle primarily and originally. I believe in the government furnished by the States and municipalities, which for domestic and police purposes were recognized by the founders of this great Government as the best and most perfect system of government. Not that anybody is jealous of local rights and afraid of the central authority; but the business can be better transacted, and crime can be more surely and speedily punished, and justice can be more certainly reached, and the central Government will not be overloaded.

I believe in the Federal Government as firmly, as strongly, and as proudly as any man who ever lived. In its proper channels, devoted to its proper purposes, it may be the greatest, most powerful, most glorious Government the world ever saw. Out of its channels, condescending to functions it has no business with, it becomes contemptible and ridiculous, frittering away its time and the interests of the people who made it and endowed it with its powers and constituted it for better purposes. Long may the emblem of our power and glory wave far and wide; and around the world may our Government's influence increase for our uplifting and the good of mankind. But, Mr. Chairman, when it leaves its glorious purposes and condescends to things too small and too unnecessary for its attention it is not strengthened, but weakened.

Now, Mr. Chairman, I have consumed more time than I intended.

Mr. RICHARDSON of Alabama. Will my friend allow me a moment?

Mr. ADAMSON. Certainly.

Mr. RICHARDSON of Alabama. If I understand your opposition to this bill, it is that you are opposed to it because the States ought to be allowed to carry out the provisions of it.

Mr. ADAMSON. I am opposed to it because it is perfectly unnecessary, and the States in this Union can take care of every question which is looked after in this bill.

Mr. RICHARDSON of Alabama. Do you not recall the fact that in the hearings before the committee it was developed that there were a number of States that had pure-food statutes?

Mr. ADAMSON. I think so.

Mr. RICHARDSON of Alabama. More than twenty in number.

Mr. ADAMSON. A great many of them.

Mr. RICHARDSON of Alabama. And that with the exception of one or two States the statute regulating the matter of pure food in the different States was a dead letter on the statute books.

Mr. ADAMSON. I know some people said that.

Mr. RICHARDSON of Alabama. Absolutely a dead letter.

Mr. ADAMSON. I know some people said that. I will say to the gentleman from Alabama that if you go to a State where the people do not want a law enforced, there is no use to enact it. It will be a dead letter; but where people desire a law enforced and enact a salutary law the State certainly has power under the constitution to enforce it, and my State can do it. My observation has been that State laws are as well and generally enforced as Federal statutes. The courts are more efficient and expeditious.

Mr. RICHARDSON of Alabama. But my friend from Georgia and colleague on the committee does not contend that this bill invades the rights of the States?

Mr. ADAMSON. Well, it says it does not. That is what it claims. I have not said that it did. I said I fought it because I deemed it absolutely unnecessary to put in operation a great deal of machinery for the pure-food interests. I said the States could do it better, and ought to be allowed to do it.

Mr. RICHARDSON of Alabama. You will admit that as to the State pure-food laws which now exist, with the exception of two or three States, the law has been a dead letter.

Mr. ADAMSON. I understand that has been claimed, but also denied.

Mr. RICHARDSON of Alabama. And that there has been universal complaint about it.

Mr. ADAMSON. I understand that some people charge that in some States; others deny it.

Mr. MANN. Will the gentleman from Georgia permit me to direct his attention to portions of the bill for two or three minutes and also allow me to ask him what he thinks in regard to them?

Mr. ADAMSON. I will, with great pleasure.

Mr. MANN. The gentleman will remember the provision in the first section in reference to the employment of agents and other employees?

Mr. ADAMSON. Yes, sir.

Mr. MANN (continuing). Which confers upon the Secretary of Agriculture authority to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act. I would like to ask the gentleman whether he thinks under that provision there is a liability that some Secretary of Agriculture may employ people far beyond a reasonable limit?

Mr. ADAMSON. There is no doubt about that.

Mr. MANN. And possibly even for partisan purposes.

Mr. ADAMSON. That is possible. I did not, if the gentleman will allow me, undertake in my remarks to go over in detail all the features in the bill.

Mr. MANN. Oh, I understand; the gentleman did not take time; but because the gentleman and I are rather in accord with reference to this bill, and I know he has given a great deal of study to this subject, I wanted to get his judgment in reference to this bill.

Mr. ADAMSON. There is not a solitary section in the bill that I would vote for, standing alone or taken together with any others.

Mr. MANN. The gentleman from Ohio called attention to the provision in the bill which excused the retail dealer or any other dealer where he possessed a guaranty given by the manufacturer in this country. I call the attention of the gentleman to the provision which says that no dealer shall be convicted, and ask him whether under this bill prosecutions are to be had in the United States courts or in the local courts?

