

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. ADAMS: Resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., asking for the reconsideration of the provision in the postal bill for pneumatic-tube service, and protesting against the termination of the service in Philadelphia—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chamber of Commerce of Boston, Mass., asking for the passage of House bill No. 10524, relating to the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BELFORD. Resolutions of the Board of Trade of Chicago, Ill., urging an appropriation for the improvement of the Chicago River—to the Committee on Rivers and Harbors.

Also, petitions of the Woman's Christian Temperance Union and Methodist Episcopal Church of Westhampton Beach, N. Y., and Woman's Christian Temperance Union of Flushing, N. Y., to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BELL: Protest of citizens of Clear Creek County, Colo., against the passage of House bill No. 3589, relating to birds and waterfowl—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURTIS of Kansas: Petition of Walter N. Allen, of Meriden, Kans., praying for an act of Congress for the abolition of official crop reports—to the Committee on Agriculture.

Also, resolution of Larrabee Post, No. 164, Grand Army of the Republic, in favor of the passage of House bill No. 3256, for the employment of honorably discharged soldiers in Government works—to the Committee on Labor.

By Mr. ERMENTROUT: Petition of the Board of Trade of Chicago, Ill., for adequate appropriation for the improvement of Chicago River—to the Committee on Rivers and Harbors.

By Mr. EVANS: Petition of George Louis Cousins, praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. FLETCHER: Resolution of the Jobbers' Union of St. Paul, Minn., praying for the enactment of legislation to promote our ocean carrying trade, so that the money so expended may be retained in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Resolutions of the Chamber of Commerce of Boston, Mass., asking for the passage of House bill No. 10524, relating to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolutions of the East Sandwich Grange, No. 139, and New Bedford Builders' Exchange, of New Bedford, Mass., favoring the passage of Senate bill No. 5024 and House bill No. 11312, to promote commerce and increase the foreign trade of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: Resolution of the Hitchcock Fruit and Vegetable Growers' Association, of Hitchcock, Tex., in reference to restoring ocean carrying trade in vessels sailing under the American flag—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: Resolutions of the Trades and Labor Assembly of Superior, Wis., against the annexation of the Philippine Islands—to the Committee on Foreign Affairs.

By Mr. LITTLE: Petition of the Business Men's League of Hot Springs, Ark., urging the enactment of Senate bill No. 2680, relating to the quarantine service—to the Committee on Interstate and Foreign Commerce.

By Mr. MCINTIRE: Paper to accompany House bill in relation to the claim of F. Newton Hyde—to the Committee on Claims.

By Mr. McLAIN: Petitions of the boards of supervisors of Webster County, Covington County, Rankin County, Hinds County, Choctaw County, and Union County, State of Mississippi, for the improvement of Ship Island Harbor and the harbor at Gulfport, Miss.—to the Committee on Rivers and Harbors.

By Mr. MESICK: Petition of citizens of Osceola County, Mich., to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. OTJEN: Resolutions of Robert Chivas Post, Grand Army of the Republic, of Milwaukee, Wis., objecting to the pensioning of ex-Confederate soldiers—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petitions of C. A. Brown and 33 other citizens, Sylvanus Byers and 32 others, all citizens of Johnson County, Ind., to prohibit the sale of liquor in canteens and in immigrant stations and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHATTUC: Resolutions of the Young Men's Business Club of Cincinnati, Ohio, favoring the passage of Senate bill No.

5024, to promote commerce and increase the foreign trade of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, asking for an appropriation for the survey of the Ohio River from Marietta, Ohio, to Cairo, Ill.—to the Committee on Rivers and Harbors.

By Mr. SPRAGUE: Resolution of the Chamber of Commerce of Boston, Mass., in favor of the passage of House bill No. 10524, relating to the organization of the consular service—to the Committee on Foreign Affairs.

By Mr. STARK: Protest of jobbers, manufacturers, and the greater part of the financial interests of the cities of Omaha and South Omaha, Nebr., against any Government aid or appropriation for an exposition to be held at Omaha, Nebr., during the year 1899, for the reason that the said exposition would result in an injury to their business, would detract from the advantages heretofore secured by the Trans-Mississippi Exposition, would prove a detriment to the best interests of the State, and that it would tend to dissolve the harmony now existing between Omaha and the surrounding territory—to the Committee on Ways and Means.

By Mr. STEWART of Wisconsin: Resolution of Wisconsin Lumber and Log associations in the Wisconsin River, protesting against the passage of House bill No. 11021, known as the Bromwell bill, which proposes to collect an exorbitant sum on stray logs which may by accident be set adrift by flood or other accidents—to the Committee on Interstate and Foreign Commerce.

By Mr. TODD: Memorial of the State board of health of Michigan, praying that the next census contain correct data of vital statistics—to the Committee on the Twelfth Census.

Also, resolutions of the Detroit, Mich., Dental Society, asking for the appointment of dentists in the United States Army—to the Committee on Military Affairs.

Also, memorial of the National Woman's Suffrage Association, favoring legislation giving the right of suffrage to both sexes in the new Territory of Hawaii—to the Committee on the Territories.

By Mr. VAN VOORHIS: Papers to accompany House bill for the relief of Francis R. Bartholow—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Jane Barrel—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, January 21, 1899.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. KYLE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

CHIPPEWA INDIAN RESERVATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 6th instant, letters and accompanying inclosures from the Commissioner of the General Land Office and the Commissioner of Indian Affairs relative to certain information contained in the reports of special Indian agents and Indian inspectors, relating to the estimating of timber and the cutting of dead and fallen timber on the Chippewa Indian reservations in the State of Minnesota; which, on motion of Mr. PETTIGREW, was, with the accompanying reports, referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for additional amount for buildings for additional schools at points on the Chippewa reservations, in Minnesota, to be selected by the Commissioner of Indian Affairs, \$20,000 to be immediately available and to be reimbursable; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 5069) to pension Jacob N. Atherton;

A bill (H. R. 6411) granting an increase of pension to Henry K. Opp;

A bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft; and

A bill (H. R. 9295) granting an increase of pension to Justin O. Hottenstein.

The message also announced that the House had passed the following bills:

A bill (S. 569) granting an increase of pension to Clarinda S. Hillman;

A bill (S. 1453) granting an increase of pension to Henry Wilson;

A bill (S. 1537) granting a pension to John D. Coulie;

A bill (S. 2886) to increase the pension of Thaddeus M. Joy;

A bill (S. 3330) granting an increase of pension to Napoleon B. Armstrong;

A bill (S. 4037) to correct the military record of James Denny;

A bill (S. 4147) granting an increase of pension to Robert W. Haywood;

A bill (S. 4394) granting an increase of pension to Alexander Keen;

A bill (S. 4399) granting a pension to Sarah Jordan;

A bill (S. 4584) granting a pension to Adda F. Thompson; and

A bill (S. 4661) granting a pension to Ella Hayne Agnew.

The message further announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 508) granting an increase of pension to John H. Sanborn;

A bill (S. 1454) granting an increase of pension to Mary Sprague;

A bill (S. 2555) granting a pension to Hattie E. Gusler;

A bill (S. 3441) to authorize the Secretary of War to remove the charge of desertion and issue to Lewis C. L. Smith, Company D, First Delaware Infantry Volunteers, an honorable discharge;

A bill (S. 3693) granting an increase of pension to Leah L. Price;

A bill (S. 3705) granting a pension to Catherine Childers; and

A bill (S. 4547) granting a pension to Eli M. Couch.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 635) increasing the pension of Howard L. James;

A bill (H. R. 855) granting an increase of pension to James R. Zearing;

A bill (H. R. 914) removing the charge of desertion against Charles Sweet;

A bill (H. R. 1780) granting an increase of pension to Reuben H. Waters;

A bill (H. R. 2171) granting a pension to Wilhelmina Barth;

A bill (H. R. 2274) to remove the charge of desertion from the military record of Daniel Straw, late private, Company F, Twenty-sixth Massachusetts Volunteers;

A bill (H. R. 2369) to correct the military record and grant an honorable discharge to Michael F. Dearmitt;

A bill (H. R. 2459) granting a pension to Mary C. Bates;

A bill (H. R. 2617) granting a pension to Mary E. Sessions;

A bill (H. R. 3123) granting an increase of pension to Frank S. Devol;

A bill (H. R. 3806) granting an increase of pension to Elam Allen;

A bill (H. R. 4446) granting an increase of pension to Ellen Charlton;

A bill (H. R. 4503) to increase the pension of John Yahne;

A bill (H. R. 4542) to increase the pension of Samuel F. Johnson;

A bill (H. R. 5326) for the relief of Thomas Hickey;

A bill (H. R. 5461) granting a pension to Elizabeth H. Bowen;

A bill (H. R. 5740) to remove the charge of desertion against William Britton;

A bill (H. R. 5924) to correct the naval record of Martin U. Singh;

A bill (H. R. 6502) granting an increase of pension to William Rolley;

A bill (H. R. 9018) granting a pension to Justus Townsend;

A bill (H. R. 9293) granting a pension to Mary E. Robinson;

A bill (H. R. 9323) to increase the pension of Mary E. Townes;

A bill (H. R. 9503) granting a pension to Mary Woodmansey;

A bill (H. R. 9669) to correct the military record of Patrick Dunphy;

A bill (H. R. 9701) to remove the charge of desertion against W. A. Kilburn;

A bill (H. R. 10158) granting a pension to Mary A. Taylor;

A bill (H. R. 10488) to increase pension of Susan C. Byrd, widow of a Mexican war soldier;

A bill (H. R. 11048) granting a pension to William L. Quinn; and

A bill (H. R. 11683) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1900.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 5045) to authorize the Arkansas and Choctaw Railway

Company to construct and operate a railway through the Choctaw and Chickasaw nations, in the Indian Territory, and for other purposes;

A bill (H. R. 312) granting a pension to Ellen Wright;

A bill (H. R. 421) providing for additional circuit judges in the Fifth and Sixth judicial districts;

A bill (H. R. 1046) to correct the military record of James P. McGee;

A bill (H. R. 2026) granting a pension to Sarah A. Halter;

A bill (H. R. 2867) granting an increase of pension to Henry O. Briggs;

A bill (H. R. 4173) granting an increase of pension to Rebecca Otis;

A bill (H. R. 4973) granting a pension to Mary J. Brown;

A bill (H. R. 5402) to increase the pension of Louis Hirsch;

A bill (H. R. 6625) granting a pension to George B. Stone;

A bill (H. R. 8037) granting an increase of pension to Lizzie Waltz; and

A bill (H. R. 8862) granting an increase of pension to Jordan Thomas.

CREDENTIALS.

Mr. McMILLAN presented the credentials of Julius Caesar Burrows, chosen by the legislature of Michigan a Senator from that State for the term beginning March 4, 1899; which was read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Sebastian Grange, No. 306, Patrons of Husbandry, of Newport, Me., and a petition of Local Grange No. 214, Patrons of Husbandry, of Pittston, Me., praying for the enactment of legislation to increase American shipping; which were referred to the Committee on Commerce.

Mr. KYLE. I present a joint resolution and memorial of the legislature of South Dakota, requesting the Congress of the United States to make Fort Meade, S. Dak., a regimental post with permanent brick or stone barracks and officers' quarters.

I will state that last year I secured an amendment to an appropriation bill appropriating \$30,000 for this purpose, and had the assurance that other amounts would be appropriated this year and the succeeding year until \$100,000, the sum deemed sufficient for permanent structures at this post, is provided. I move its reference to the Committee on Appropriations.

The motion was agreed to.

Mr. MITCHELL presented a memorial of the Trade and Labor Assembly of West Superior, Wis., remonstrating against the annexation of the Philippine Islands; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Robert Chivas Post, Grand Army of the Republic, Department of Wisconsin, remonstrating against the adoption of the proposed amendment to the pension appropriation bill to pension Confederate soldiers and to admit them to the National Soldiers' Homes; which was referred to the Committee on Appropriations.

He also presented a petition of Baldwin Lodge, No. 189, Brotherhood of Locomotive Firemen, of Green Bay, Wis., praying for the passage of the anti-scalping ticket bill; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of the executive committee of the Northeast Washington Citizens' Association, praying that the Washington Public Library be located on Mount Vernon Square; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of Local Grange No. 250, Patrons of Husbandry, of North Hampton, N. H., praying for the enactment of legislation to increase American shipping; which was referred to the Committee on Commerce.

Mr. PETTIGREW. I present a joint resolution of the legislature of South Dakota, asking that Fort Meade be made a regimental post and established permanently as a military post of the United States. I move that the joint resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PETTIGREW. I present a petition of 15 citizens of New York, praying for the enactment of legislation to repeal the act of Congress approved January 14, 1889, in so far as it authorizes the appointment of a commission known as the "Chippewa commission," together with the provision authorizing the estimating of the standing timber, and also the repeal of the act approved June 7, 1897, in so far as it authorizes the cutting of dead timber on the Chippewa reservations in Minnesota, and also praying for the enactment of a law which will more effectually protect the interests of the Indians in connection therewith. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BERRY presented a petition of the Business Men's League of Hot Springs, Ark., praying for the adoption of national quarantine regulations; which was referred to the Committee on Public Health and National Quarantine.

Mr. HOAR presented the memorials of William A. Yasiniski and 17 other citizens, of Arthur Coleman and 10 other citizens, of William Rankin and 12 other citizens, and of Edward H. Nichols, all in the State of Massachusetts; of Charles Wooster and 25 other citizens of Nebraska; of William A. Robertson and 11 other citizens and of H. Hanselman and 36 other citizens, all in the State of New York; of Julius Barnard and 26 other citizens of Montana; of Cigar Makers' Union No. 22, of Detroit, Mich.; of F. W. Lasley and 59 other citizens of Kentucky; of L. C. Mears and 39 other citizens of Georgia; of J. R. Hall and 19 other citizens of Virginia; of John B. Loenker and 79 other citizens of Illinois; of R. S. Childs and 10 other citizens of Vermont; of J. J. Sullivan and 29 other citizens of Texas; of Caleb Burt and 29 other citizens of West Virginia; of W. T. Kinner and 29 other citizens of Ohio; of R. B. Thomas and 29 other citizens of Missouri; of Martin Murphy and 89 other citizens of Indiana; of J. H. Hoobing and 29 other citizens and of E. W. McQueen and 29 other citizens of the United States, remonstrating against any extension of the sovereignty of the United States over the Philippine Islands in any event, and over any other foreign territory without the free consent of the people thereof; which were referred to the Committee on Foreign Relations.

Mr. WHITE presented a petition of sundry citizens of Needles, Cal., praying that an appropriation be made for the construction of a dike or breakwater at the shore or water line of the Colorado River for the purpose of protecting the town of Needles and the adjacent lands from being washed away during flooded seasons by the waters of that river; which was referred to the Committee on Commerce.

Mr. TILLMAN. I present the memorial of David Lubin, of San Francisco, Cal., on behalf of the State granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania and the Central Labor unions of New York and Chicago, setting forth certain evils contained in Senate bill 5024, for the protection of American shipping, and suggesting certain modifications.

I move that the memorial be printed as a document and referred to the Committee on Commerce to accompany that bill.

The motion was agreed to.

Mr. FAIRBANKS presented the petition of Sylvanus Byers and sundry other citizens of Johnson County, Ind., praying for the enactment of legislation to prohibit the sale of liquor in canteens of the Army and Navy and of Soldiers' Homes, and in immigrant stations and Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the Local Council of Women of Indianapolis, Ind., praying the Senate of the United States to join in expressing its approval of the movement proposed by the Czar of all the Russias for international disarmament and for the calling of a conference of all nations to consider the basis for universal peace in international law instead of militarism; which was referred to the Committee on Foreign Relations.

He also (for Mr. TURPIE) presented a petition of the Commercial Club of Indianapolis, Ind., praying for the immediate construction of the Nicaragua Canal; which was ordered to lie on the table.

He also (for Mr. TURPIE) presented a memorial of Cigar Makers' Union No. 214, of Bluffton, Ind., remonstrating against the annexation of the Philippine Islands; which was referred to the Committee on Foreign Relations.

He also (for Mr. TURPIE) presented a petition of Federal Labor Union No. 7161, American Federation of Labor, of Columbus, Ind., praying for the passage of the bill limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States or any Territory or the District of Columbia; which was referred to the Committee on Education and Labor.

CHANGE OF REFERENCE.

Mr. ALLISON. I ask that the Committee on Appropriations be discharged from the further consideration of the petitions referred to it from sundry United Confederate Veteran Camps in the United States, relative to the proposed amendment to the pension appropriation bill to pension Confederate veterans, and that they be referred to the Committee on Pensions.

The PRESIDENT pro tempore. Without objection, the change of reference suggested by the Senator from Iowa will be made.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report, accompanied by a bill (S. 5310) to exempt from taxation certain property of the Young Men's Christian Association of Washington, D. C.; which was read twice by its title.