Mr. ADAMSON. I just took it for granted it was understood that the Federal courts should have charge of these offenses.

Mr. MANN. As I understand it, there is no jurisdiction conferred, if it is possible to confer it, upon any State court.

Mr. ADAMSON. So I understand.

Mr. MANN. So that the prosecutions would be in the United States courts.

Mr. ADAMSON. That is my understanding.

Mr. MANN. The guaranty would not be a guaranty against prosecution. The retail dealer might be called several hundred miles away from home to produce the guaranty in order to escape. I suppose it is a guaranty against conviction in a Federal court. I would like to ask the opinion of the gentleman upon another point. Section 8 of this bill provides that any party "must" sell any article which he exposes for sale to an agent of the Agricultural Department, and that if upon examination this article proves to be adulterated the dealer shall be convicted and fined. I would ask the gentleman whether that, in his opinion, is constitutional?

Mr. ADAMSON. Is that the provision which provides for arbitration for the three samples and three inspections, and then if they do not tally they can throw it all on the court and let the court try to scuffle as to what is in it and get the truth?

Mr. MANN. It is the provision that he "shall furnish."

Mr. ADAMSON. I understand.

Mr. MANN. Now, the other provision of the statute is if he does so furnish. Shall he be convicted on the article furnished?

Mr. ADAMSON. My understanding of the law has been that for generations you can not compel any man to convict himself if he does commit a crime, and you can not by law compel him to commit a crime so that he may be convicted.

Mr. MANN. The provision of the Constitution is: "No person shall be compelled in any criminal case to be a witness against himself."

Mr. ADAMSON. If the gentleman will excuse me, this provision compels him to commit a crime that the Government may convict him.

Mr. MANN. The gentleman is a fine constitutional lawyer, and I would like to have his judgment as to whether the Government of the United States can constitutionally not only require a man to sell a thing the selling of which is an offense, but compel him to sell it and then furnish the evidence to convict him.

Mr. ADAMSON. I said I thought the dealer could safely refuse to communicate with the person, or refuse to sell it.

Mr. MANN. This statute makes it an offense to refuse. So that if he does refuse he is damned and if he does not he is damned.

Mr. ADAMSON. How could he be convicted if he had the right to refuse? The statute could not change it.

Mr. MANN. The court might set aside the provision of the statute; but what I want the gentleman's opinion upon is whether it is constitutional. The gentleman knows that this side of the House always goes to that side of the House when they want a constitutional question decided. [Laughter.]

Mr. ADAMSON. If I was the dealer and knowing the purpose of the customer, I would take the chances of escaping conviction and refuse to sell it. Now, I want to say further about this matter: It seems to me a little hard that when the three chemists provided for have failed to agree about the results of the investigation, and the results of the investigation have been laid before

the court, that the case may be tried alone on that sample, when there may be 143 other packages in the case, every one of which, upon inspection, might be proven pure, and according to whether the arbitration agreed or whether it did not, you convict him on one simply that may have been falsely packed, perhaps by accident or mistake or otherwise, and upon which he never ought to have been put upon trial.

Mr. RICHARDSON of Alabama. I want to call the attention of the gentleman to section 9 of the bill, which seems to me to answer a question which was asked a little while ago. It says:

SEC. 9. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100, or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, an adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be adjudged to pay, etc.

Mr. ADAMSON. I do not think anybody would ever be hurt by that.

Mr. MANN. Well, if he refuses to sell and give evidence to convict himself he shall be fined $100 for it.

Mr. RICHARDSON of Alabama. Oh, no. If the manufacturer sells or offers for sale that which is adulterated he becomes guilty, and the penalty of the statute operates upon him. You are bound to trust something to the common sense of the court and of the country.

Mr. MANN. I want to say to my genial and able friend from Alabama that he loses sight of the first part of the section.

Mr. RICHARDSON of Alabama. Well, who is to decide? Why, the courts of the country.

Mr. MANN. The provision of the bill says:

Any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor and upon conviction sha l be fined not exceeding $100 or imprisonment not exceeding 100 days, or both.

Mr. RICHARDSON of Alabama. But the gentleman does not read far enough.

Mr. MANN. Oh, it is not necessary to read about some other misdemeanor. The provision of section 8 is that he must sell to the agent of the Agricultural Department, and if he does not sell he is fined for not selling, and if he does sell, and it is proved that he is selling adulterated goods, he is fined because he does sell. You make him furnish evidence to convict himself if he sells, and if he does not sell you convict him and fine him.