He also, from the same committee, submitted a report to accompany the bill (S. 5289) to provide a site for a building for the Washington Public Library, heretofore reported by him.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5055) to provide for the compulsory support of children by parents in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was recommended the bill (H. R. 5153) granting a pension to Cordelia Cheney, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 5149) to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. MALLORY on the 20th instant, proposing to appropriate \$100,000 to meet all necessary expenses of the United States Industrial Commission, including the payment of the traveling and other necessary expenses of Senators and Representatives members of said commission while in attendance on said commission in the recess of Congress, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 11019) to authorize the construction of a bridge across the Savannah River from the mainland of Chatham County, Ga., to Hutchinsons Island, in said county, reported it without amendment.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 5203) to provide for the construction of a revenue cutter for service on the Pacific coast, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Finance, to whom was referred the bill (S. 4748) for the relief of Charles E. Kirby and Edinger Bros. & Jacobi, reported it with an amendment, and submitted a report thereon.

THE MERCHANT MARINE.

Mr. GALLINGER. From the Committee on Commerce I present a hearing on the bill (S. 5024) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary, with the request that it be printed, with a paper attached relating to the same subject. I move that 1,000 copies of the statement be printed for the use of the Senate.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 5311) providing for the establishment and erection of a military post near the city of Raleigh, in the State of North Carolina, and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 5312) directing the Commissioners of the District of Columbia to select not to exceed 3 acres of land at the northwest corner of Columbia road and Fourteenth street for a park in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ROACH (by request) introduced a bill (S. 5313) granting an increase of pension to Pauline M. O'Neill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5314) for the relief of Everett Wroe; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 5315) providing for the further distribution of the CONGRESSIONAL RECORD; which was read twice by its title, and referred to the Committee on Printing.

Mr. WHITE introduced a bill (S. 5316) granting a pension to Annie C. Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAFFERY introduced a bill (S. 5317) for the relief of the estate of John N. Smith, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a joint resolution (S. R. 229) recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear*; also the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Commerce.

Mr. SPOONER introduced a joint resolution (S. R. 230) providing for the printing of the reports of Robert P. Porter, special

commissioner of the United States, on the industrial and commercial conditions of Cuba and Porto Rico; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCENERY submitted an amendment proposing to increase the salary of the superintendent of the mint at New Orleans, La., from \$3,500 to \$4,500, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the amount appropriated for incidental and contingent expenses, including wastage of operative officers and loss on sale of sweeps, at the mint at New Orleans, La., from \$8,000 to \$30,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER (by request) submitted an amendment relative to the transportation of mail by pneumatic tube or other similar devices, intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. TILLMAN submitted an amendment relative to the appointment or employment under the Government of those who served in foreign waters or on foreign soil in the military or naval service of the United States during the Spanish-American war, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WARREN submitted an amendment relative to the appropriations for incidental expenses in the offices of surveyors-general in Wyoming, Florida, Minnesota, New Mexico, North Dakota, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCBRIDE submitted an amendment relative to the payment to such Alsea and other Indians on the Siletz Reservation, in Oregon, their pro rata shares of the permanent fund, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment relative to the appointment of a register of deeds for each of the Five Civilized Tribes in the Indian Territory, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table, and be printed.

Mr. HAWLEY submitted an amendment relative to the support and civilization of the Kickapoo Indians, Oklahoma Territory, and for the purchase of teams, etc., to encourage the Absentee Shawnee Indians, Oklahoma Territory, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

WITHDRAWAL OF PAPERS.

Mr. FAIRBANKS. On behalf of my colleague [Mr. TURPIE], I ask the privilege to withdraw the petition and papers accompanying the bill (S. 1720) granting an increase of pension to Thomas H. Ballard, which were referred to the Committee on Pensions on the 20th of April, 1897, by leaving copies with the Secretary, there having been an adverse report thereon.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). If there be no objection, the order requested by the Senator from Indiana will be made. The Chair hears no objection, and it is so ordered.

THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from yesterday.

The SECRETARY. A resolution by Mr. CAFFERY, requesting the President to furnish the Senate copies of any communications received by the State Department from any representatives or agents of the so-called Philippine Republic.

Mr. CAFFERY. Mr. President, I think the information called for in the resolution is very important to the discussion of the matters involved in the treaty of Paris between the United States and Spain. It may be that the averments and statements in the public prints in regard to the condition of affairs in the Philippine Islands are true; and if they are true, the question of fact which is presented for the consideration of the Senate has an important bearing upon the treaty.

Mr. DAVIS. I have no objection to the passage of the resolution.

Mr. CAFFERY. I ask for the adoption of the resolution.

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

Mr. GALLINGER. Let the resolution be read. The resolution was read, and agreed to, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible, in his judgment, with the public interest, to furnish to the Senate copies of any communications received by the State Department from any representatives or agents of the so-called Philippine Republic; and also furnish any information in his possession, or any documents filed before the State Department, relative to the bounds of the territories in the Philippine Islands, together with the number of inhabitants therein, held respectively under the control of the American forces and the authority of the so-called Philippine Republic, showing particularly what islands, or parts of islands, if any, can in any event be delivered by Spain to the United States.

CLEARWATER VALLEY RAILROAD.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 5265) granting to the Clearwater Railroad Company a right of way through the Nez Perces Indian lands in Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER BRIDGE, IN ARKANSAS.

Mr. JONES of Arkansas. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 5126) to authorize the St. Louis, Siloam and Southern Railroad Company, of Missouri and Arkansas, to construct a bridge across White River, in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 9, after the word "company," to insert "and approved by the Secretary of War."

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 6, after the word "bridge," to insert "and a map of the location, giving all details necessary to enable the Secretary of War to judge whether the location selected is a proper one."

The amendment was agreed to.

The next amendment was, in section 6, page 3, line 8, after the word "plans," to insert "and location," so as to read:

And until the said plans and location are approved by the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, in section 6, page 3, line 22, to strike out "thereof" and insert "hereof."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF ASTORIA, OREG.

Mr. MCBRIDE. I ask unanimous consent for the present consideration of the bill (S. 4708) to extend the privilege of immediate transportation to the port of Astoria, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg."

PUBLIC BUILDING AT NEW BRIGHTON, PA.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of Senate bill 5176, to authorize the erection of a public building in the county of my residence in Pennsylvania, favorably reported from the Committee on Public Buildings and Grounds. It is only about a page and a half in length.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5176) to provide for the purchase of a site and the erection of a public building thereon at New Brighton, in the State of Pennsylvania, which had been reported from the Committee on Public Buildings and Grounds with amendment.

The first amendment was, on page 1, line 9, to strike out "city" and insert "borough;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the borough of New Brighton and State of Pennsylvania, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000.

The amendment was agreed to.

The next amendment was, on page 2, line 5, to strike out "city" and insert "borough."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. SWIFT.

Mr. WHITE. I ask unanimous consent for the present consideration of the bill (S. 3119) for the relief of Mary A. Swift—a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$12,000 for the relief of Mary A. Swift, widow of the late John F. Swift, envoy extraordinary and minister plenipotentiary to Japan, that amount being the salary allowed by law to the above-named office for one year.

The bill was reported without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTIFICATES OF LAND LOCATION.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 4110) to amend the act entitled "An act to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location, under section 3 of the act approved June 2, 1858."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act so as to include all unsatisfied certificates of location issued under the decrees of the United States Supreme Court, pursuant to the act of Congress of June 22, 1860, and supplemental legislation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. C. RUDD.

Mr. LINDSAY. I ask unanimous consent for the immediate consideration of the bill (H. R. 637) for the benefit of J. C. Rudd.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay James C. Rudd, of Owensboro, Ky., \$600, being the amount due him for the rent of a post-office building in that city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF SMOKE IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 5887) for the prevention of smoke in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McMILLAN. There are two slight amendments to the bill reported from the Committee on the District of Columbia.

The first amendment was, in section 1, page 1, line 4, after the word "smoke," to insert "or cinders;" so as to make the section read:

That on and after six months from the passage of this act the emission of dense or thick black or gray smoke or cinders from any smokestack or chimney used in connection with any stationary engine, steam boiler, or furnace of any description within the District of Columbia shall be deemed, and is hereby declared, to be a public nuisance: *Provided*, That nothing in this act shall be construed as applied to chimneys of buildings used exclusively for private residences.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 4, after the word "smoke," to insert "or cinders."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CAPT. RICHARD R. STEEDMAN.

Mr. LODGE. I ask for the present consideration of the bill (S. 5027) to correct the relative rank of Richard R. Steedman, captain, Eleventh Infantry, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in order to correct the relative rank of Richard R. Steedman, captain, Eleventh Infantry, his name shall be placed next below that of Wallis O. Clark, captain, Twelfth Infantry, United States Army.

Mr. PETTUS. I should be glad to have the Senator from Massachusetts explain the purpose of the bill.

Mr. LODGE. Congress last year passed an act correcting this

officer's rank. It was passed in general terms. He had to choose between taking his examination for promotion or going to Cuba. He went to Cuba. The result was that he lost seventy numbers by not remaining to take his examination. The correction of the rank is recommended by the Adjutant-General, by the Committee on Military Affairs, and by all the officers in the regiment with which he took part. The bill is merely to make effective an act which Congress passed last year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. BRASSINGTON.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (H. R. 7561) to correct the military record of William P. Brassington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion from the military record of William P. Brassington, late private in Company I, Fifth Regiment New York Volunteers, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIE SMILEY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of House bill 10316. It is a private pension bill, in which the late Representative Dingley was greatly interested, and it is important that it should be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10316) for the relief of Georgie Smiley; which had been reported from the Committee on Pensions with amendments, in line 4, after the word "place," to insert "on the pension roll;" in line 5, after the name "Smiley," to strike out "on the pension roll as the;" and in line 6, before the word "late," to strike out "deceased;" so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of Georgie Smiley, dependent and imbecile daughter of George A. Smiley, late a private in Company I, Ninth Regiment New Hampshire Infantry Volunteers, and to grant her a pension at the rate of \$12 per month, same to be paid to her legal guardian, when appointed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Georgie Smiley."

JOHN WILLOUGHBY.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (H. R. 3790) to remove the charge of desertion against John Willoughby.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion standing on the records of the War Department against John Willoughby, of Washington, Kans., late of Company C, Eighteenth United States Infantry, and to grant him an honorable discharge as of date of his term of enlistment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACQUISITION OF TERRITORY.

Mr. LODGE. I give notice that on Tuesday next, immediately after the conclusion of the routine morning business, with the indulgence of the Senate, I shall offer a few remarks upon the resolution submitted by the Senator from Missouri [Mr. VEST].

Mr. CLAY subsequently said: I desire to announce that on next Tuesday, immediately after the junior Senator from Massachusetts [Mr. LODGE] has finished his speech, I shall address the Senate briefly on the subject of expansion.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 635) increasing the pension of Howard L. James;

A bill (H. R. 855) granting an increase of pension to James R. Zearing;

A bill (H. R. 1780) granting an increase of pension to Reuben H. Waters;

A bill (H. R. 2171) granting a pension to Wilhelmina Barth;

A bill (H. R. 2459) granting a pension to Mary C. Bates;

A bill (H. R. 2617) granting a pension to Mary E. Sessions;

A bill (H. R. 3123) granting an increase of pension to Frank S. Devol;

A bill (H. R. 3806) granting an increase of pension to Elam Allen;

A bill (H. R. 4446) granting an increase of pension to Ellen Charlton;

A bill (H. R. 4503) to increase the pension of John Yahne;

A bill (H. R. 4542) to increase the pension of Samuel F. Johnson;

A bill (H. R. 5461) granting a pension to Elizabeth H. Bowen;

A bill (H. R. 6502) granting an increase of pension to William Rolley;

A bill (H. R. 9018) granting a pension to Justus Townsend;

A bill (H. R. 9293) granting a pension to Mary E. Robinson;

A bill (H. R. 9323) to increase the pension of Mary E. Townes;

A bill (H. R. 9503) granting a pension to Mary Woodmansey;

A bill (H. R. 10158) granting a pension to Mary A. Taylor;

A bill (H. R. 10488) to increase pension of Susan C. Byrd, widow of a Mexican war soldier; and

A bill (H. R. 11048) granting a pension to William L. Quinn.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 914) removing the charge of desertion against Charles Sweet;

A bill (H. R. 2274) to remove the charge of desertion from the military record of Daniel Straw, late private, Company F, Twenty-sixth Massachusetts Volunteers;

A bill (H. R. 2369) to correct the military record of and grant an honorable discharge to Michael F. Dearmitt;

A bill (H. R. 5326) for the relief of Thomas Hickey;

A bill (H. R. 5740) to remove the charge of desertion against William Britton;

A bill (H. R. 9669) to correct the military record of Patrick Dunphy; and

A bill (H. R. 9701) to remove the charge of desertion against W. A. Kilburn.

The bill (H. R. 5924) to correct the naval record of Martin U. Singhi was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 11683) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1900, was read twice by its title, and referred to the Committee on Appropriations.

THE NICARAGUA CANAL.

Mr. MORGAN. I ask unanimous consent that the Senate proceed to the consideration of the Nicaragua Canal bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal.

Mr. MORGAN. The Senator from Wisconsin [Mr. SPOONER] has an amendment pending to the bill, to which I have no objection.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Secretary will state the pending amendment of the Senator from Wisconsin.

The SECRETARY. It is proposed to insert the following as an additional section:

SEC. 13. That if the President shall be unable to secure from the Governments of Nicaragua and Costa Rica such concessions as will enable the United States to build and perpetually own and control said canal, the President is authorized to negotiate for a control of or a right to construct, maintain, and perpetually control some other canal connecting the Atlantic and Pacific oceans, and the President is requested to negotiate for the abrogation or modification of any and all treaty obligations, if any such exist, as shall in any wise interfere with the construction, ownership, and perpetual control of any such canal.

Mr. SPOONER. I wish to modify the amendment by inserting at the end of the printed matter the proviso which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin modifies his amendment by adding a proviso, which will be read.

The SECRETARY. Add to the amendment the following:

Provided, That no payments shall be made under the provisions of this act to or for the benefit of the stockholders of the Maritime Canal Company, or for any of its property, unless the President shall decide to construct a canal under the concessions granted to said company.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. SPOONER] as modified by him.

The amendment as modified was agreed to.

Mr. RAWLINS. I invite the attention of the Senator from Alabama to that portion of section 3 of the bill which provides:

In case of the failure, within three months from the passage of this act, to call in and cancel all of the stock or bonds or bond scrip of said company now issued and outstanding, as is herein required, the Secretary of the Treasury

shall retain in the Treasury, in lieu of obtaining such cancellation, an amount of the warrants to be issued under this act which shall be equal to the value of the said stock and the bonds and bond scrip of said company then outstanding the cancellation of which can not be procured.

Is it intended by that to limit, under the provisions of this bill, the warrants issued under section 3 to \$5,000,000?

Mr. MORGAN. Oh, yes; it is intended—and I hope the bill is plain enough in that direction—to put it in the power of the President of the United States to withhold the payment of any sum for any purpose until this stock is cleared of the incumbrances that rest upon it. I will state again that this provision in the bill is evidently misapprehended by a number of Senators. The object of it is not to pay anything to the Maritime Canal Company or to its stockholders, except what they may be entitled to on the distribution of this fund, but the purpose is to remove from this stock the incumbrances resting upon it, so that when we come to handle it, and to get it in, we shall not take it in with the increased value added to it by this enactment, but take it in on the basis as it is now, making, as I suppose and have believed always, a very admirable arrangement for the Government, under which, I suppose—I have not any doubt about that—we shall get this stock in perhaps for the sum of \$3,000,000 or \$4,000,000; when, if we were to leave it standing as it is now, it might cost the Government as much as \$23,000,000 to get rid of it. It is an admirable arrangement and not intended to make it a money-making project or a money-collecting project in favor of anybody, but to prevent personal loss to these gentlemen.

I have always regretted that this feature of the bill was necessary to it at all. I would much have preferred to provide for that in a separate measure, but we can not undertake to provide for it in a separate measure without incurring the risk of running this sum of money up by legislative action to about \$23,000,000, when, as it is now, we shall get the stock for a very small sum of money and do no injustice to anybody, so far as I know.

Mr. RAWLINS. I should like to further ask the Senator whether the \$5,000,000, or not to exceed \$5,000,000, of Treasury warrants which are authorized to be issued under the provisions of this section is intended also to cover the stock which may be outstanding at the expiration of the three months specified in the provision which I have read?

Mr. MORGAN. It is intended to cover the whole of it; and the Secretary of the Treasury under the bill is not authorized to pay out any money until that stock is surrendered.

Mr. RAWLINS. Then I would suggest to the Senator, in order to make that perfectly clear, that after the words "warrants to be issued under this" the word "act" be stricken out and the word "section" substituted in lieu of it.

Mr. MORGAN. I have no objection to that.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah [Mr. RAWLINS] will be stated.

The SECRETARY. In section 3, on page 5, line 1, after the word "this," it is proposed to strike out "act" and insert "section;" so as to read, "warrants to be issued under this section which shall be equal to the value of the said stock and the bonds," etc.

The amendment was agreed to.