Mr. RICHARDSON of Alabama. What court on earth would be guilty of such an absurdity——

Mr. MANN. What body of representatives would ever be guilty of enacting a law like that?

Mr. RICHARDSON of Alabama. What common sense person would ever expect any court to construe it as the gentleman interprets it?

Mr. MANN. If the gentleman can put any other construction on it, I will be glad to have it done.

Mr. ADAMSON. My good friend in opening this debate had a good deal to say about the demand for the enactment of this legislation. I desire to say that I have been circulating about halfway across the continent and back for several years, and while this has been agitated if a solitary constituent of mine ever requested a support of this bill I have no recollection of it. If anybody in my part of the country ever took the trouble to talk about it, I do not remember it. There has been a good deal of interest and agitation representing different interests, as I said before, more as to the effects of the bill than the principle involved in its passage.

But such demand as comes appears to me to be very much like that which often comes to members of Congress. It is not a real and genuine upheaval originating with the people and demanding action from us; it is an artificial and supposed sentiment which reflects something called for in interested quarters. That is the only kind of demand that I have been able to discover for this bill.

One other word. The gentleman from Ohio [Mr. TOMPKINS], in doing me the honor to mention my State in connection with this matter, reminds me that in the discussion of the bill which our legislature passed last week for the protection of Georgia sirup the distinguished chairman of the Board of Trade of Savannah, who is the president or the head of that Georgia sirup industry, presented a very able argument, which, enumerating the statutes of various States and Territories, demonstrated very clearly to my mind that the States are capable of taking care of the domestic concerns of their people; and bright and strong among all the citations were the references to the great State of Massachusetts, whose cause once was and still is "the cause of us all," reminding us of the time-honored and still honored custom in that old liberty-loving Commonwealth of having the strongest constitutional provisions for local State government, while placing the least reliance of all the States of the Union upon the Federal Government.

Mr. Chairman, I desire in concluding my remarks to ask the Clerk to read, as expressing as well and distinctly as I otherwise could do my views on this question, the minority report of the committee, in presenting which I played "a lone hand"—one to sixteen—reversing the old condition. [Laughter.]

The Clerk read as follows:

VIEWS OF MR. ADAMSON.

I regret my inability to concur with the majority of the Committee on Interstate and Foreign Commerce in reporting with favorable recommendation House bill No. 3109, "for preventing the adulteration, misbranding, and imitation of foods, beverages," etc.

Aside from my partiality for the old-fashioned idea of leaving the greater part of government to be administered by local authorities, I object, as a member of Congress, to imposing on the Federal Government subjects of legislation and litigation wholly foreign to its purpose, and which, if at all effective, must prove burdensome, annoying, and expensive.

The founders of our Republic, fully appreciating the blessings of good government and the evils of bad government, though not as well up as we on amassing profits and figuring discriminating tariffs, had no thought that the Federal Government could possibly embark in the business of regulating the menu or the table etiquette of the citizens of the States. The line of argument that supports this bill would apply as well to any and all avenues of human business and conduct. It is insisted that this legislation is necessary to protect against frauds in interstate commerce, but I listened and cross-examined in vain during our long hearings to find a single situation which could not be reached more certainly and effectually by the State courts.

The fundamental mistake seems to be that people imagine the Federal Government may take their troubles off their hands and punish so-called violators anywhere, regardless of locality and without difficulty or expense to those invoking its aid, entirely losing sight of the elementary principles that the venue must be laid in the same way for trials in Federal and in State courts and proof must be forthcoming to convict in either. Whatever may be the privileges of shipping and selling in unbroken packages under the interstate-commerce law, it has never been pretended that a State can not punish common cheats and swindlers if they deceive as to the character of the article sold, or if they sell one thing and deliver another in its stead, no matter whence the package may have come.

Nor do I believe a single State in this Union capable of refusing to provide for such punishments. The hearings have disclosed some bad conduct in the food trade, as well as in some other departments of life and business, but it is all properly cognizable in State courts, and in my judgment not comparable with the possible evil resultant from the proposed legislation, which I would oppose as utterly unnecessary, if no other objection existed.

W. C. ADAMSON.

Mr. STEWART of New Jersey. As the gentleman has spoken of the indifference of his people to legislation on this subject, I wish to ask him whether their lack of interest in this bill may not be because they do not take interest to any large extent in any but indigenous food products?

Mr. ADAMSON. I think I have been pretty familiar with their views for a number of years. I believe they buy their articles of consumption wherever it seems best to buy them and that they are able to protect themselves against anybody who tries to cheat them.