Mr. CAFFERY. I desire to call the attention of the Senator from Alabama to the amendment accepted by him yesterday, which was proposed by the Senator from Arkansas [Mr. BERRY], which reads:

And nothing in this act shall be construed to authorize the payment to said company or to any other person or persons a greater sum than the value of such property as ascertained by the commission herein named, nor shall any warrants be delivered until such commission has reported such value.

The Senator from Utah [Mr. RAWLINS], in commenting upon that part of section 3 of the bill, brought up the fact that a certain number of warrants was to be retained in the Treasury until the stock was all brought in after three months to an amount equal to the outstanding stock. This amendment of the Senator from Arkansas provides that nothing shall be paid for the stock; that the only money to be paid is for the value of the property of the canal company. The property of the company does not consist of stock held by outside parties. That belongs to the shareholders, whoever they may be; and it was the intention of the Senator from Arkansas, as I understood him—I do not see him in his seat—that the amount of money to be paid under this bill should be limited to the cash value of the property, rights, and franchises of the canal company, not including the concessions from Nicaragua and Costa Rica.

So I submit to the Senator from Alabama if I am not correct that that part of the section read by the Senator from Utah ought to be stricken out if the amendment of the Senator from Arkansas is to prevail.

Mr. MORGAN. Mr. President, I have had a good deal of embarrassment about this particular feature of the bill, and because of that I will state my reasons for it.

The Senator from Indiana [Mr. TURPIE], who is known to be a very critical legislator and lawyer, conferring with the Senator

from Arkansas [Mr. BERRY], proposed certain amendments to this bill, which, after looking them over, I consented to adopt, thinking thereby that I had reconciled the antagonism which is known to have existed on the part of the Senator from Arkansas, and more especially on the part of the Senator from Indiana, for a long while to this bill, and to certain provisions of it. So when the Senator from Arkansas yesterday thought it was necessary for him to amend that part of the amendment, I left it entirely to him, for I was willing to take the view expressed by the Senator from Louisiana [Mr. CAFFERY].

I have no disposition at all in any way to provide for any possible advantage of these gentlemen over the Government of the United States; and I will announce again that I would gladly have stricken all of this from the bill—the whole of it—and have left it to an entirely separate arrangement; and I have been requested by some of the members of the Maritime Canal Company to do that thing; but I was unwilling to put the Government to the hazard of having this stock appreciated by our legislation and then going, after we had done that, and buying it in at very high rates. I want to get in at what its value is now the stock, property, franchises, privileges, or whatever belongs to this company.

I wish to say here that I think these gentlemen, while they feel it a hardship—and it is a very great hardship and has cost them a great deal of money; it has destroyed some private fortunes already—are still willing to let the Government of the United States have the advantage of all that they have done, all the work that they have performed on this business, if the Government wants to take it. They do not stand in the way of the Government; they are making no bargain with the Government, and have never been here for that purpose. They never came here asking assistance from the first moment of the origination of this bill down to this very moment of time. The men who are concerned in this enterprise are some of the highest men in the world, not in the United States alone. I will take Governor Fairbanks, of Vermont; I will take Mr. Eustis, formerly a member of the Senate; I will take Joseph E. McDonald, now in his grave; I will take Chief Justice Daly, of New York; Mr. Hiram Hitchcock, Mr. Darling, or Mr. SHANNON, now an honored member of the House of Representatives, and a number of others. These men are not speculating upon the Government of the United States. There is not enough power or inducement in this world to cause such men as these to do such a thing.

So I am perfectly willing to put this in any shape at all that any gentleman can conceive affords all necessary protection to the Government of the United States. I am not at all attempting to avoid anything of that kind.

Mr. SPOONER. Will the Senator from Alabama permit me to ask him a question?

Mr. MORGAN. Yes.

Mr. SPOONER. Does the Senator understand that the bill as now amended limits the expenditure of the Government to the actual value of the property of the Maritime Canal Company?

Mr. MORGAN. I think so, sir. That is the purpose of it, as I understand it, though it is rough and hard. I have not been disposed to attempt to avoid it or to creep out of it. I judge these commissioners, when they are appointed, will take a just and equitable view of the situation; but the Secretary of the Treasury has got to approve their findings, and the President of the United States has got to order the issue of these warrants after that. I think it is guarded in every direction as closely as it is possible to do. If any other company, any speculative company, comes in which has any supposed advantages there and offers their proposition, we seem to accept it without hesitancy. An amendment was offered here the other day, but not put into the bill, to pay one company \$6,000,000 which had only expended \$100,000 within the last two or three months.

Mr. SPOONER. If the Government is to succeed to the rights of the stockholders of the Maritime Canal Company at all, the amendment which has been adopted here is too narrow, in my opinion. The Maritime Canal Company can say, of course, what it will take for its property, and the stockholders of the Maritime Canal Company can say what they will take for their stock. We may say what we will give them for their stock; but neither can the stockholders of the Maritime Canal Company nor the company in any way negotiate for the creditors. Under this bill as it is amended—and I think the Senator from Alabama, under the theory of his bill, was much wiser than the amendment which has been adopted—they can not speak for the creditors. The bill as it was originally drawn required these stockholders, as a condition precedent, to take care of the liabilities. If we become stockholders of this company, we become stockholders subject to the liabilities.

Mr. CHILTON. Does the United States become a stockholder until the company has been cleared of liabilities? It is my idea that we do not, at least.

Mr. MORGAN. No.

Mr. SPOONER. Is it proposed under this limitation that they shall clear off all these liabilities?

Mr. MORGAN. Yes.

Mr. SPOONER. Can they do it?

Mr. MORGAN. They have always said they could. They have arranged to do it for \$5,000,000. At the time the committee reported the first bill here—and Mr. Sherman made that report—they said they could do it for \$11,000,000.

Mr. HARRIS. I will call the attention of the Senator from Wisconsin to line 19 of section 3, on page 2:

The Maritime Canal Company of Nicaragua shall call in and cause to be returned, etc.

Mr. SPOONER. I understand that; but the Maritime Canal Company of Nicaragua might call in and cancel stock, and discharge liabilities, and all that on the basis of \$5,000,000, and might not be able to do it on the basis simply of the actual value of the stock of the company.

Mr. MORGAN. I was about to state to the Senate, in response to the Senator from Wisconsin, that the first report we made here was a report based upon a request of the Senate committee to these gentlemen that they would state the amount that would be requisite to clear off all these incumbrances. They said they would do it with \$4,500,000 in indorsed bonds and the balance of \$11,000,000 in stock. That was ascertained after about three months of effort and the expenditure of a good deal of money, and we reported a bill for that.

This aroused excitement upon the idea that it was a speculation on the part of these gentlemen, all of which has been entirely unjust to them, and we have kept reducing this matter down, and have put pressure on the people who hold these obligations and are entitled to this money, many of whom are widows. One family I can mention here now, the family of Daniel Ammen, rear-admiral of the United States Navy, and a more renowned man never lived in this country for his honor and probity and devotion to his country, and his little children are now running about picking up a living like the little sparrows on the streets. He put \$2,500 of his earnings into this business. If his children now had that, they would have a competency to live upon; but while this is being done and they are being hewed down and whittled down here by gentlemen who oppose this bill on that ground, here is an effort to give \$6,000,000 to the Grace company for a concession which two or three months ago cost \$100,000. I am not complaining of the injustice. I have said to the Senate time and again, and I have said to poor old Admiral Ammen before he died—and he died after a long illness—"Admiral, if it was necessary for me to rob your family in order to get this canal built, I would do it." He said, "Do it, sir. I have not served my country for pay."

Now, I am willing to go ahead and put in this bill any amendment where any Senator can find in his mind a rational objection to this bill, because this bill is like a war—it towers above everything else in its importance. This country can not do without this canal and maintain its integrity and power as a nation to connect its coast lines, as they ought to be connected, for the benefit of commerce. Senators may have their way with that feature of it. I think they had better not strike it out at all, because it would leave these people an option hereafter of coming in for \$23,000,000. If the Senate would be willing to leave it where we have it in the bill, after a long and tiresome effort, at \$5,000,000, as it is now, or whatever sum below that these three commissioners might reduce it, and leave the commissioners to determine what everything was worth equitably and justly, we could have gotten this load off of this stock, not without difficulty, but still we could have gotten it off, and we will do it yet.

Some of these men, after all their expenditures here, will run their hands into their pockets to get the money to pay these people rather than to have the canal bill fail. They have a pride about it and naturally an honorable American pride about it. I honor them for it.

Mr. SPOONER. Then the Senator's answer to my question is that under the limitations prescribed by the bill he understands that the liabilities can be discharged?

Mr. MORGAN. Yes.

Mr. SPOONER. I did not know that.

Mr. MORGAN. I think so.

Mr. PETTUS. Mr. President, it seems to me that the Senator from Louisiana has mistaken the proper construction of this clause of the bill. I read both of the amendments of the Senator from Arkansas in connection. The first one is:

Provided, That for all compensation or reimbursement of every character only such sum, not exceeding \$5,000,000, shall be paid as the rights, privileges, franchises, and property are actually worth in cash at the time of such payment.

This follows immediately:

Nothing in this act shall be construed to authorize the payment to said company or to any other person or persons a greater sum than the value of such property as ascertained by the commission herein named, nor shall any warrants be delivered until such commission has reported such value.

It is the property, rights, franchises of the company, not all, but such as the United States acquires under the act. If it were necessary, in my opinion, I would strike out the word "property" and put in such property, rights, franchises, etc., as the United States may acquire under the proposed act.

Mr. CAFFERY. Mr. President, I may have made a mistake in interpreting the amendment of the Senator from Arkansas, and I will state now, in his presence, the interpretation I put upon it. His amendment looks toward paying the Maritime Canal Company the value of all the property, rights, franchises, and privileges turned over by that company and utilized by the United States.

His amendment does not extend to the payment by the United States to the holders of the shares of this company of the amount that they may have paid upon those shares. The liabilities of the company stand in the same category. In other words, I understand the amendment of the Senator from Arkansas to mean that the United States turns over to the Maritime Canal Company an amount of money equal to the cash valuation found by commissioners appointed under the proposed act of all the property, rights, and franchises of the Maritime Canal Company, and that after that is done the Maritime Canal Company can settle with its own stockholders, and that the money to be thus paid is given to them for the purpose of calling in, canceling, and surrendering their stock and discharging their liabilities.

Mr. BERRY. Mr. President, the purpose of the amendment and the words of the amendment and the language of it, it seems to me, are so plain that no one can misunderstand it. The Senator from Louisiana was contending yesterday that section 3 was obscure and indefinite, and that it might be construed to mean that this money should be turned over at once, or it might be construed that even more than \$5,000,000 should be paid either to the company or to some of the creditors of the company. In order to make it certain and absolutely certain that nothing should be paid by the Government except the present value of their concession and property, as described by the amendment offered by the Senator from Mississippi, I proposed this so as to prevent any claim from anybody, either the company or anybody else, for any sum except the present actual value of the property. The amendment reads:

Nothing in this act—

That is the entire act—

shall be construed to authorize the payment to said company or to any other person or persons a greater sum than the value of such property as ascertained by the commission herein named, nor shall any warrants be delivered until such commission has reported such value.

Now, it seems to me that there can be no possibility of a misconstruction about the matter. It means, according to the amendment of the Senator from Mississippi, that the Government pays this company nothing except the present value of its concession and its property. It means that they shall not pay more than that to the company or anybody else anywhere, to any person or persons, and it means that the warrants shall not be delivered until that has been ascertained.

Now, the Senator from Wisconsin, as I understand, has an amendment which will make it still clearer and will meet another contention. If adopted, which I think it will be—

Mr. SPOONER. It has been.

Mr. BERRY. It has been? I was out of the Chamber. The amendment of the Senator from Wisconsin says if for any cause the President shall not build the canal under the concession of the Maritime Canal Company, but shall build it under any other agreement he may make with Nicaragua or with anybody else, if he fails to build it under this concession, then the Government shall pay nothing to the Maritime Company or to anybody else. That is what it provides.

Mr. PETTUS. May I ask the Senator from Arkansas a question for information?

Mr. BERRY. Certainly.

Mr. PETTUS. Does not the Senator understand his amendment to mean that the United States is to pay for all the property it acquires under this bill?

Mr. BERRY. If it builds the canal under the concession granted to the Maritime Canal Company, then it shall pay for the present actual value of the property that the company turns over to the United States and nothing more; that is the effect of the two combined.

Mr. PETTUS. To get down to the exact point, does it confine itself to the actual thing that is ordinarily called property, or does it include everything that is property and of value which is surrendered?

Mr. BERRY. That is described in the amendment offered by the Senator from Mississippi, which the Senator from Alabama can construe better than I can. The language is in the bill. The Senator from Mississippi offered an amendment that the Gov-

ernment should not pay these parties all they paid out; that it should only pay for the present value of what they had and what the Government took from them, and not a dollar more. My amendment says, coupled with that of the Senator from Wisconsin, which has been adopted, that nothing shall be paid until that is ascertained; that under no circumstances shall more than that value be paid; and furthermore, with the amendment of the Senator from Wisconsin, if the President secures another agreement with Nicaragua and Costa Rica, and does not build the canal under the Maritime Company's concession, then the Government pays them nothing. That is the bill.

Mr. LINDSAY. Mr. President, this company as a corporation undoubtedly has a right to provide for the sale of its property, rights, privileges, and franchises and for the payment of its expenditures. I understand that the amendment of the Senator from Arkansas covers the manner in which the payment for the property, rights, privileges, franchises, etc., shall be made. But it recognizes on its face that the stockholders have certain rights independent of the corporation and that there are outstanding scrip, bonds, etc., evidences of debt on the part of this corporation.

Mr. BERRY. That, as I understand it, if the Senator from Kentucky will permit me, is to be called in and surrendered by the Maritime Company as a matter of course. They have to satisfy that.

Mr. LINDSAY. Now, then, the bill does not stop with that. If the Maritime Company can arrange with the stockholders and the holders of the scrip and the bondholders and cancel it all, then we get into a corporation that is out of debt. But suppose the holders of the scrip and the holders of the bonds are not willing to make an arrangement with the corporation whereby that indebtedness shall be canceled. Then the bill provides that the Secretary of the Treasury—

shall retain in the Treasury, in lieu of obtaining such cancellation, an amount of the warrants to be issued under this act which shall be equal to the value of the said stock and the bonds and bond scrip of said company then outstanding the cancellation of which can not be procured.

Mr. BERRY. That is right, is it not?

Mr. LINDSAY. How are we to compel the holders of that scrip and of those bonds and of that stock to accept the valuation fixed by the commissioners appointed by the United States, to the appointment of whom the holders of the scrip and the stock and the bonds have never given their consent?

Mr. BERRY. Will the Senator from Kentucky permit me?

Mr. LINDSAY. Certainly.

Mr. BERRY. If they do not carry out what they undertake to do, then we pay no money.

I will state here and now that as distinguished a lawyer as the Senator from Kentucky can take up this bill or any other bill and make suppositions and doubts here and there so as to keep the Senate for a week on the bill or any other bill that may be pending. I have stated before, and I restate, that no man and no court could ever construe it in any other way than that the only thing the Government pays for is the actual present value of the property it takes from this company and uses; and if the Government does not build under the concession, if the President makes other arrangements, then we do not pay one dollar to the Maritime Company or anybody else. If the Maritime Company does not pay off and satisfy what obligations it may have, then the Secretary of the Treasury keeps these warrants and does not deliver them. Now, if anything can be made plainer or stronger or more direct, I suggest to the Senator from Kentucky, instead of asking so many questions, to propose an amendment himself.

Mr. LINDSAY. Mr. President, the statement of the Senator from Arkansas confirms my view of the case. This company has the right to agree to the valuation of its property and the right to accept, and we have a right to contract that it shall accept, the valuation fixed upon it. It has a right to agree to procure the cancellation of the stock and of the scrip and of the bonds, and to take the money we pay it in order that it may purchase in that cancellation. But if there be holders of bonds and holders of stock and holders of scrip who do not give their assent to it, then Congress has no power to appoint a commission to fix the value of the stock and arbitrarily say to those people, "You shall accept that valuation or take nothing," and that is exactly what the bill provides for having done.

Mr. CAFFERY. Will the Senator from Kentucky allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. CAFFERY. It is whether he includes under the term "property," provided for by the amendment of the Senator from Arkansas, the outstanding liabilities of the corporation?

Mr. LINDSAY. Certainly not.

Mr. CAFFERY. Would the Senator from Kentucky include the amount subscribed for stock and held outside of the corporation as an obligation against it under the term "property?"

Mr. LINDSAY. I understand a stock certificate to be more in

the nature of an evidence of indebtedness on the part of the corporation than an evidence of property right in the corporation.

Mr. PETTUS. I desire to ask, as a lawyer, if stock is not property?

Mr. LINDSAY. Stock is the property of the stockholder, but not of the corporation, just as scrip is the property of the holder of the scrip. A bond is the property of the holder of the bond, and they all evidence liability on the part of the corporation.

Now, by what authority can the corporation and Congress agree to fix an arbitrary value on the stock, and on the scrip, and on the bond, and say to the balance of the stockholders, "If you do not accept the appraised value fixed by the commissioners, then we will go ahead and disregard your rights anyway," and that "In view of your refusal to come into the arrangement, to which you were no party, the Secretary of the Treasury shall retain in the Treasury, in lieu of obtaining such cancellation, an amount of the warrants to be issued under the proposed act which shall be equal to the value of such stock?"