Mr. GREEN of Pennsylvania. Did I understand the gentleman from Georgia to say that this measure was not pressed at all by the people of the several States?

Mr. ADAMSON. I said that the only popular excitement seemed to be in response to appeals made to them; that there seems to be two classes appealing to the people to get up an interest in this matter. It seemed that there was one class of business men trying to crush out another.

Mr. GREEN of Pennsylvania. I wish to say that the State of Pennsylvania some time ago passed a pure-food bill, and many of the legislators who favored that measure were severely criticised for the position which they took, but since the bill has gone into operation the result has been such as is evidenced in the following communication which has been sent to me by the Retail Grocers' Association of my city:

ORGANIZED TO PROTECT THE INTERESTS OF RETAIL GROCERS.

OFFICE OF THE RETAIL GROCERS' ASSOCIATION,
NO. 300 SOUTH SIXTH STREET,
Reading, Pa., June 20, 1902.

Hon. H. D. GREEN.

DEAR SIR: At a meeting of the Retail Grocers' Association of Berks County held recently resolutions were unanimously adopted indorsing the pure-food bill now before Congress, known as the Hepburn bill, and requesting you to support the same by using your influence in its passage. By complying with the above request you will greatly oblige the members of the aforesaid association.

Yours, very truly, E. J. MORRIS, *Secretary.*

This paper comes from people who opposed legislation of this character when it was passed by the State, but who have since realized how useful and beneficial it is to the people, so that now they almost command me to support this bill. This seems to me pretty good proof of the popular demand for such legislation.

Mr. ADAMSON. Of course, neither the gentleman nor myself can be held responsible for the government or administration of the State of Pennsylvania. In this matter there may be a choice of two evils on the part of the Democrats of good old Berks County. The question may be whether they would rather fly for relief to a Republican Congress than trust the Republicans in control of the State of Pennsylvania.

Now, Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, I have read very carefully the report of the majority of the committee on this

bill, and I have read the bill itself. I find that the bill has three branches. It prohibits misrepresentation in the sale of goods, and to this extent it has my sympathy, if the State courts and State legislatures can not deal with the trouble; but first let us be sure of that fact. Another part of the bill requires the labeling of adulterated drugs, and that provision also has my sympathy, provided, as I have said, that the matter can not be better dealt with by the local authorities. But in the matter of adulterated articles of food, the bill absolutely prohibits the sale of such articles, even when labeled. The definition of adulterated food is given in section 6. By that section it appears that—

Any food is adulterated which contains any ingredient that may render such article injurious to the health of the person consuming it.

In other words, Mr. Chairman, it is made a criminal offense to sell, whether labeled or not, any article of food that contains an ingredient injurious to health. Injurious in whose opinion? In the estimation of the Secretary of Agriculture.

Who is to help that gentleman decide the question? A certain board, and the first man named on that board is the chief of the Division of Chemistry, no less a person than the learned Professor Wiley, the gentleman who to-day is carrying on pure and impure food experiments with 12 young men. I think it would be wiser to await the results of those experiments before any legislation is passed. That, however, does not seem to be possible.

Now, this provision forbidding the sale of adulterated food products, whether the members of the House know it or not, hits nearly every food industry in this country except such as pack for immediate sale or such as pack their product in hermetically sealed cans. It certainly injures in the most marked manner one of the greatest industries in my district. It practically destroys during the months of May, June, July, August, and the first half of September the boneless codfish industry in the city of Gloucester.

In that city alone there are 2,000 people employed in curing, packing, handling, and shipping this boneless codfish and this shredded codfish from which every fish ball eaten in the interior of this country is made. Nearly every one of those fish balls, nearly every bit of boneless codfish that the people of this country buy, comes from New England and is put up with boracic acid; and yet, if this bill is passed in its present form, undoubtedly the learned professor will say that boracic acid is harmful to human health.

I say that he will undoubtedly so decide, because I have heard of his statements on the question of boracic or boric acid. I have heard other learned professors before the committee on public health of the Massachusetts legislature argue on the iniquities of that preservative. I have no doubt what his decision would be, in spite of the fact that I am told that the best German authorities say that boracic acid in limited quantities is not harmful. Therefore, when the proper time comes, I propose to offer an amendment which, I am sorry to say, is not acceptable to the committee. It is on page 6, at line 20, and the amendment will be this:

Provided, That dried fish preserved by suitable preservative substances employed as a surface application shall not be deemed adulterated within the meaning of this act.

That almost exactly follows the wording of the Massachusetts statute. In dealing with this subject I may say that in the compendium recently prepared in Georgia with regard to pure-food legislation I find this statement:

Massachusetts may be said to have nearer a perfect code of pure-food laws than any other State or country which has given thought to the subject of preventing food adulteration under its myriad forms and disguises.

If the House accepts this amendment it will accept practically the wording of the Massachusetts law. As I say, if the law passes in the present form, there is very little question that the learned professor will decide that there is too much boracic acid in preserved codfish to be healthful, because I will admit at once that every bit of boneless codfish which he buys in the grocery store will, upon analysis, show four-tenths of 1 per cent of boracic acid.

He analyzes it, mind you, under this bill, as it comes from the grocery store. He does not analyze it as it comes on your table. Before it comes on your table, being salted codfish, it will be soaked for twenty-four hours and almost all of that boracic acid will be soaked out of it. Therefore I think the provision I am offering is a perfectly reasonable one. Let us grant that borax is injurious to health. Let us dissent from the German opinion and grant that for a moment. Why is it injurious to health? Because it is an antiseptic. So is salt an antiseptic, and common salt, if used in great quantities, is just as injurious to health as boracic acid.

Their action is precisely the same. The reason that this codfish can not be put up with common salt instead of borax is that it can not be kept long enough to ship all over this country to the tables of men of moderate means and kept until sold. Common salt will arrest the process of decay. It will kill the germs of decay in the earlier stages. It will also injure the healthy germs of the human body. Borax goes further than salt and kills the germs of decay in a still more advanced stage, and it has a still more advanced effect on the healthy germs of the human body.

That is the only difference in the world between the two. It is absolutely impossible to put up this product, the handling of which employs 2,000 people in the city of Gloucester alone, without using boracic acid or something still more deleterious to human health. Salt will not do it, because it will not preserve the fish long enough, except for local consumption. The fish can not be put up as canned salmon is, in hermetically sealed cans, because if you put it up in hermetically sealed cans it will be nearly as expensive as canned salmon, and it will be perfectly impossible for the man of small means to buy it.

I admit that it is a bad thing to have adulterated food; but there are a great many things more injurious to health than adulterated food, and one of them is hunger. The quickest road to hunger is expensive food for the poor.

Mr. DAHLE. I should like to be informed as to whether fish put up in the way you speak of is really cheaper than the common salted codfish? I have sold codfish for twenty-five years, I presume, but in order to get the cheap fish we have never had to resort to the kind the gentleman speaks of. Now, is that because we are ignorant, or is the kind you speak of the cheaper?

Mr. GARDNER of Massachusetts. Mr. Chairman, in reply to the honorable gentleman on my left, I will say that I am not personally in the fish business. I am aware of the fact that in seashore towns like Gloucester it is cheaper to buy the whole codfish right off the flakes than it is to buy that fish when it has gone through the process of manufacture and packing. I will also tell the gentleman that when that codfish is transported into the interior of the country, in portable form, in the form of shredded fish or boneless codfish, it is the manufacture and preparation, the extraction of those bones, which makes the fish so much more expensive. It must be treated with boracic acid, and the salted codfish, such as he speaks of, if it is to be transported in its original and cheaper form to Denver, or any place in the interior, must contain boracic acid.

But, after all, Mr. Chairman, is there not a great deal of humbug about all this agitation with regard to pure foods? Are we not perfectly willing to eat foods that we know are not entirely pure? Do we not know perfectly well that they are adulterated, and do we want them labeled on that account?

There is not a man within the hearing of my voice who will eat his fish balls next Sunday morning, or whatever day he devotes to that serious matter, with any less relish because of what is said here. Everybody knows now that what he is eating is poisonous. We shrewdly suspected it long ago, but we do not care. For years we have been eating poisonous food, yet here we are legislating about the sins of our constituents.

Mr. Chairman, you can not go down into that restaurant below here and eat a piece of bread which does not contain a poison injurious to human health. Every piece of bread you eat there contains alum or a salt of potash. I will venture to say that such is the case if they are prepared with any baking powder that has anything except the most limited sale. But we do not want to know it; we do not want to have these foods labeled. When I go downstairs and see a gentleman about to eat something that I know is adulterated, I do not go to him and say so. He does not want me to do so. When I go into a sleeping car, where I know the air is surcharged with the germs of consumption, or where I know that the curtains surrounding my berth conceal the tubercle bacillus, I do not want to see a large placard saying so, when I enter the car anticipating a pleasant night's sleep.