That value is agreed upon by whom? By the stockholders and the commission? By the stockholders and the corporation? No, by a commission appointed by the Government, a commission appointed not at his instance and which will have no jurisdiction over the owner of the stock, the owner of the scrip, or the owner of the bonds.

Which shall be equal to the value of the said stock, and the bonds, and the bond scrip of said company then outstanding the cancellation of which can not be procured.

Now, if there is \$10,000,000 of the stock, and of the bonds, and of the scrip outstanding about which no arrangement at all can be made, then we propose, as the controlling stockholder of the corporation, to go ahead and build the canal and absolutely repudiate this debt, or else compel the owners to accept the valuation which we ourselves fix upon their debt.

Mr. RAWLINS. Would it not obviate the objection which the Senator from Kentucky is making, which seems to me to be conclusive, to strike out the last clause of section 3, which is to the effect that in the event that the parties do not surrender the stock and bonds the Secretary shall retain a portion of the warrants, etc.; eliminate that provision altogether, and then proceed to section 4 and strike out the words "or satisfactory arrangements have been made," etc? If those amendments were made the bill would then provide that the company must for the \$5,000,000 or less obtain the cancellation of all the stock, and that nothing further could be done under the proposed act until such cancellation had been procured.

Mr. LINDSAY. It is not for me to suggest to the friends of the bill how they should make an amendment that will cure an objection so transparent as this is. The bill evidently contemplates that we shall enter upon the work without any regard whatever to the rights of the stockholders, unless they accept the arbitrary proposition that we make. If we intend as a Government arbitrarily to disregard the rights of the stockholders let us say so.

Mr. SPOONER. How can we say so?

Mr. LINDSAY. You can not honorably say so.

Mr. SPOONER. How can you say so at all? If I own stock in the Maritime Company, how can you take it away from me?

Mr. LINDSAY. I can not.

Mr. SPOONER. That is the point.

Mr. LINDSAY. But a Government like that of the United States need not pay you unless it chooses.

Mr. SPOONER. If it does not pay me, it can not vote my stock.

Mr. LINDSAY. No; but if it can get a majority of the stock you will be in the condition of all other minority stockholders where a combination have concluded to run the business of the corporation for their exclusive benefit.

Mr. RAWLINS. If they retain their stock in the enterprise and it declares dividends, they will receive their share.

Mr. LINDSAY. The stock holders are all right, but what becomes of the scrip holders and bond holders? I say if we proceed to execute this work that the stock holders who decline to compromise and the scrip holders who decline to compromise will have the right in law and morals to insist that the last dollar of their stock and scrip shall be paid for upon its face value with accrued interest.

Mr. MORGAN. I thought the Senator from Kentucky had yielded the floor. I do not wish to intrude upon him.

Mr. LINDSAY. I have stated the proposition as fully as I care to.

Mr. MORGAN. Mr. President, the present committee and its predecessor, the Committee on Foreign Relations, for ten or twelve years have had under very close consideration the particular point which is up. And I think I can say, not including myself, of course, that the two committees, running back now for ten years perhaps, or longer, have had in their membership as able lawyers perhaps as there are in the Senate to-day. We perfectly understood all of the doctrines urged by the Senator from Ken-

tucky, that under ordinary circumstances we would have no right at all to take this property and to confiscate it to the use of the Government of the United States, for it would be an act of confiscation if we should take it under ordinary circumstances. But when we chartered the canal company, we put a proviso in the charter that Congress might alter, amend, or repeal the charter, and we can repeal it to-day and prevent the company from doing anything whatsoever except to dispose of its unfinished business, collect the money, put it in its pocket, and walk off. That is the power we have reserved. This bill purports to be and is a bill to amend the charter—that is the title of it—and the first provision in it is that the charter shall be "amended as follows."

In amending the charter we have done two things. We have provided a commission for the purpose of clearing off the debts and incumbrances before the Government of the United States shall undertake to build the canal. The next proposition is that this corporation, having no ability to build the canal except with the assistance of the Government of the United States, is in a condition to be wound up, and we do wind it up. We change the directors entirely. As the bill now stands we reduce it to seven directors, five of whom shall be appointed by the President of the United States and confirmed by the Senate. That, of course, is a thorough reorganization of the directory. Then we provide for the winding up of its business, and we say to the persons who have contracts outstanding against it, "We marshal the assets, and we will give to you a sum of money, to be ascertained by commissioners, equivalent to the present value of the property, and that money must be distributed among you according to your respective rights and equities." That is all done by the Congress of the United States.

I grant you, Mr. President, that we are forcing very hard lines upon the corporation, and while I have been insisting that the lines should not be made too hard, I have been accused of assisting in trying to steal something from the Government of the United States. I have felt all the time that if I were stealing anything it was from the stockholders and creditors through the power of Congress, which has got of late to be utterly despotic toward its own citizens, while it has the most reckless and lavish liberality toward the citizens of every other country in the world. I think the party who has the poorest chance in the United States to favor or justice at the hands of Congress is the man who boasts of the immensely lofty character of being an American citizen.

That is my view of it. Nevertheless, an American citizen can bear a great deal of crucifixion, a great deal of outrage, and if he happens to be a patriotic American citizen he is not going to make very loud complaint about it. No complaint has been made here on this subject. I have taken the butcher knife in my hands, so far as I am concerned, and cut away their rights in a most terrible form, but I have known, or believed, at least, and have the authority for that position of fifty good lawyers, as good as the Senator from Kentucky, or even my colleague, that we have the power, and I have not failed to lay hands upon the power to use the knife to cut away their life. I admit we are destroying them. We have the right to do it; as much right to do it as the commanding officer of an army has to burn down a building if it stands in the way of his guns. We are winding up the company, and when we get through with passing this bill the company, of course, can never make another effort to build a canal. It will be utterly lost.

Mr. PETTUS. I wish to ask my colleague a question.

Mr. MORGAN. Certainly.

Mr. PETTUS. The bill provides that the stock which has been spoken of, and which the Senator from Kentucky is so particularly anxious to preserve, shall be surrendered.

Mr. MORGAN. Yes.

Mr. PETTUS. It is to be surrendered by the stockholders, or a majority thereof. Has not the United States Congress the right to amend the charter so as to provide that it shall not require the individual assent of each stockholder, but it may be surrendered by a majority of the stockholders?

Mr. MORGAN. An act to wind up a corporation, where the legislative power has jurisdiction to wind it up, is equivalent to an act of bankruptcy and a disposal of all the estates and assets of the corporation which has broken down. There is no question about that. We are winding it up. We are getting rid of it. We are driving it out of existence almost. We retain nothing but its franchises, the concessions, and the corporate power which the Congress of the United States itself has granted. The company has no corporate powers except such as we granted to it; and when we granted them we retained the power to alter, amend, or repeal them. So we are in the line of our technical duty and power. Whether we are in the line of proper sympathy or of conscience, I do not stop to inquire. I lend myself, so far as I am able to do it, to the Senate of the United States to cut down those rights and destroy them; and that is what we have done.

What will be the condition of this corporation after we shall have passed the pending bill? What can it do? We have reduced

its stock from two hundred to one hundred million dollars and limited the issue of bonds to a hundred millions. We have taken the directors out of their places. They have nothing in it. We have said that none of the private stockholders shall have a voice in the corporation any more. It does not make any difference whether or not the canal is built under the concession. When you pass the pending bill we take the powers away from these men, and here is a provision put in the bill, to which I do not object, that in the event the Government of the United States does not build the canal under these concessions, then not one cent of money shall be paid—that is to say, they shall get nothing for what they lose—and we will take from them all possible power not only to build the canal but to sell their charter to Grace & Co., if you please.

If they were a lot of hucksters bargaining over a counter, like Nicaragua has been doing about this business, perhaps they would like to have the privilege of having their charter left in such state that Mr. Grace and his confederates in New York might be willing to buy it. But this mutilated thing that we are going to leave on the hands of this company when we pass the pending bill Mr. Grace would not look at. We are doing our duty here trying to get the canal, and of course, as was stated by the Senator from Arkansas, objections can be made here by anybody. But when they come from so distinguished a source as the Senator from Kentucky, we are all bound to pause and listen, not only because he is always frank, but he is able.

But I suggest to the Senator that the answer I have made is sufficient. I do not at all deny that we are invading these rights, but we have the power to do it and the right to do it. They can not help it.

Mr. LINDSAY. Mr. President, I have no doubt the Senator is right in what he says—that the opinions of fifty lawyers, abler and more learned than the Senator from Kentucky, have been taken in regard to the provisions of this bill.

Mr. PETTUS. As able and learned.

Mr. LINDSAY. As able and learned. But there are some matters of law that are rudimentary. There are some rights which are fundamental. One is that no man's property can be taken from him for public use without his consent, except upon just compensation and by due process of law; and a commission appointed by the party that proposes to take it can not fix a value which he arbitrarily must submit to.

Now, my friend may be right that this charter can be so amended as that a majority of stockholders can compel the minority to sell their stock to the Government of the United States or to cancel it at such price as the Government of the United States may fix. I confess I very seriously doubt the accuracy of that proposition. But I am very sure that no amendment to this charter under any reservation of the right to amend can arbitrarily fix the amount which this corporation shall pay its creditors less than the face value of the debt it undertakes to pay. So there can be no amendment to this charter by which the scrip debt shall be reduced 35, 40, or 50 per cent, or the bonded debt reduced 35, 50, or 60 per cent under the penalty so far as the holders of the scrip and bonds are concerned; that they shall take that or go without any pay at all.

I say that this provision, so far as the stockholders are concerned and so far as the owners of the scrip and bonds are concerned, would not live a minute in any court of equity either in the United States or in any other country where constitutional or fundamental rights are maintained by the courts.

Of course these are objections which it is difficult to remove, but my theory has been that all these objections should be removed before we pledge the Government to the expenditure of \$115,000,000 and before we enter upon a work which will involve the necessity for our arbitrarily compelling creditors and stockholders to accept sums of money which we choose to pay under the penalty of the forfeiture of their evidences of indebtedness.

It is not becoming the dignity of the Government of the United States to enter upon any undertaking which involves the exercise of arbitrary power like this. These stock holders, these bond holders, and these scrip holders have not been guilty of treason. Their loyalty is not open to question. There is no reason why the constitutional provision that is intended to protect every man, however humble he may be, should be disregarded in order that we may enter upon this scheme of building a canal under a concession which the Government that made it repudiates at this time. It would be much more dignified, much more direct, much more in consonance with the dignity of this great country to treat directly with those Governments in Central America in order to secure a right that would not be open to the question that can be raised against rights which we propose to secure by becoming stockholders in this corporation.

Mr. TILLMAN. Will the Senator from Kentucky permit me to interrupt him?

Mr. LINDSAY. Certainly.

Mr. TILLMAN. Along the same line the Senator is pursuing with such vigor and ability, I should like to ask for my informa-

tion, not being a lawyer, a question concerning each and every one of these bills. I have been tracing them back, and I have the original data away back in 1891. I have brought them all up, and I have them on my desk. Why is it that each and every one, including the last one, the one we are now discussing, provides that the capital stock of the Maritime Canal Company shall consist of 1,000,000 shares of \$100 each?

I supposed that the Maritime Canal Company had been chartered away back yonder with that provision in it, and that we were trying to buy them out. Why do we, in this new bill, go and provide for \$100,000,000 of stock? And along the same line you are pursuing, I should like to have you give us your opinion—although it does not seem to be worth much to some people, it has great weight with me—as to how much of that stock is out, and how we are going to keep somebody from getting some of that stock without paying money for it?

Mr. LINDSAY. I suppose that the friends of this bill act upon the assumption that under the reserved power of amendment we can do all those things, not that we will keep somebody from getting stock who has not paid for it, but that we might confiscate the stock of some one who has paid for it, because the latter proposition is more likely to be carried out in the end than the first proposition suggested by the Senator.

Now I have only made these suggestions. It is not my province to offer an amendment to a bill to which I am not overly friendly; and the Senator from New Hampshire the other day intimated that there was doubt as to the propriety of my even suggesting how the money should be raised, or how it might be raised, to construct this canal after this bill shall have become a law. I agree with the gentleman across the Chamber that this is probably the worst bill, the most indefensible bill that has ever been before the Congress of the United States. I confess I am anxious to see the Nicaragua Canal built, but I do not think I am under any obligation to support this bill in order that it may be gotten into the hands of a committee of conference and take the chances of having the bill put upon the proper basis when we come to enact it into a law.

Mr. RAWLINS rose.

Mr. HARRIS. Mr. President, I merely rise to make a parliamentary inquiry. I should like to know whether we are proceeding under the fifteen-minute rule for the consideration of amendments, and if there is any amendment pending at present?

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senate to the order which was made a few days since at the outset of the discussion, that on the bill and all amendments thereto the debate shall be limited to fifteen minutes to each Senator, under the rule known as the five-minute rule, which provides that no one Senator shall address the Senate more than once on any pending amendment. The Chair supposes, as the consent was given, that no one Senator should be permitted to address the Senate on the general bill more than once and for fifteen minutes.

Mr. RAWLINS. In section 3, page 4, line 20, I move to strike out, beginning with the words "In case of the failure," etc., to the end of that section; also, in section 4, page 5, line 16, I move to strike out the words "or that satisfactory arrangements have been made for the return or cancellation of said stock;" also, in lines 20 and 21 of the same section, page 5, I move to strike out "or that satisfactory arrangements have been made for their redemption and cancellation;" also, in lines 1, 2, and 3 of the same section, on page 6, I move to strike out "or that provision has been made for the satisfaction and cancellation of said liabilities and contracts."

Mr. MORGAN. Is all that offered as one amendment?

Mr. RAWLINS. I offer it all as one amendment because they properly go together.

The PRESIDENT pro tempore. The Secretary will report the amendment offered by the Senator from Utah.

The SECRETARY. In section 3, line 20, page 4, after the word "them," of the print of January 17, it is proposed to strike out the following language:

In case of the failure, within three months from the passage of this act, to call in and cancel all of the stock or bonds or bond scrip of said company now issued and outstanding, as is herein required, the Secretary of the Treasury shall retain in the Treasury, in lieu of obtaining such cancellation, an amount of the warrants to be issued under this act which shall be equal to the value of the said stock and the bonds and bond scrip of said company then outstanding the cancellation of which can not be procured. Such warrants shall be held by the Secretary of the Treasury and exchanged by him for said old stock and bonds or scrip then outstanding, upon the surrender of the same for cancellation by the holders thereof: *Provided, always, That the amount of warrants so retained shall not exceed in value the value of old stock and bonds then outstanding.*

In section 4, line 16, page 5, after the word "canceled," it is proposed to strike out the words "or that satisfactory arrangements have been made for the return or cancellation of said stock."

In lines 20 and 21, on the same page, strike out "or that satisfactory arrangements have been made for their redemption and cancellation."

In the same section, lines 1, 2, and 3, page 6, it is proposed to strike out "or that provision has been made for the satisfaction and cancellation of said liabilities and contracts."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. RAWLINS. Mr. President, I do not suppose this amendment will be adopted unless it commends itself to the good judgment of the distinguished Senator who has charge of the bill. It is true where the power is reserved to modify or repeal a charter Congress undoubtedly will exercise that authority by repealing or amending the charter with these limitations. It can not divest a vested right, and it can not impair the obligation of a contract. That limitation was determined by the Supreme Court of the United States in the Sinking Fund cases. It is not an original proposition, but it is one that has been repeated time and again by the Supreme Court of the United States.

Under the provisions of the bill as it now stands, in consideration of the provisions and modifications of the charter, the stockholders of the Maritime Canal Company are required to call in and cancel all stock, all bonds, scrip for bonds, construction contracts, and other liabilities, and discharge them all. Then the section provides that there shall be placed in the hands of this company for that purpose not to exceed \$5,000,000, to be determined by the persons designated by the President.

The bill, however, as it now stands, assumes that this company may not call in all the outstanding stock or bonds, because it provides in that portion of section 3 which I move to strike out that "in case of the failure, within three months from the passage of this act, to call in and cancel all of the stock or bonds," etc., then a certain amount of Treasury warrants shall be retained to provide for their cancellation. If this provision remains in the bill, the holders of that outstanding stock and bonds, amounting, I understand, to something more than \$23,000,000, practically now worthless, may refuse to return them or have them canceled.

But notwithstanding such failure to turn them in for cancellation, under the fourth section as it now stands, the Secretary of the Treasury, with the approval of the President, may proceed to subscribe for the stock, amounting at its par value to something more than \$90,000,000, and he is required to issue Treasury warrants amounting to \$115,000,000. This money goes into the treasury of the Maritime Canal Company. The stock outstanding in the hands of private individuals, which can not be confiscated and is not undertaken to be confiscated by these provisions, by the expiration of the first three months from the date of the passage of this act, while they may not have paid anything for it, will perhaps appreciate from nothing to par. The actual value thus created in effect by the amount of money which is turned into the treasury of this company from the Treasury of the United States will make these outstanding obligations worth their par perhaps, \$23,000,000.

The PRESIDENT pro tempore (at 2 o'clock p. m.). If the Senator from Utah will suspend for a moment, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal.

The PRESIDENT pro tempore. The Senator from Utah will proceed.

Mr. RAWLINS. It is suggested by the Senator from Kentucky that the Government of the United States can not be sued and that it may repudiate its obligations; but the Maritime Canal Company is a private corporation. It will remain a private corporation after this bill has been enacted. It can be sued on any outstanding liability, either in the courts of the United States or in the courts of Nicaragua.

I will state the effect of my amendment, and I ask the attention of the Senator from Alabama to this question, because I am aware that the amendment will not be considered unless it has his approval. The effect of my amendment, as I understand it, will be that in consideration of the provisions of this act the Maritime Canal Company must procure the cancellation of all these outstanding obligations and stock. In case it fails to do so, then no stated step will be taken under the provisions of this bill, because by striking out the clause in section 4 "or that satisfactory arrangements have been made" it requires as an absolute condition precedent to any payment made from the Treasury of the United States, or any subscription of the stock by the United States, that all the stock outstanding at present of the Maritime Canal Company, and all bonds and all liabilities of every description, shall be recalled and actually canceled.

It is probable that there will be no difficulty in wiping out all these outstanding obligations, provided the holders of the outstanding stock and bonds, which are now worthless, understand that they must come in and take their share of the \$5,000,000 or that they will get nothing under the provisions of the bill.

That is the purpose of the amendment.

Mr. MORGAN. Mr. President, I regret that I can not accept the amendment of the Senator from Utah. It would dislocate all the provisions of that character that are in the bill, and they were put in the bill at the instance of the Senator from Indiana [Mr. TURPIE] and the Senator from Arkansas [Mr. BERRY].

Mr. SPOONER. Mr. President, I am unable to see the force of the objection, and, therefore, of the amendment proposed by the Senator from Utah. Neither am I able to agree with the conclusion, although I agree with some of the premises, of the Senator from Kentucky [Mr. LINDSAY]. I do not understand that Congress, while it has reserved the power to alter and amend its charter, may confiscate the stock or the property of this corporation. Property can not be taken for private use by a mere act of Congress, nor does the bill propose any such thing.

The argument seems to proceed upon a misapprehension, I think, of the terms of the bill. It is provided here in section 2, and that is a condition precedent:

That in consideration of the provisions of this act, and as soon after its acceptance as is practicable, the Maritime Canal Company of Nicaragua shall call in and cause to be returned and surrendered to and canceled by the treasurer of the company all of the capital stock of the corporation—

If that can not be done, they can not comply with this condition precedent—

heretofore paid for or partially paid for or issued and now outstanding, except that reserved to the Republics of Nicaragua and Costa Rica in their respective concessions—

Now, that is not all. That is one thing—and shall redeem and cause to be surrendered and canceled all bonds and scrip for bonds—

If there are other liabilities that, perhaps, would be included—heretofore issued by said company—

That is one thing—and shall satisfy and discharge all cash liabilities of said corporation and all existing construction contracts heretofore made by said company, or shall make ample provision for such surrender, cancellation, redemption, discharge, and satisfaction; and persons who have partially paid upon said stock subscription shall be considered as entitled to relief under this section to the extent of the partial cash payments, respectively. That to enable the said company to provide for such surrender, cancellation, redemption, discharge, and satisfaction, and in consideration therefor there shall be issued and delivered, etc.

There was a limit of \$5,000,000. By the amendment of the Senator from Arkansas [Mr. BERRY] that is reduced to the actual value of the property. Now, that may be enough, or it may not be enough. That is the question which I put to the Senator from Alabama. He thinks it will be sufficient. But all these conditions remain to be performed as precedent conditions, and the \$5,000,000 is eliminated, unless the actual value of this property shall amount to that sum. If it shall not amount to a sufficient sum to enable the performance of these conditions, that, I understand, blocks all operations under the bill. Now:

In case of the failure, within three months from the passage of this act, to call in and cancel all of the stock or bonds or bond scrip of said company now issued and outstanding, as is herein required, the Secretary of the Treasury shall retain in the Treasury, in lieu of obtaining such cancellation, an amount of the warrants to be issued under this act which shall be equal to the value of the said stock and the bonds and bond scrip of said company then outstanding the cancellation of which can not be procured.

That is not only stock, but it is bonds and bond scrip. No executive officer would begin to pay, I take it, under the provisions of this bill until there had been such a redemption, cancellation, and surrender of stock, bonds, and bond scrip that the amount required to be retained here would cover that outstanding and not yet surrendered or redeemed.

Or that satisfactory arrangements have been made for their redemption and cancellation.

To strike out this language, as proposed by the Senator from Utah, seems to me to take out of the bill a provision very wisely inserted in it to enable the Secretary of the Treasury to protect the interests of the Government against outstanding liabilities and stock and bonds.

Mr. RAWLINS. If the Senator will permit me, as I understand the bill, the object of it is to make the \$5,000,000 cover all the liabilities surrendered or not surrendered, and that being true while the holders of these outstanding obligations can not be compelled to surrender—

Mr. SPOONER. They can not.

Mr. RAWLINS. If the Government shall proceed, they will become worth par; and if they are permitted to surrender within three months, they may get much less than par.

Mr. SPOONER. But it will be a very foolish proposition—

Mr. RAWLINS. Will the Senator permit me to conclude?

Mr. SPOONER. Certainly.

Mr. RAWLINS. It seems to me here is a direct inducement to the holders of these outstanding liabilities not to surrender in order that they may take advantage of the condition which will exist upon the expiration of the three months and be able to demand par for their securities, while if we adopt the amendment proposed by me that inducement is taken away, and they must

come in and surrender and take their share of the \$5,000,000 or get nothing.

Mr. SPOONER. But they must come in and surrender within three months. It is a wise precaution and protection to the Treasury that the Secretary of the Treasury should retain warrants sufficient in the Treasury to cover all stock and bonds and bond scrip not surrendered within the three months. Unless the Secretary of the Treasury was satisfied by the preliminary surrender that the amount retained was sufficient to acquire all the stock outstanding and all liabilities and all bonds and bond scrip he would not pay out any. An executive officer would be very stupid under a bill like this to pay out warrants and then find that after he had paid out the amount up to the limit there were still outstanding bonds and bond scrip and stock which amount to much more than the limit.

Mr. RAWLINS. If the Senator will permit me, might not this occur? The Secretary of the Treasury retains a million dollars to meet outstanding liabilities; and it is provided in section 4 that when provision has been made for the outstanding liabilities the Secretary, with the approval of the President, may subscribe for the stock and issue the warrants for the \$115,000,000 and proceed with the construction of the canal. The words in the fourth section—

Mr. SPOONER. I have not got to the fourth section; I am dealing with the third section.

Mr. RAWLINS. And of course the \$5,000,000 will not cover the \$23,000,000 of outstanding liabilities unless the holders of those liabilities agree to it.

Mr. SPOONER. You can not force them to agree to it. But what will the Secretary say? He will say, "Gentlemen, here is so much stock outstanding; here are so many bonds outstanding; here is so much scrip outstanding. I have so much money with which to enable you to cancel all those liabilities. Now, before I pay out any of this money you must bring me in so much stock canceled, so many bonds canceled, so much scrip canceled, that I can see that after paying your proportion of what you surrender I will have enough to obey this mandate of Congress to protect the Government by retaining warrants sufficient to cover all that you have not yet surrendered or procured to be surrendered." That is what any executive officer would say, and therefore it seems to me that this provision inserted by the Senator from Alabama or his committee in this section is one of essential wisdom.

When you get to section 4, that is another proposition. We are dealing now with a section which is directed to safeguarding the Government against paying out its warrants until the liabilities, in the shape of stock and bonds and scrip, are taken care of; and this provision helps to do that. The \$5,000,000 has been stricken out, and as the bill stands now the limit is the actual value of the property. I very much doubt if that valuation will be equal to a sum sufficient to retire the stock and the bonds and the scrip.

Mr. RAWLINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. Certainly.

Mr. RAWLINS. I do not think the Senator quite understands the position which I take in this matter. I do not claim that the Secretary would pay out any part of the \$5,000,000, but what I apprehend he would do if \$5,000,000 proved inadequate to cancel all the outstanding obligations within three months, he has held reserved a certain proportion of it in the Treasury, as provided in section 3. When we come to the fourth section, it contains the following clause:

Or that provision has been made for the satisfaction and cancellation of said liabilities and contracts.

He has made that reserve of the \$5,000,000, or some portion of it. Then he is required to report, under this section, to the President. Thereupon the Secretary of the Treasury subscribes for the stock for the United States, and we then proceed to the construction of the canal to the extent of \$115,000,000, which the bill provides for that purpose. As soon as we take that step it is perfectly clear to my mind that the outstanding stocks and bonds will appreciate almost, if not quite, to their par value.

Mr. SPOONER. If my friend will permit me, there is nothing clearer in this bill, and nothing can be clearer in any bill, than that under section 4 the Secretary of the Treasury is not to subscribe for any stock until, by the operation of section 3, all of the stock has been surrendered and all of the bonds and bond scrip have been retired, or until arrangements have been made for their retirement and discharge.

Mr. RAWLINS. That is the latter clause, and I think it ought to be eliminated. The phrase "satisfactory arrangement" is exceedingly vague.

Mr. SPOONER. The amendment which the Senator offers is not directed to that.

Mr. RAWLINS. Yes, it is; precisely.

Mr. SPOONER. No; the amendment which the Senator offers, as I understand it, is to strike out from section 3 the provision

that the warrants shall be held in the Treasury—I may be wrong about it—and exchanged by the Secretary for bonds and scrip.

Mr. RAWLINS. The Senator fails to appreciate my purpose.

Mr. SPOONER. Will the Senator kindly call attention to the words which he proposes to strike out.

Mr. RAWLINS. I propose to strike out the latter part of section 3, which contemplates that any stock may remain outstanding or that there shall be any provision for outstanding stock, and then to modify section 4 so as to reduce the proposition to this form: First, the canal company must call in and cancel outstanding obligations, and when they are actually canceled under the provisions of the bill the United States may proceed to construct the canal in accordance with the provisions of the bill.

Mr. SPOONER. That ties up the Secretary. Here is the provision. There are two safeguards in section 4. One is:

That the Secretary of the Treasury, when he is satisfied that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that reserved to the Republics of Nicaragua and Costa Rica, in their respective concessions, has been called in, returned, and canceled, or that satisfactory arrangements have been made for the return or cancellation of said stock, and that all bonds or scrips for bonds issued by said company, and obligations to deliver bonds, have been redeemed, surrendered, or canceled, or that satisfactory arrangements have been made for their redemption or cancellation—

Mr. RAWLINS. Will the Senator permit me?

Mr. SPOONER. Excuse me a moment. The section continues:

And that all construction contract liabilities of the said company have been discharged, and all contracts and agreements heretofore made by said company, except its contract with Nicaragua and Costa Rica, including all contracts with any canal construction company, have been satisfied or canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts, the Secretary of the Treasury shall report the facts.

He has got to be satisfied of all these things; and then—the Secretary of the Treasury shall report the facts to the President of the United States, and with his approval shall, in behalf of the United States, subscribe for 925,000 shares of the capital stock of said company.

Mr. RAWLINS. Will the Senator permit a further interruption?

Mr. SPOONER. Of course.

Mr. RAWLINS. If the Secretary of the Treasury shall be satisfied that an arrangement has been made for the cancellation of the stock before it is actually canceled, the bill provides that the United States may subscribe for the stock. It seems to me incongruous that the stock can be subscribed for before the old stock has been actually surrendered and canceled.

Mr. SPOONER. Suppose all the stock shall have been surrendered except a little stock which is involved in the administration of an estate, or is so situated that it can not immediately be surrendered or canceled?

Mr. RAWLINS. De minimis non curat lex.

Mr. SPOONER. No, not de minimis non curat lex. Unless some elasticity is in this provision, the existence of some technical objection to the surrender of a very small amount of the stock, or a very small amount of the bonds, or a very small amount of the bond scrip, however the Government might be indemnified against it, would block this whole arrangement.

The real point of my suggestion was, that by section 4 every possible safeguard is provided prior to the subscription by the Secretary of the Treasury for this capital stock. If there is a little, it can be returned by the canal company, and an adequate indemnity is provided, which naturally would be considered safe enough, and might be necessary in order to prevent, perhaps, the delay of a year or two years or three years.

The PRESIDENT pro tempore. The Senator from Wisconsin has exhausted his fifteen minutes. The question is on the amendment submitted by the Senator from Utah [Mr. RAWLINS].

Mr. CARTER. Mr. President, section 3 is manifestly intended to accomplish two purposes: First, to secure the payment of all the debts and outstanding obligations of the Maritime Canal Company. To that end it is provided that the Secretary of the Treasury shall furnish Treasury warrants for the redemption of the outstanding obligations of the Maritime Canal Company, for the payment of amounts advanced on partially paid subscriptions. The second proposition presented by the section is that the Maritime Canal Company shall be paid a reasonable amount for its franchises, privileges, and property.

I think it extremely unfortunate that in any section of the bill an effort was made to first involve the Government of the United States in an attempt to adjust, pay off, and discharge the contract obligations of this corporation. The contract obligations will follow the stock of the corporation and follow the corporation itself; and I am apprehensive that, instead of facilitating the construction of the Nicaragua Canal, we will find twelve months hence that this effort to ascertain the nature, extent, and bona fides of the various contracts, bonds, scrip, and stock obligations of the Maritime Canal Company will not have been completed; that before we can put into operation the provisions of section 3, and carry those provisions to a final culmination, the charter of the Maritime Canal Company will have expired by limitation.

It is manifestly, Mr. President, the sense of the Senate that the

Government of the United States, untrammelled as far as possible, should construct this canal; that the canal when constructed should be under the jurisdiction of the United States, under the control of this Government for all purposes. It is further the desire of the country that a zone of reasonable extent on both sides of that canal, and the approaches from either ocean as well, should be under the exclusive jurisdiction of the United States, so as to enable the Government to protect the property. But, Mr. President, this can not be accomplished under the charter or concession of the Maritime Canal Company. This charter never was intended to be operated by, through, or under the Government of the United States. The charter especially prohibits the assignment of this contract right of construction to any government whatever. One year from now, if we undertake to construct the canal under this bill, I apprehend we shall find the Government, through the Treasury Department and its various agencies, attempting to ascertain where to stop paying the debts of the canal company, adjusting its affairs, redeeming its stock, canceling its scrip, getting rid of its bonds, and undertaking to have the way cleared, so that progress can be made toward breaking the soil, building the dams, building the locks, and constructing the canal. I should like to know how the Government expects to proceed with this construction under this concession after the concession shall have expired by limitation.

There is one thing quite obvious, and that is, under section 3, if not restrained or limited by other provisions or amendments, the Government would first be called upon to advance such money as would be called for in the liquidation of outstanding obligations of this company; second, to pay the appraised value of its property and franchises upon a certificate of two of the commissioners appointed for that purpose; finally, by virtue of the provision of section 3, to which the amendment of the Senator from Utah [Mr. RAWLINS] is directed, if the stock holders, bond holders, and scrip holders, the persons holding contracts with the canal company, do not elect to come forward and surrender them, in that event the Secretary of the Treasury must deposit and segregate from the funds of the United States an amount of warrants equal to the value of the old stock and bonds then outstanding. Does this not place a premium upon the refusal to surrender stock or bonds, Congress having authorized payment for such as may be surrendered, if we pay out this \$5,000,000 for the stock surrendered and find that a large amount of stock and bonds is still outstanding uncanceled, unprovided for, unsurrendered?

But, Mr. President, I anticipate that two limitations will be placed upon the operations of the executive officer under this section. First, the amendment presented by the Senator from Arkansas [Mr. BERRY], which limits payment, as I understand it, to the actual value of the property and franchises to be received by the United States. Is that a correct statement of the amendment the Senator proposes?

Mr. BERRY. Yes, sir.

Mr. CARTER. I am glad to hear that.

Second, by the amendment of the Senator from Wisconsin [Mr. SPOONER], which, after providing that the President may negotiate with Costa Rica and Nicaragua, this canal company, or any other canal company, as in his judgment may seem wise, further provides in that amendment that no payment whatever shall be made under or by virtue of this bill until the President shall elect to construct the canal under the franchise of the Maritime Canal Company. I think that that amendment of the Senator from Wisconsin authorizing the President to negotiate for a concession to be granted direct to the United States is all that Congress need pass in the way of legislation at this time. I think that would cover the whole case; that that would result in a treaty between Costa Rica and Nicaragua and the United States which would give to the Government of the United States what the people of this country demand—supreme jurisdiction over the canal that is to be constructed by the money of the people of this country.