It is exercise and moderation that are the true preservatives of health. I believe we have gone altogether too far with our anti-spitting ordinances and our health ordinances, and the various other complicated methods by which we attempt to get the better of the germ that is universal. I believe that the germinal theory of disease is a perfectly sound one, but I do not believe that these finical, annoying, expensive restrictions abate by one jot or one tittle the danger incident to the ills to which human flesh is heir. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOVERING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6492. An act granting an increase of pension to Thomas Starrat;

S. 6399. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;

S. 6330. An act granting an increase of pension to Allen M. Ripley;

S. 6231. An act authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity; and

S. 3708. An act granting an increase of pension to Nannie M. Kimberly.

PURE FOOD.

The committee resumed its session.

[Mr. DAHLE addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, I do not know whether I have any other gentleman ready to go on this evening or not. I ask that the gentleman from Iowa will consume the remainder of the time or move that the committee rise.

Mr. HEPBURN. Mr. Chairman, I do not know any other gentleman who desires to address the committee at this time; so I will move that the committee rise.

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

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. LAWRENCE, 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. 3109, and had come to no resolution thereon.

REFUND OF CERTAIN TONNAGE TAXES.

Reference of the bill (S. 6439) for the refund of certain tonnage taxes was changed from the Committee on Claims to the Committee on Merchant Marine and Fisheries.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6492. An act granting an increase of pension to Thomas Starrat—to the Committee on Pensions.

S. 6330. An act granting an increase of pension to Allen M. Ripley—to the Committee on Invalid Pensions.

S. 6231. An act authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity—to the Committee on Interstate and Foreign Commerce.

S. 6502. An act relating to ceded lands on the Fort Hall Indian Reservation—to the Committee on the Public Lands.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MAYNARD obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Maj. A. S. Bloom, Forty-sixth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. GROW obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Samuel Tewksbury, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FINLEY, for three days, on account of important business.

To Mr. TAYLOR of Alabama, for three days, on account of important business.

To Mr. MOODY of North Carolina, for four days, on account of important business.

To Mr. MARSHALL, until after the holiday recess, on account of important business.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned.

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 Treasury and Commissioners of the District of Columbia recommending increase of limit of cost of proposed municipal building for the city of Washington—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a communication from the Assistant Commissioner of the General Land Office relating to surveying contracts on railroad land grants—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, recommendation of a correction of estimate for improvement of Patapsco River and Baltimore Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting statement of expenditures in the United States Coast and Geodetic Survey for the year ended June 30, 1902—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

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 Oliver Peacher, administrator of estate of John Peacher, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction of a fence on Big Hole battle ground, Montana—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury submitting detailed report of the expenses of the Revenue-Cutter Service—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

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 John P. L. Hopkins, in his own right and as administrator of estate of William H. A. Hopkins, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of an agreement with Indians on the Fort Bertholdt Indian Reservation, N. Dak., and draft of a bill for ratification of the same—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for proving grounds, Sandy Hook, New Jersey—to the Committee on Appropriations, and ordered to be printed,

A letter from the Secretary of War, submitting a recommendation in relation to the acceptance of a cession of land from the State of South Carolina—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting papers relating to the pension claim of David L. McDermott—to the Committee on Invalid Pensions, and letter only 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. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the Senate (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla., reported the same without amendment, accompanied by a report (No. 2910); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture, reported the same with amendments, accompanied by a report (No. 2911); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15449) to increase the efficiency of the Army, reported the same with amendments, accompanied by a report (No. 2912); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOODY of North Carolina, from the Committee on Agriculture, to which was referred the bill of the Senate (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," reported the same with amendment, accompanied by a report (No. 2913); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16188) for the relief of Mary Bronaught, widow of Lieut. Commander William V. Bronaught—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16163) to remove the charge of desertion against Charles Ellis, United States Navy—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 16206) for the relief of James Dickens—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16089) granting an increase of pension to Thomas Claiborne—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15778) granting a pension to Mary I. Wood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

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. STEPHENS of Texas: A bill (H. R. 16229) to authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas—to the Committee on the Judiciary.

By Mr. LEWIS of Georgia: A bill (H. R. 16230) to provide an elastic or emergency currency to meet the financial and commercial requirements of the country—to the Committee on Banking and Currency.

By Mr. LITTLE: A bill (H. R. 16231) establishing a United States court at Okemah, Indian Territory—to the Committee on the Judiciary.

By Mr. ELLIOTT: A bill (H. R. 16232) to increase the limit of cost for the purchase of site and the erection of a public building at Georgetown, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: A bill (H. R. 16233) to establish a court of probate for the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 16234) to establish a permanent military camp ground in the vicinity of Oakland, in Garrett County, Md.—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 16235) providing for the construction of submarine torpedo boats—to the Committee on Naval Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 16276) to change the name of East Washington Heights Traction Company—to the Committee on the District of Columbia.