Since that authority is to be given by this bill through the amendment which has been adopted, since the supplemental amendment added to that this morning provides that no money shall be paid under this bill unless this Maritime Canal Company concession shall be adopted by the President, I think the bill may be passed, and that this amendment will constitute in the end the gist, the pith, the marrow, the bone, and the sinew of all this long drawn-out controversy. I trust that through that amendment we may have presented next December a treaty with the Governments interested by, through, and under which this Government may proceed with the construction of this canal, untrammelled by entanglements with the ancient, mysterious obligations of the Maritime Canal Company, untrammelled by any one of the various combinations that have sought concessions for personal profit, or perchance for great, broad, patriotic ends, such as some Senators believe the concessionaires here mentioned, the Maritime Canal Company, have had from the beginning.

With the two amendments referred to—the amendment proposed

by the Senator from Arkansas and the amendment proposed by the Senator from Wisconsin—I am willing to yield my vote in support of this bill, believing that all that is left of the bill is embodied in the amendment of the Senator from Wisconsin.

Mr. President, the impassioned zeal of the great Senator from Alabama [Mr. MORGAN] has excited the just approval of every Senator upon this floor and of every citizen of the country interested in this great work, and nothing that I have said here should be by him construed as in the nature of unfriendly criticism. I feel that in his generous desire to do exact justice to all he has interwoven this Maritime Canal Company's affairs with the purposes of the Government to construct that canal to an extent that constitutes an impediment, rather than an event tending to facilitate the purpose he has in view.

The fact that citizens subscribed money throughout the length and breadth of this country for the purpose of building a canal which they failed to build does not, I think, constitute any obligation on the part of the Government of the United States to reimburse them. Many of those who subscribed did, perchance, subscribe from patriotic motives, but the majority, I verily believe, went into the operation incited by a desire for profit, as men usually and justly, too, go into business enterprises.

Desiring to assist and not desiring to retard legislation which may ultimately result—and at an early date, I hope—in the construction of this canal by the Government, I shall vote for this bill because it contains the two amendments to which I have referred.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Utah [Mr. RAWLINS].

The amendment was rejected.

Mr. TILLMAN. Mr. President, yesterday, feeling aggrieved at the unceremonious and discourteous way in which I was treated, I, for the first time since I have been a member of this body, exercised my right under the rules to obstruct business, my purpose being to teach the lesson to those Senators who have matters here that they are pressing to have action upon that it never pays to undertake to take a Senator off the floor who has a legitimate reason for being there. I do not know whether the lesson is worth much, but I stand ready to repeat it in the future to the extent of my ability when I feel aggrieved in the way I then was; and I congratulate myself that by reason of the delay which was brought about and the continued discussion that an amendment has been ingrafted on this measure which, as the Senator from Montana [Mr. CARTER] says, has largely robbed it of its objectionable features.

I am now willing to let the bill go to a vote upon one condition. I have said that I thought this was a speculative scheme entered into by these promoters originally, those who got this charter, purely for the purpose of making money out of the Government of the United States dishonestly by getting concessions and charter arrangements here in the issue of bonds which would enable them by some hocus-pocus to get a great deal more money out of the Government than the Government ought to pay for the construction of the canal.

I propose as a condition that the bill may go to a vote, so far as I am concerned, to have inserted as a part of my remarks each and every one of the bills and amendments which have been introduced on this subject, beginning in 1891 with the bill of Mr. Sherman, from the Committee on Foreign Relations, and coming on down through the years, bill after bill and amendment after amendment, until we get to the present bill, hoping or intending thereby to prove to anyone who shall ever take the trouble to read these various propositions or bills—which I will rescue from the limbo of the document room and put into this grave of the CONGRESSIONAL RECORD [laughter]—I say, proposing thereby to furnish the facts and the proof that the scheme was speculative, and that these men, now at the last gasp, in the expiring months of that charter and of their concessions, are willing, in order to partially save themselves from the total loss of the money that they have expended, to come in and accept what they can get. If that agreement is made and these various bills and amendments are incorporated in my remarks in the RECORD, I will agree to have the vote taken.

Mr. GALLINGER (to Mr. TILLMAN). Ask consent to have that done.

Mr. TILLMAN. I make that request of the Senate.

The PRESIDENT pro tempore. The Chair did not understand the request of the Senator.

Mr. TILLMAN. It is that I have leave to incorporate in the RECORD as a part of my remarks each and every one of the various bills and amendments which have been introduced on this subject coming down from 1891 to the present day.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that there may be printed in the RECORD all of the bills relating to the Nicaragua Canal which have been reported from committees to the Senate from the inception of the matter up to now.

Mr. HOAR. As a part of his remarks?

The PRESIDENT pro tempore. As a part of the Senator's remarks.

Mr. DAVIS. All of the bills and amendments, I understood?

Mr. TILLMAN. All of the bills and amendments.

The PRESIDENT pro tempore. The bills and amendments. Is there objection? The Chair hears none, and it is so ordered.

The bills and amendments referred to are as follows:

[S. 4827. Fifty-first Congress, second session. Calendar No. 2290. Report No. 1944.]

In the Senate of the United States. January 10, 1891. Mr. Sherman, from the Committee on Foreign Relations, reported the following bill; which was read the first and second times by unanimous consent.

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and no more.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal, made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

SEC. 3. That in consideration of the provisions of this act all the stock of the Maritime Canal Company of Nicaragua, heretofore subscribed for or issued, except as in this act provided, and all contracts and agreements heretofore made not consistent with the provisions of this act shall be made to conform therewith or be canceled, and the stock of said company shall only be disposed of as hereinafter provided, it being the intent and object of this act to secure the construction of the Nicaragua Canal by the said company, with the aid of the United States to the extent herein provided, upon the basis of the concessions of Nicaragua and Costa Rica, and the contracts and engagements heretofore made consistent with the provisions of this act or that may hereafter be made by said Maritime Company consistent with the provisions of this act, and, as far as practicable, at its actual cost.

SEC. 4. That to secure the means to construct and complete said canal and to meet the expenditures made on account thereof the said Maritime Canal Company of Nicaragua is hereby authorized to issue either coupon or registered bonds, or both, of the said company, in denominations of not less than \$100 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of January, 1891, to be payable on the 1st day of January, 1911, with interest at the rate of 3 per cent per annum, payable quarterly, on the 1st day of April, July, October, and January of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time, as in this act provided.

And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired of all kinds and descriptions, real, personal, and mixed, and including all concessions, franchises, and rights of the said company. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury, and such mortgage shall be duly executed in triplicate by the officers of said company. And such mortgage shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the Government of each of said States.

SEC. 5. That the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinafter provided.

Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in accordance with such regulations as may be prescribed by the President of the United States, in the words and figures following, to wit:

"The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bonds and the interest accruing thereon, and as it accrues."

And no bonds shall be issued by the said company except as provided for in this act.

And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The Maritime Canal Company of Nicaragua shall pay the interest on the guaranteed bonds herein provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds and upon the payment of such interest by the United States, the said company shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

SEC. 6. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all the rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua, and had not been paid by the United States under their guaranty; but until the expiration of five years after the said canal shall be put in operation, and so long as during said five years the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure or otherwise of the said mortgage against the property covered by said mortgage.

SEC. 7. That as soon as practicable after the passage of this act the surrender and cancellation of the stock, and the cancellation or modification all contracts and agreements of said company for the construction of said canal, as provided for in section 3 of this act, the Secretary of the Treasury shall deliver to the Maritime Canal Company of Nicaragua bonds of the said company guaran-

tiered as aforesaid at the par value thereof, to an amount equal to the amount expended by said company and the Nicaragua Canal Association prior to the 1st day of January, 1891, in securing concessions from Nicaragua and Costa Rica, in promoting the enterprise, and in the construction of said canal, including the expenditures for the plant of the Nicaragua Canal Construction Company, if transferred to the Maritime Canal Company, together with interest on such amounts from the date of payment not exceeding the total amount of \$4,000,000. The Secretary of the Treasury shall also, as soon as practicable after the passage of this act, deliver to the Maritime Canal Company of Nicaragua bonds of the said company guaranteed as aforesaid at the par value thereof to an amount equal to the amount of money which shall be actually paid out and expended by said company in the construction of said canal from and including the 1st day of January, 1891, to the final adjustment of the account, with interest thereon at the rate of 6 per cent per annum: *Provided*, That all such amounts, both of money expended prior to January 1, 1891, and subsequently thereto, shall be ascertained to the satisfaction of the Secretary of State and Secretary of the Treasury upon accounts to be rendered by said company. Said bonds shall be received and applied by said company and the stockholders in full payment and satisfaction for any and all expenditures heretofore made or to be made and in satisfaction of all liabilities, including issues and agreements to issue stock and bonds of said company to be recalled and canceled or modified, as provided for in this act, incurred prior to such adjustment, in the construction of said canal, the promotion of the enterprise, in securing such concessions, and for all property acquired, material furnished, services rendered, and work performed. The performance of such conditions shall be ascertained by the Secretary of the Treasury prior to the delivery of such bonds.

SEC. 8. That the President of the United States is hereby authorized and directed to cause a careful detailed estimate and statement to be made, as soon as may be, of the cost of the Nicaragua Canal as proposed to be constructed and completed according to the plans and specifications of the Maritime Canal Company of Nicaragua, including in such estimate reasonable costs of administration and the interest accruing on the bonds herein provided for prior to the 1st day of January, 1897. And the President shall, within sixty days after the passage of this act and from time to time thereafter and as frequently as once in sixty days, cause an estimate and statement to be made of the cost of the work actually done on said canal, including reasonable costs of administration, since the 1st of December, 1890, or the last preceding estimate, and thereupon the Secretary of the Treasury shall deliver to said Maritime Canal Company of Nicaragua the bonds of the said company guaranteed as aforesaid, to the amount of such cost and also interest to become due before the next estimate; but the total amount of such bonds to be delivered shall not exceed the cost of said canal; and the proceeds of all said bonds so far as necessary shall be wholly applied in payment of the cost of the construction of such canal and reasonable expenses of administration and accrued interest upon the outstanding bonds of the company, and shall not be sold or disposed of at less than par.

A sum or sums necessary to pay the expense of making the estimates provided for in this section is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 9. That to secure to the Governments of Nicaragua and Costa Rica the benefits stipulated by their concessions, and to indemnify and save the United States harmless from its guaranty of the bonds of the said Maritime Canal Company of Nicaragua, the stock of the said company, by this act limited to \$100,000,000, shall be issued only as follows:

First. An amount of the stock which at the face or par value thereof shall, with the amount of the bonds at their par value, to be issued to the Nicaragua Canal Company for expenditures by it prior to January 1, 1891, as provided for in section 7 of this act, make an aggregate of \$7,000,000 may be retained by the said canal company and the stockholders thereof, and shall be nonassessable.

Second. The amounts of shares stipulated to be delivered to the Governments of Nicaragua and Costa Rica, according to the terms of their respective concessions.

Third. The amount of \$70,000,000 of shares to be issued to, and in the name of, the Secretary of the Treasury of the United States, in such certificates as he may prescribe, to be held in the Treasury as a pledge and security to the United States for the repayment to the United States, on demand, of any sum or sums paid by it in pursuance of its guaranty on said bonds, with interest on the sums so paid from the date of payment at the rate of — per cent per annum, payable annually; and the Secretary of the Treasury, on behalf of the United States, may at his discretion vote said stock, either in person or by proxy, at any meeting of the stockholders of said company, and the United States shall, at any time before the maturity of such bonds, have the option, at the discretion of Congress, to purchase at par value or subscribe for and hold in its own right all or any part of said stock so hypothecated. And the United States may apply in payment for such stock the sums paid by the United States by reason of said guaranty and the interest thereon, and the remainder of the purchase price of said stock shall be applied, according to the discretion of Congress, either to the purchase and redemption of the bonds of said company, or for a sinking fund for the purchase and redemption of such bonds at maturity, or for both of these purposes.

Fourth. The rest and residue of the stock shall only be issued by the Maritime Canal Company of Nicaragua after the same shall have been subscribed for, and such stock shall only be offered by the company for subscription when, in the opinion of the President of the United States, the proceeds of the installments of the mortgage bonds herein provided for shall be insufficient to meet the current requirements of the company in respect to the enterprise.

SEC. 10. That to secure the proper application of the aid to be furnished by the United States by this act section 4 of the act approved February 20, 1889, entitled "An act to incorporate the Maritime Canal Company of Nicaragua," is so amended that six of the fifteen directors of said company shall be appointed by the President of the United States, by and with the advice and consent of the Senate, two of whom shall hold office for two years, two for four years, and two for six years, as may be designated in their appointments, and their successors shall hold office for six years. And such Government directors shall not be stockholders of said company, and shall report direct to the President of the United States. And all parts of said act approved February 20, 1889, inconsistent with this act are hereby repealed.

SEC. 11. That all the rights and powers reserved to Congress by section 8 of the act to which this is an amendment are hereby reserved and reenacted, and shall apply also to this act.

[S. 4827. Fifty-first Congress, second session.]

In the Senate of the United States. February 20, 1891. Ordered to be printed.

Amendment intended to be proposed by Mr. STEWART to the bill (S. 4827) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: On page 8, line 27, after the word "par," insert the following:

The Chief of Engineers of the Army shall have the supervision and control of the construction of such canal, together with all rights, appurtenances,

and fixtures connected with the same. And the construction of such canal, and the improvements connected therewith, shall be subject to the laws, rules, and regulations applicable to the construction of public works in the United States, and such other laws and regulations as may hereafter be prescribed by Congress or the Secretary of War. And no money shall be expended, except through the Engineer's Department, for any purpose whatever connected with the construction and equipment of said canal until the same shall have been completed. The compensation of all officers and employees of the company shall be fixed by the President of the United States, and no money shall be paid out of the treasury of the company for any purpose, except for the construction and equipment of the canal as hereinbefore provided, until the accounts have been examined and approved by the chief Comptroller of the Treasury.

[S. 1218. Fifty-second Congress, second session. Calendar No. 1170.]

In the Senate of the United States. December 23, 1891. Mr. Sherman introduced the following bill; which was read twice, and referred to the Committee on Foreign Relations. December 21, 1892. Reported by Mr. Sherman with amendments, viz: Omit the parts in brackets and insert the parts printed in *italics*.

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and no more.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all *real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal, made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.*

SEC. 3. That in consideration of the provisions of this act all the stock of the Maritime Canal Company of Nicaragua, heretofore subscribed for or issued, except as in this act provided, shall be called in and canceled, all bonds issued by said company shall be redeemed and canceled, all outstanding liabilities of said company shall be satisfied, and all contracts and agreements heretofore made not consistent with the provisions of this act shall be canceled or made to conform therewith, [or be canceled, and the stock of said company shall only be disposed of as hereinafter provided,] it being the intent and object of this act to secure the construction of the Nicaragua Canal by the said company, with the aid of the United States to the extent herein provided, upon the basis of the concessions of Nicaragua and Costa Rica, and the contracts and engagements heretofore made consistent with the provisions of this act or that may hereafter be made by said Maritime Company consistent with the provisions of this act, and, as far as practicable, at its actual cost.

SEC. 4. That to secure the means to construct and complete said canal and to meet the expenditures made on account thereof the said Maritime Canal Company of Nicaragua is hereby authorized to issue either coupon or registered bonds, or both, of the said company, in denominations of not less than \$100 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of January, eighteen hundred and [ninety-one] ninety-three, to be payable on the 1st day of January, nineteen hundred and [eleven] fifty-three, but redeemable at the pleasure of the United States at any time after the 1st day of January, 1903, with interest at the rate of 3 per cent per annum, payable quarterly, on the 1st day of April, July, October, and January of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as in this act provided.

And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired of all kinds and descriptions, real, personal, and mixed [and including] of all concessions, franchises, and rights of the said company, *including its right and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund for the payment of said bonds at maturity.* Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury, and such mortgage shall be duly executed in triplicate by the officers of said company. And such mortgage shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by [the Government of each of] said States.

SEC. 5. That the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinafter provided.

Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in accordance with such regulations as may be prescribed by the President of the United States, in the words and figures following, to wit:

"The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bonds and the interest accruing thereon, and as it accrues."

And no bonds shall be issued by the said company except as provided for in this act.