By Mr. HILL: A bill (H. R. 16277) to provide for a drawback of the duties on coal in Atlantic coast ports to June 30, 1903—to the Committee on Ways and Means.

By Mr. MARSHALL: A joint resolution (H. J. Res. 237) providing for the printing of an additional number of the Annual Report of the Department of Agriculture, for the purpose of supplying the same to the students of the various agricultural colleges of the different States—to the Committee on Printing.

By Mr. TAWNEY: A joint resolution (H. J. Res. 238) providing that the foreign contract-labor law approved February 26, 1885, shall not operate against any foreign exhibitor at the Louisiana Purchase Exposition at St. Louis, Mo., for bringing into the United States mechanics, and so forth, necessary for their specific work—to the Committee on Industrial Arts and Expositions.

By Mr. FOERDERER: A concurrent resolution (H. C. Res. 65) for a reprint of the Gazetteer of the Philippine Islands—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN of Maine: A bill (H. R. 16236) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me., during the fall of 1901, as reported by a board of Army officers constituted to ascertain the same—to the Committee on Claims.

By Mr. BELL: A bill (H. R. 16237) granting a pension to John A. Harris—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota (by request): A bill (H. R. 16238) for the relief of Ann Garvey—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 16239) for the relief of the estate of Lucy A. Caldwell, deceased—to the Committee on War Claims.

By Mr. CASSEL: A bill (H. R. 16240) granting an increase of pension to Mary Tarbit—to the Committee on Invalid Pensions.

By Mr. FLANAGAN: A bill (H. R. 16241) granting a pension to Emma Cockman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16242) granting a pension to Mary Probasco—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16243) granting a pension to Rebecca A. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16244) granting an increase of pension to George W. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16245) granting increase of pension to Israel D. Lum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16246) granting an increase of pension to Sylvester J. Tinsman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16247) granting a pension to Lewis Runkle—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 16248) granting an increase of pension to Lorenzo D. Elmer—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16249) to reimburse Nicholas Mullatta for money paid as a fine in the United States court for violation of the immigration laws—to the Committee on Claims.

By Mr. JACKSON of Maryland: A bill (H. R. 16250) to remove the charge of desertion against the name of Jackson Smith—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 16251) granting an increase of pension to Emily Hyatt—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 16252) granting a pension to Mary Dewire—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 16253) granting a pension to Annie M. Buker—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 16254) granting an increase of pension to William H. Larkins—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16255) granting an increase of pension to Thomas Kelly—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16256) granting a pension to Fanny M. Lowe—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 16257) granting a pension to William Moseley Husson—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16258) granting a pension to Sarah Grace Meacham—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 16259) granting an increase of pension to Capt. W. P. Bacon—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16260) granting a pension to Elizabeth Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16261) to remove the charge of desertion from the military record of John W. Dailey—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 16262) granting a pension to William Jenney—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16263) granting an increase of pension to Isaac N. Willhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16264) granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16265) granting a pension to Martha A. Parks—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 16266) granting a pension to Wilhelmina Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16267) granting an increase of pension to William W. Wharton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16268) granting a pension to Zora Haggerty—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 16269) granting a pension to Annie W. Coit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16270) to remove the charge of desertion against Robert Burnet—to the Committee on Military Affairs.

Also, a bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16272) granting an increase of pension to Enoch Dodd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16273) to remove the charge of desertion against Miles Shea—to the Committee on Military Affairs.

Mr. GIBSON: A bill (H. R. 16274) granting an increase of pension to Sallie H. Kincaid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16275) granting a pension to Isaac B. Price—to the Committee on 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. BATES: Paper to accompany House bill granting a

pension to Wilhelmina Miller—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of retail druggists of La Crosse, Wis., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. EVANS: Paper to accompany House bill 16084, granting an increase of pension to George Weight—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Petitions of Robert Shoemaker & Co. and Felton, Sibley & Co., favoring the passage of amendments to the interstate-commerce laws for the adoption of uniform freight-classification rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Felton, Sibley & Co., Philadelphia, Pa., urging the enactment of a law requiring railroad companies to have a uniform classification of freight rates which would apply over the whole country—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Papers to accompany House bill 16158, granting an increase of pension to Adeline McDonald—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of David B. Sage, of Torrington, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LEVER: Petition of citizens of Leesville, S. C., favoring the erection of a monument to Capt. James Butler—to the Committee on the Library.