And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The Maritime Canal Company of Nicaragua shall pay the interest on the guaranteed bonds herein provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds and upon the payment of such interest by the United States, the said company shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

SEC. 6. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all the rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nica-

ragua, and had not been paid by the United States under their guaranty; but until the expiration of five years after the said canal shall be put in operation, and so long as during said five years the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure or otherwise of the said mortgage against the property covered by said mortgage: *Provided, That in case default shall be made by the said company at any time before the said canal shall be put in operation in the payment of interest as it becomes due, or if default shall be made in any other respect, the right of foreclosure shall at once attach in favor of the United States.*

SEC. 7. That as soon as practicable after the passage of this act the surrender and cancellation of the stock and bonds, the satisfaction of all liabilities of said company, and the cancellation or modification of all contracts and agreements of said company, *including the agreement for the construction of said canal, as provided for in section 3 of this act, and the acceptance of the provisions of this act by a resolution of the stockholders of said company at a meeting duly called and held, the Secretary of the Treasury shall deliver to the Maritime Canal Company of Nicaragua bonds of the said company guaranteed as aforesaid at the par value thereof, bearing interest from the date of delivery, to an amount equal to the amount expended by said company [and the Nicaragua Canal Association] prior to the 1st day of January, eighteen hundred and [ninety-one] ninety-three, [in securing concessions from Nicaragua and Costa Rica, in promoting the enterprise, and] in the construction of said canal, including the expenditures for the plant of the Nicaragua Canal Construction Company, if the same shall be transferred to the Maritime Canal Company, but not including the consideration paid or agreed to be paid to the Nicaragua Construction Company or other parties for expenditures by them prior to the date of the assignment and transfer of the concessions to the Maritime Canal Company of Nicaragua and for the concessions from Nicaragua and Costa Rica, which said amount so paid shall include [together with] interest on such amounts from the date of [payment] such expenditure, not exceeding the total amount, principal and interest, of [four] six million dollars. The Secretary of the Treasury shall also, as soon as practicable after the passage of this act, deliver to the Maritime Canal Company of Nicaragua bonds of the said company guaranteed as aforesaid at the par value thereof [bearing interest from the date of delivery] to an amount equal to the amount of money which shall be actually paid out and expended by said company in the construction of said canal from and including the 1st day of January, eighteen hundred and [ninety-one] ninety-three, to the final adjustment of the account, with interest thereon at the rate of 6 per cent per annum: *Provided, That all such amounts, both of moneys expended prior to January 1, eighteen hundred and [ninety-one] ninety-three, and subsequently thereto, shall be ascertained and determined to the satisfaction of the Secretary of State and Secretary of the Treasury upon accounts to be rendered by said company. Said bonds shall be received and applied by said company and the stockholders in full payment and satisfaction for any and all expenditures heretofore made or to be made and in satisfaction of all liabilities, including issues and agreements to issue stock and bonds of said company to be recalled and canceled or modified, as provided for in this act, incurred prior to such adjustment, in the construction of said canal [the promotion of the enterprise in securing such concessions] and for all property acquired, material furnished, services rendered, and work performed. The performance of such conditions shall be ascertained by the Secretary of the Treasury prior to the delivery of such bonds. Upon the ascertainment of the amounts of money so expended by the Maritime Canal Company and the delivery of bonds therefor, the Secretary of the Treasury shall deliver to said Maritime Canal Company bonds of said company guaranteed as aforesaid amounting at the par value thereof, bearing interest from the date of delivery, to \$1,000,000, the proceeds of which shall be used by said company as a working capital, and shall be applied exclusively to the construction of said canal, and shall be accounted for by said company in the final settlement of its accounts for construction and deducted from the total amount of bonds to which it becomes entitled to receive under the provisions of this act.**

SEC. 8. That the President of the United States is hereby authorized and directed to cause a careful detailed estimate and statement to be made, as soon as may be, of the cost of the Nicaragua Canal as proposed to be constructed and completed according to the plans and specifications of the Maritime Canal Company of Nicaragua, including in such estimate reasonable costs of administration and the interest accruing on the bonds herein provided for prior to the 1st day of January, eighteen hundred and [ninety-one] ninety-nine. And the President shall, within sixty days after the passage of this act and from time to time thereafter and as frequently as once in sixty days, cause an estimate and statement to be made of the cost of the work actually done on said canal, including reasonable costs of administration, since the 1st of December, eighteen hundred and [ninety-one] ninety-three, of the last preceding estimate, and thereupon the Secretary of the Treasury shall deliver to said Maritime Canal Company of Nicaragua the bonds of the said company guaranteed as aforesaid, to the amount of such cost and also interest to become due upon its outstanding bonds before the next estimate; but the total amount of such bonds to be delivered shall not exceed the cost of said canal; and the proceeds of all said bonds so far as necessary shall be wholly applied in payment of the cost of the construction of such canal and reasonable expenses of administration and accrued interest upon the outstanding bonds of the company, and shall not be sold or disposed of at less than par; and it shall be satisfactorily shown to the Secretary of the Treasury, before delivering any installment of bonds as aforesaid, that the proceeds of prior installments of bonds have been properly applied in the payment of the cost of construction and interest on the bonds of the company.

A sum or sums necessary to pay the expense of making the estimates provided for in this section is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 9. That to secure to the Governments of Nicaragua and Costa Rica the benefits stipulated by their concessions, and to [indemnify and save] compensate the United States [harmless from] for its guaranty of the bonds of the said Maritime Canal Company of Nicaragua, the stock of the said company, by this act limited to \$100,000,000, shall be issued only as follows:

[First. An amount of the stock which at the face or par value thereof shall, with the amount of the bonds at their par value, to be issued to the Nicaragua Canal Company for expenditures by it prior to January 1, 1891, as provided for in section 7 of this act, make an aggregate of \$7,000,000 may be retained by the said canal company and the stockholders thereof and shall be nonassessable.]

[First. Twelve million dollars of the stock of said company at its par value may be retained by said company to enable it to comply with the conditions of this act and with the terms of its purchase from the Nicaragua Canal Construction Company of the concessions from Nicaragua and Costa Rica.

Second. The amounts of shares stipulated to be delivered to the Governments of Nicaragua and Costa Rica, according to the terms of their respective concessions.

[Third. The amount of \$70,000,000 of shares to be issued to, and in the name of, the Secretary of the Treasury of the United States, in such certificates as he may prescribe, to be held in the Treasury as a pledge and security to the United States for the repayment to the United States, on demand, of any

sum or sums paid by it in pursuance of its guaranty on said bonds, with interest on the sums so paid from the date of payment at the rate of — per cent per annum, payable annually; and the Secretary of the Treasury, on behalf of the United States, may at his discretion vote said stock, either in person or by proxy, at any meeting of the stockholders of said company, and the United States shall, at any time before the maturity of such bonds, have the option, at the discretion of Congress, to purchase at par value or subscribe for and hold in its own right all or any part of said stock so hypothecated. And the United States may apply in payment for such stock the sums paid by the United States by reason of said guaranty and the interest thereon, and the remainder of the purchase price of said stock shall be applied, according to the discretion of Congress, either to the purchase and redemption of the bonds of said company, or for a sinking fund for the purchase and redemption of such bonds at maturity, or for both of these purposes.]

Third. The remainder of the capital stock of said Nicaragua Canal Company, amounting to — dollars, at the par value thereof, shall be issued to the United States in such certificates as the Secretary of the Treasury may require, and shall become the property of the United States and is hereby declared to be full paid and not subject to assessment. Such stock shall be voted at all stockholders' meetings of said company by the President of the United States or by his proxy until otherwise provided by Congress; but three directors shall be selected from holders of the stock other than that owned by the United States.

[Fourth. The rest and residue of the stock shall only be issued by the Maritime Canal Company of Nicaragua after the same shall have been subscribed for, and such stock shall only be offered by the company for subscription when, in the opinion of the President of the United States, the proceeds of the installments of the mortgage bonds herein provided for shall be insufficient to meet the current requirements of the company in respect to the enterprise.]

SEC. 10. That to secure the proper application of the aid to be furnished by the United States by this act section 4 of the act approved February 20, 1889, entitled "An act to incorporate the Maritime Canal Company of Nicaragua," be and is so amended that [six] ten of the fifteen directors of said company shall be appointed by the President of the United States, by and with the advice and consent of the Senate, not more than five of whom shall be appointed from one political party, [two] five of whom shall hold office for [two years] one year, and [two] five for [four] two years, [and two for six years] as may be designated in their appointments, and their successors shall hold office for [six] two years. And such Government directors shall not be stockholders of said company, and shall report direct to the President of the United States. All and parts of said act approved February 20, 1889, inconsistent with this act are hereby repealed.

SEC. 11. That all the rights and powers reserved to Congress by section 8 of the act to which this is an amendment are hereby reserved and reenacted, and shall apply also to this act.

[S. 1218. Fifty-second Congress, second session.]

In the Senate of the United States. January 31, 1893. Ordered to be printed.

Amendments intended to be proposed by Mr. Higgins to the bill (S. 1218) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Insert the following:

SEC. 12. That none of the bonds herein provided for shall be issued or delivered to the said Maritime Canal Company until it shall appear to the satisfaction of the President of the United States that the said canal, with all its accessory works, can be completed for the safe, convenient, and economical navigation from ocean to ocean of both mercantile and naval ships of the largest size now constructed, or likely to be constructed, at a cost not exceeding the cash proceeds of the said \$100,000,000 of bonds, including the amounts already expended.

SEC. 13. That in order to make certain of the feasibility, permanence, and cost of the said canal and its accessory work, a board of five engineers is hereby constituted, to be selected by the President of the United States, three from the Corps of Engineers, United States Army, and two from civil life, and it shall be the duty of the said board of engineers to visit and carefully inspect the route of the said canal, to examine and consider the plans, profiles, sections, prisms, and specifications for its various parts, to prepare and certify to full and detailed estimates of the work already done and yet to be done and of the materials furnished and to be furnished, and the cost of the same, together with a report to the President of the United States as to the feasibility, permanence, sufficiency, character, and capacity of the said canal and of its various parts and accessory works, and the probable tonnage and revenues when completed.

SEC. 14. That for the purpose of paying the necessary expenses of the board of engineers created by section 13, the sum of \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided, however.* That the compensation of the members of the said board of engineers from civil life shall be \$10,000 each per year: *And provided further.* That the President of the United States may reconvene the said board of engineers from time to time, as he may think advisable, for the purpose of making any examination of the work, certifying estimates, or reporting upon any matter connected with it, for his own information or for the better protection of the interests of the United States in connection with the said canal.

[S. 1218. Fifty-second Congress, second session.]

In the Senate of the United States. February 14, 1893. Ordered to be printed.

Amendment intended to be proposed by Mr. Peffer to the bill (S. 1218) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Strike out sections 4, 5, 6, and 7 of the bill and insert the following:

That for the purpose of providing means with which to meet the expenses of constructing said canal, the Secretary of the Treasury is hereby authorized and directed to have prepared \$100,000,000 in Treasury notes, to be prepared and issued as herein provided. Said notes shall be made of paper of quality, form, and dimensions similar to those now being issued under the provisions of the act of July 14, 1890, commonly known as the Sherman silver act: they shall be in denominations of \$1, \$2, \$5, \$10, and \$50—\$20,000,000 of each of said denominations; they shall have printed on their face the words "The United States promise to pay bearer — dollar, or — dollars," as the case may be, with such engravings and devices on face and back as the Secretary of the Treasury shall prescribe.

The said notes shall be paid out from time to time, as the work progresses, on orders, with proper vouchers of the board of directors, signed by the president of the board and countersigned by the secretary, with the seal of said corporation attached; and when so issued said notes shall become part of the circulating money of the country. They shall be receivable for taxes and all public dues, and they shall be a legal tender in payment for debts, public and private, to any amount whatever.

[S. 1218. Fifty-second Congress, second session.]

In the Senate of the United States. February 14, 1893. Ordered to be printed.

Amendment intended to be proposed by Mr. STEWART to the bill (S. 1218) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Insert the following:

All money arising from the sale of said bonds applicable to the construction and equipment of said canal shall be expended by the Secretary of War subject to the laws, rules, and regulations applicable to the construction of public works of the United States, and existing contracts relating to the construction of said canal shall be canceled, and said company shall have no power or control over said money or to make contracts for the construction or equipment of any part of said canal to be paid out of said money.

[S. 1218. Fifth-second Congress, second session.]

In the Senate of the United States. February 14, 1893. Referred to the Committee on Foreign Relations and ordered to be printed.

Amendment intended to be proposed by Mr. QUAY to the bill (S. 1218) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Insert the following:

This act shall not take effect until the Government of the United States shall have secured, by convention with the Governments of Costa Rica and Nicaragua, the right to fortify and garrison the termini of the proposed canal upon the Atlantic and Pacific oceans, and to maintain one or more armed vessels upon the Lake of Nicaragua, and to move military forces through the territory of either of those States, for the purpose of protecting the canal and the persons of citizens of the United States operating the same.

[S. 1218. Fifty-second Congress, second session.]

In the Senate of the United States. February 14, 1893. Ordered to be printed.

Amendment intended to be proposed by Mr. Felton to the bill (S. 1218) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Insert the following:

That no contract for any work of construction upon or incident to said canal shall be let unless such contract shall have previously been submitted to and approved by a board of three engineers to be appointed by the President of the United States, one of which board shall be the Chief of Engineers of the United States Army, and the other two shall be selected from civil life, and shall not be employed by or interested in any company engaged in such work of construction or in any contract therefor. The said civilian engineers shall receive each a salary of — thousand dollars a year, payable by the United States, and the money for that purpose is hereby appropriated. Nor shall any money be paid on account of or in settlement of any such contract for construction until estimates for the work performed under such contract shall have been submitted to and approved by said board.

[S. 1218. Fifty-second Congress, second session.]

In the Senate of the United States. February 16, 1893. Ordered to be printed.

Amendment intended to be proposed by Mr. STEWART to the bill (S. 1218) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Strike out all after the enacting clause and insert the following:

That the President of the United States be, and he is hereby, authorized and empowered to contract with the Governments of Nicaragua and Costa Rica for a right of way for an interoceanic ship canal between the Atlantic and the Pacific oceans on the route proposed by the Maritime Canal Company of Nicaragua, and for a port at each end of the canal on the Atlantic and the Pacific oceans, together with all necessary privileges to enable the United States to operate and protect said canal and the approaches thereto, granting to the United States such jurisdiction and power as may be necessary and proper to make and enforce all laws, rules, and regulations relating to said canal and approaches thereto which may be necessary or proper for that purpose; and he may agree on behalf of the United States that said canal shall be constructed, equipped, and put in operation within ten years after the passage of this act.

SEC. 2. That the President of the United States is further authorized and empowered to negotiate with the Maritime Canal Company of Nicaragua for the purchase of all its property rights of every description, real, personal, and mixed, including franchises and concessions connected with or relating to the proposed Nicaragua Canal and the approaches thereto.

SEC. 3. That to enable the President of the United States to carry out the provisions of this act the Secretary of the Treasury is authorized to issue not exceeding \$100,000,000 of bonds payable by the United States after thirty years and of the description authorized by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and subject to all the terms, conditions, qualities, privileges, and exemptions provided by said act, but the rate of interest shall not exceed 3 per cent; and the Secretary of the Treasury is authorized and directed to sell at not less than par a sufficient amount of said bonds to pay said Governments of Nicaragua and Costa Rica for the rights, property, and privileges which may be secured under the provisions of this act, and to pay to the Maritime Canal Company of Nicaragua for the rights and property to be purchased under this act not exceeding the sum of \$8,000,000. But no money shall be paid to either the Government of Nicaragua or Costa Rica, or the Maritime Canal Company of Nicaragua, until the Attorney-General of the United States shall have given his opinion that such contracts would secure to the United States a good and sufficient title and right to all the privileges, franchises, and concessions provided for in this act. And \$100,000 or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the President to carry out the provisions of this act.

SEC. 4. That when the rights, privileges, and property described in sections 2 and 3 of this act shall have been acquired, as in this act provided, the Secretary of War, through the Corps of Engineers of the War Department, shall build, construct, and equip said canal and make the necessary improvements in the harbors on the Atlantic and the Pacific oceans for ingress and egress to and from said canal; and it shall be the duty of the Secretary of the Treasury to sell from time to time sufficient of the bonds authorized to be issued under the provisions of this act at not less than par to provide money as fast as may be necessary to be expended by the War Department, as in this act provided for the construction and equipment of said canal and the harbors constituting the approaches thereto.

[S. 423. Fifty-third Congress, first session.]

In the Senate of the United States. August 15, 1893. Mr. FRYE introduced the following bill; which was read twice, and referred to the Committee on Foreign Relations:

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and no more.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal, made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

SEC. 3. That in consideration of the provisions of this act all the stock of the Maritime Canal Company of Nicaragua, heretofore subscribed for or issued, except as in this act provided, shall be called in and canceled, all bonds issued by said company shall be redeemed and canceled, all outstanding liabilities of said company shall be satisfied, and all contracts and agreements heretofore made not consistent with the provisions of this act shall be canceled or made to conform therewith, it being the intent and object of this act to secure the construction of the Nicaragua Canal by the said company, with the aid of the United States to the extent herein provided, upon the basis of the concessions of Nicaragua and Costa Rica, and the contracts and engagements heretofore made consistent with the provisions of this act or that may hereafter be made by said Maritime Company consistent with the provisions of this act, and, as far as practicable, at its actual cost.

SEC. 4. That to secure the means to construct and complete said canal and to meet the expenditures made on account thereof the said Maritime Canal Company of Nicaragua is hereby authorized to issue either coupon or registered bonds, or both, of the said company, in denominations of not less than \$100 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of January, 1893, to be payable on the 1st day of January, 1953, but redeemable at the pleasure of the United States at any time after the 1st day of January, 1903, with interest at the rate of 3 per cent per annum, payable quarterly, on the 1st day of April, July, October, and January of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as in this act provided.

And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired of all kinds and descriptions, real, personal, and mixed, of all concessions, franchises, and rights of the said company, including its right and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund for the payment of said bonds at maturity. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury, and such mortgage shall be duly executed in triplicate by the officers of said company. And such mortgage shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by said States.