By Mr. LLOYD: Petitions of the Missionary Society of the Baptist Church, and the Hope Methodist Church, of Hannibal, Mo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of Emily Hyatt, widow of George Hyatt, private, Company E, Nineteenth Regiment Wisconsin Infantry, for increase of pension—to the Committee on Invalid Pensions.

By Mr. NORTON: Petition of citizens of Tiffin, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, protest of Sandusky Automobile Company, and the Hinde and Danch Paper Company, of Sandusky, Ohio, against the passage of the eight-hour bill—to the Committee on Labor.

By Mr. RUMPLE: Petitions of the Woman's Christian Temperance Union of Clinton, and Presbyterian Young People's Society of Christian Endeavor of Clinton, Iowa, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN: Petition of Edward J. Brady and 74 other citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: Petition of citizens of Timnath, Colo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolution of the Produce Exchange of Seattle, Wash., asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

By Mr. SPERRY: Resolution of the Connecticut Society of the Sons of the American Revolution, favoring the bill for the purchase of the Temple farm, at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of George W. Cooley, president of the Minnesota Good Roads Association, in favor of House bill 15369, to create a bureau of public roads—to the Committee on Agriculture.

By Mr. TONGUE: Petition of T. P. Hackleman, of Albany, Oreg., for the establishment of an experimental steel-rail public highway, and for an appropriation to defray the expense thereof—to the Committee on Agriculture.

By Mr. TRIMBLE: Paper to accompany House bill granting a pension to Capt. W. P. Bacon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for increase of pension of Isaac N. Willhite—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Martha A. Parks—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Affidavit of M. L. Hawkins, to accompany papers relating to the correction of the military record of Luther Furney—to the Committee on Military Affairs.

By Mr. WOODS: Petition of the Iroquois Club, of San Francisco, Cal., favoring the admission to statehood of the Territories of Oklahoma, Arizona, and New Mexico—to the Committee on the Territories.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., asking for amendment of the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the same in favor of House bill 15368 as a means of encouraging the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 19, 1902.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

O God, our Heavenly Father, we thank Thee from our heart of hearts that peace is stronger than war, that harmony is sweeter than discord, that mercy is more potent than hate or revenge, and good more enduring than evil, because back of all the profound mysteries which environ us is infinite and eternal love. Help us with such faith to live and work, with such hope to pass through the valley of the shadow of death in triumph, and Thine shall be the praise through Jesus Christ our Lord. Amen.

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

PORTAL, N. DAK., SUBPORT OF ENTRY, ETC.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 15006) amending an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888.

Be it enacted, etc., That section 1 of an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same is hereby, amended by including therein the town of Portal, in the State of North Dakota, as a port for the immediate transportation of dutiable goods, and that all the provisions of said act are hereby made applicable to said port.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That Portal, N. Dak., be, and is hereby, designated a subport of entry in the customs collection district of North and South Dakota, and that the privileges of the first section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to said subport."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question. What will be the effect of this bill if it should become law?

Mr. TAWNEY. Simply allow immediate transportation of merchandise imported by American citizens at that port. An officer is stationed at that place now.

Mr. HEPBURN. Instead of having the duties assessed or ascertained at the port of entry and the entries made there, you send the merchandise out to this interior port?

Mr. TAWNEY. In bond.

Mr. HEPBURN. In bond, for examination. And you have got to have, then, at this little town or port all the officers and all the machinery that may be necessary for the port of New York in ascertaining the value of the duties in that investigation?

Mr. TAWNEY. I will say the gentleman is mistaken in that. This bill is unanimously reported by the Committee on Ways and Means, and before that report was made by the committee the bill was submitted to the Secretary of the Treasury, and the Secretary of the Treasury, in returning the bill, says in his letter——

Mr. HEPBURN. Well, Mr. Speaker——

Mr. TAWNEY. "For your information"——

Mr. HEPBURN. If the gentleman will permit me. You answered my question in the first instance, and then you contradict yourself. What will be the effect, I want to know?

Mr. TAWNEY. "For your information," the Secretary states—

For your information it is stated that an officer is now stationed at Portal, and the proposed action will not, therefore, involve any increase in expenses.

It involves no increased expenditure whatever to the Treasury.

Mr. HEPBURN. Mr. Speaker, will the gentleman permit me to ask him a question? Will not there have to be done in regard to that invoice of merchandise at this port, to ascertain the duty and the amount of duty, all that would have to be done at the city of New York?

Mr. TAWNEY. No, sir; I do not so understand it from the statement of the Secretary of the Treasury himself.

Mr. HEPBURN. Why, you say it comes in in bond.

Mr. TAWNEY. It comes in in bond. For example, wheat is