SEC. 5. That the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinafter provided.

Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in accordance with such regulations as may be prescribed by the President of the United States, in the words and figures following, to wit:

"The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bonds and the interest accruing thereon, and as it accrues."

And no bonds shall be issued by the said company except as provided for in this act.

And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The Maritime Canal Company of Nicaragua shall pay the interest on the guaranteed bonds herein provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds and upon the payment of such interest by the United States, the said company shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

SEC. 6. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all the rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua, and had not been paid by the United States under their guaranty; but until the expiration of five years after the said canal shall be put in operation, and so long as during said five years the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure or otherwise of the said mortgage against the property covered by said mortgage: *Provided*, That in case default shall be made by the said company at any time before the said canal shall be put in operation in the payment of interest as it becomes due, or if default shall be made in any other respect, the right of foreclosure shall at once attach in favor of the United States.

SEC. 7. That as soon as practicable after the passage of this act the surrender and cancellation of the stock and bonds, the satisfaction of all liabilities of said company, and the cancellation or modification of all contracts and agreements of said company, including the agreement for the construction of said canal, as provided for in section 3 of this act, and the acceptance of the provisions of this act by a resolution of the stockholders of said company at a meeting duly called and held, the Secretary of the Treasury shall deliver to the Maritime Canal Company of Nicaragua bonds of the said com-

pany guaranteed as aforesaid at the par value thereof, bearing interest from the date of delivery, to an amount equal to the amount expended by said company prior to the 1st day of January, 1893, in the construction of said canal, including the expenditures for the plant of the Nicaragua Canal Construction Company, if the same shall be transferred to the Maritime Canal Company, but not including the consideration paid or agreed to be paid to the Nicaragua Construction Company or other parties for expenditures by them prior to the date of the assignment and transfer of the concessions to the Maritime Canal Company of Nicaragua and for the concessions from Nicaragua and Costa Rica, which said amount so paid shall include interest on such amounts from the date of such expenditure, not exceeding the total amount, principal and interest, of \$6,000,000. The Secretary of the Treasury shall also, as soon as practicable after the passage of this act, deliver to the Maritime Canal Company of Nicaragua bonds of the said company guaranteed as aforesaid at the par value thereof, bearing interest from the date of delivery, to an amount equal to the amount of money which shall be actually paid out and expended by said company in the construction of said canal from and including the 1st day of January, 1893, to the final adjustment of the account, with interest thereon at the rate of 6 per cent per annum: *Provided*, That all such amounts, both of moneys expended prior to January 1, 1893, and subsequently thereto, shall be ascertained and determined to the satisfaction of the Secretary of State and Secretary of the Treasury upon accounts to be rendered by said company. Said bonds shall be received and applied by said company and the stockholders in full payment and satisfaction for any and all expenditures heretofore made or to be made and in satisfaction of all liabilities, including issues and agreements to issue stock and bonds of said company to be recalled and canceled or modified, as provided for in this act, incurred prior to such adjustment, in the construction of said canal, and for all property acquired, material furnished, services rendered, and work performed. The performance of such conditions shall be ascertained by the Secretary of the Treasury prior to the delivery of such bonds. Upon the ascertainment of the amounts of money so expended by the Maritime Canal Company and the delivery of bonds therefor, the Secretary of the Treasury shall deliver to said Maritime Canal Company bonds of said company guaranteed as aforesaid, amounting at the par value thereof, bearing interest from the date of delivery, to \$1,000,000, the proceeds of which shall be used by said company as a working capital, and shall be applied exclusively to the construction of said canal and shall be accounted for by said company in the final settlement of its accounts for construction and deducted from the total amount of bonds to which it becomes entitled to receive under the provisions of this act.

SEC. 8. That the President of the United States is hereby authorized and directed to cause a careful detailed estimate and statement to be made, as soon as may be, of the cost of the Nicaragua Canal as proposed to be constructed and completed according to the plans and specifications of the Maritime Canal Company of Nicaragua, including in such estimate reasonable costs of administration and the interest accruing on the bonds herein provided for prior to the 1st day of January, 1893. And the President shall, within sixty days after the passage of this act and from time to time thereafter and as frequently as once in sixty days, cause an estimate and statement to be made of the cost of the work actually done on said canal, including reasonable costs of administration, since the 1st of December, 1893, or the last preceding estimate, and thereupon the Secretary of the Treasury shall deliver to said Maritime Canal Company of Nicaragua the bonds of the said company guaranteed as aforesaid, to the amount of such cost and also interest to become due upon its outstanding bonds before the next estimate; but the total amount of such bonds to be delivered shall not exceed the cost of said canal: and the proceeds of all said bonds so far as necessary shall be wholly applied in payment of the cost of the construction of such canal and reasonable expenses of administration and accrued interest upon the outstanding bonds of the company, and shall not be sold or disposed of at less than par; and it shall be satisfactorily shown to the Secretary of the Treasury, before delivering any installment of bonds as aforesaid, that the proceeds of prior installments of bonds have been properly applied in the payment of the cost of construction and interest on the bonds of the company.

A sum or sums of money necessary to pay the expense of making the estimates provided for in this section is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 9. That to secure to the Governments of Nicaragua and Costa Rica the benefits stipulated by their concessions, and to compensate the United States for its guaranty of the bonds of the said Maritime Canal Company of Nicaragua, the stock of the said company, by this act limited to \$100,000,000, shall be issued only as follows:

First. Twelve million dollars of the stock of said company at its par value may be retained by said company to enable it to comply with the conditions of this act and with the terms of its purchase from the Nicaragua Canal Construction Company of the concessions from Nicaragua and Costa Rica.

Second. The amounts of shares stipulated to be delivered to the Governments of Nicaragua and Costa Rica, according to the terms of their respective concessions.

Third. The remainder of the capital stock of said Nicaragua Canal Company, amounting to dollars, at the par value thereof, shall be issued to the United States in such certificates as the Secretary of the Treasury may require, and shall become the property of the United States, and is hereby declared to be full paid and not subject to assessment. Such stock shall be voted at all stockholders' meetings of said company by the President of the United States, or by his proxy, until otherwise provided by Congress; but three directors shall be selected from holders of the stock other than that owned by the United States.

SEC. 10. That to secure the proper application of the aid to be furnished by the United States by this act section 4 of the act approved February 20, 1889, entitled "An act to incorporate the Maritime Canal Company of Nicaragua," be and is so amended that 10 of the 15 directors of said company shall be appointed by the President of the United States, by and with the advice and consent of the Senate, not more than 5 of whom shall be appointed from one political party, 5 of whom shall hold office for one year, and 5 for two years, as may be designated in their appointments, and their successors shall hold office for two years. And such Government directors shall not be stockholders of said company, and shall report direct to the President of the United States. And all parts of said act approved February 20, 1889, inconsistent with this act are hereby repealed.

SEC. 11. That all the rights and powers reserved to Congress by section 8 of the act to which this is an amendment are hereby reserved and reenacted, and shall apply also to this act.

[S. 1481. Fifty-third Congress, second session.]

In the Senate of the United States. January 22, 1894. Mr. Walthall (for Mr. MORGAN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations.

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the capital stock of the Maritime

Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and no more.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal, made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

SEC. 3. That in consideration of the provisions of this act all the stock of the Maritime Canal Company of Nicaragua, heretofore subscribed for or issued, except as in this act provided, shall be called in, canceled, and restored to the treasury of the company; all bonds issued by said company and obligations to deliver bonds shall be redeemed and canceled; all outstanding liabilities of said company shall be satisfied, and all contracts and agreements heretofore made not consistent with the provisions of this act shall be canceled, it being the intent and object of this act to secure the construction of the Nicaragua Canal by the said company, with the aid of the United States to the extent herein provided, upon the basis of the concessions of Nicaragua and Costa Rica, and the contracts and engagements heretofore made consistent with the provisions of this act or that may hereafter be made by said Maritime Company consistent with the provisions of this act, and, as far as practicable, at its actual cost.

SEC. 4. That to secure the means to construct and complete said canal and to meet the expenditures made on account thereof the said Maritime Canal Company of Nicaragua is hereby authorized to issue either coupon or registered bonds, or both, of the said company, in denominations of not less than \$100 nor more than \$1,000, to an amount not exceeding \$70,000,000, to be dated on the 1st day of _____, 1894, to be payable on the 1st day of _____, 1954, but redeemable at the pleasure of the United States at any time after the 1st day of _____, 1904, with interest at the rate of 3 per cent per annum, payable quarterly, on the 1st day of April, July, October, and January of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as in this act provided: *Provided*, That prior to the 1st day of July, 1897, no bonds, so indorsed, shall be issued from the Treasury in excess of \$30,000,000, and on or before said date the President of the United States may at any time suspend the issue of said indorsed bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct.

And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund for the payment of said bonds at maturity. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury, and such mortgage shall be duly executed in triplicate by the officers of said company. And such mortgage shall be recorded in the office of the Secretary of the Treasury in Washington, and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States.

SEC. 5. That the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinafter provided.

Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in accordance with such regulations as may be prescribed by the President of the United States, in the words and figures following, to wit:

"The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bonds and the interest accruing thereon, and as it accrues."

And no bonds shall be issued by the said company except as provided for in this act.

And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The Maritime Canal Company of Nicaragua shall pay the interest on the guaranteed bonds herein provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds and upon the payment of such interest by the United States, the said company shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

SEC. 6. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty, the United States shall be subrogated to all the rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua, and had not been paid by the United States under their guaranty; but until the expiration of five years after the said canal shall be put in operation, and so long as, during said five years, the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure or otherwise of the said mortgage against the property covered by said mortgage: *Provided*, That in case default shall be made by the said company at any time before the said canal shall be put in operation in the payment of interest as it becomes due, or if default shall be made in any other respect, the right of foreclosure shall at once attach in favor of the United States, without the necessity of judicial proceedings, and, upon the written order of the President of the United States, given to the Attorney-General.

SEC. 7. That after the passage of this act, and before any bonds indorsed under its provisions are issued, and after the surrender and return to the treasury of the company of all stock that may have been issued, and after the surrender and cancellation of all bonds, bond scrip, and obligations to issue bonds, the satisfaction of all liabilities of said company and the cancellation and extinguishment of all contracts and agreements of said company with individuals or corporations, except the concessions from Nicaragua and Costa Rica, including its contract or agreement with the Nicaragua Canal Construction Company for the construction of the said canal, as provided for in section 3 of this act, and after the acceptance of the provisions of this act

by a resolution of the stockholders of said company at a meeting duly called and held for this purpose, a distribution and disposition of the capital stock of the said Maritime Canal Company of Nicaragua shall be made by the officers of the company, as follows, to wit:

First. Seventy million dollars of the capital stock of said company, at the par value thereof, shall be issued to the United States in consideration for its guaranty of the bonds of the company, as provided in section 5 of this act, and the said stock, so to be issued, shall be full paid and nonassessable and shall be deposited in the Treasury of the United States.

Second. That \$6,000,000 of the said capital stock, at the par value thereof, shall be issued to the Government of the Republic of Nicaragua, and one and one-half million dollars of the said stock, at the par value thereof, shall be issued to the Government of Costa Rica, according to the terms of their respective concessions heretofore made.

Third. The remaining stock of the company, to wit, \$22,500,000, at the par value thereof, shall be disposed of as hereinafter provided.

SEC. 8. That as soon as practicable after the passage of this act the amount of all cash expenditures made by the said Maritime Canal Company of Nicaragua in connection with the construction of said canal, including also all cash expenditures made by the Nicaragua Canal Construction Company under its contract with the said Maritime Canal Company, dated January 3, 1890, and including also interest at 6 per cent per annum on all cash expenditures as aforesaid from the date when the money was expended to the date of the assumption by the United States of the conditions and obligations imposed by this act, but not including the consideration paid or agreed to be paid to the said Nicaragua Canal Construction Company or any other parties for expenditures incurred by them prior to the date of assignment and transfer of the concessions to the Maritime Canal Company and for the said concessions from Nicaragua and Costa Rica, shall be ascertained and determined to the satisfaction of the Secretary of State and Secretary of the Treasury, upon accounts and vouchers to be rendered by the said company: *Provided*, That in the ascertainment and determination of the amount of expenditures so made by the Nicaragua Canal Construction Company there shall be included all disbursements in stocks, bonds, and bond scrip of the said Maritime Canal Company of Nicaragua, such sum or sums in cash as, in the judgment of the said Secretary of State and Secretary of the Treasury, would correctly and truly represent the cash value of the said securities at the date when the several payments in said securities were made.

SEC. 9. That in full compensation and reimbursement for the cash expenditures and for the cash value of expenditures in securities and also for interest on the amounts ascertained to have been expended as provided in section 8 of this act there shall be set aside and issued and paid over by the company, to the proper persons, an amount of the capital stock of the Maritime Canal Company equal to the aggregate cash expenditure that shall have been ascertained and determined in the manner provided by the Secretary of State and the Secretary of the Treasury: *Provided*, That the aggregate amount of stock so to be set aside and issued in repayment of all said expenditures shall in no case exceed the sum of six and one-half million dollars at the par value of the said shares: *Provided further*, That before the issue of the said stock in payment for expenditures as herein provided all the terms and conditions specified in sections 3 and 7 of this act shall have been complied with by the said Maritime Canal Company to the satisfaction of the Secretary of State and the Secretary of the Treasury. The said stock, or so much thereof as may be required, but not exceeding in any case the sum of six and one-half million dollars at the par value thereof, shall, when so issued, be immediately applied by the said company in payment and satisfaction for any and all expenditures heretofore made, or to be made, under any existing contracts or obligations and in satisfaction for all liabilities, including issues of and agreements to issue stocks and bonds, for surrender and abrogation of any existing contracts or agreements with any persons or corporations, and for all property acquired, material furnished, services rendered, work performed, and for the concessions granted by Nicaragua and Costa Rica.

SEC. 10. That the remainder of the capital stock, amounting to not less than \$16,000,000, shall be applied exclusively to the construction of the said canal, and the officers of the company may offer the said stock for subscription and sale at such time or times and at such price or prices as they shall, in their discretion, determine, but in no case shall the said stock or any part thereof be issued or sold except for cash nor at any price less than its par value.

SEC. 11. That the working capital for continuing the construction of the canal shall, if possible, be derived from the proceeds of sale of the company's treasury stock as provided in section 10 of this act, but should it be found impossible to dispose of said stock at par the Secretary of the Treasury shall, upon the application of the board of directors, deliver to the said Maritime Canal Company bonds of said company, guaranteed as aforesaid, amounting at the par value thereof to the sum of \$1,000,000, said bonds to bear interest from the date of delivery; and the proceeds of said bonds shall be used as a working capital and shall be applied exclusively to the construction of said canal and shall be accounted for by said company in the final settlement of its accounts for construction and deducted from the total amount of bonds which it becomes entitled to receive under the provisions of this act. And the Secretary of the Treasury may sell any part of the stock in said Maritime Canal Company belonging to the United States, for cash, at not less than its par value, in preference to the issue of indorsed bonds authorized by this act, the proceeds thereof to be applied to the purposes and under the like conditions as are in this act provided in reference to the proceeds of the sales of indorsed bonds.

SEC. 12. That the President of the United States is hereby authorized and directed to cause careful and detailed estimates and statements to be made, from time to time, by duly appointed inspectors of his own selection, but not less often than quarterly each year, of the actual cost of all the work actually done, plant, material, and services applied on said canal, including reasonable costs of administration during each quarter or since the last preceding estimate, and upon the filing with the Secretary of the Treasury of said estimate, duly certified by the inspectors, the said Secretary of the Treasury shall deliver to said Maritime Canal Company of Nicaragua the bonds of the said company, guaranteed as aforesaid, to the amount of such cost and also interest to become due upon its outstanding bonds before the next quarterly estimate; but the total amount of such bonds to be delivered shall not exceed the cost of said canal and its equipment; and the proceeds of all said bonds, so far as necessary, shall be wholly applied in payment of the cost of the construction and equipment of such canal and of the railroad and vessels used in the construction thereof and reasonable expenses of administration, and the accrued interest upon the outstanding bonds of the company, and such bonds shall not be sold or disposed of at less than par; and it shall be satisfactorily shown to the Secretary of the Treasury, before delivering any installment of bonds as aforesaid, that the proceeds of prior installments of bonds have been properly applied in the payment of the cost of construction and interest on the bonds of the company to pay which they were issued.

A sum or sums necessary to pay the expense of making the inspections and estimates provided for in this section is hereby appropriated out of any money in the Treasury not otherwise appropriated, but all expenditures so made by the United States shall be refunded and repaid by the said company.

SEC. 13. That to secure the proper application of the aid to be furnished by the United States by this act, section 4 of the act approved February 20, 1889, entitled "An act to incorporate the Maritime Canal Company of Nicaragua," be, and is, so amended that 10 of the 15 directors of said company shall be appointed by the President of the United States, by and with the advice and consent of the Senate, not more than 5 of whom shall be appointed from one political party, 5 of whom shall hold office for one year and 5 for two years, as may be designated in their appointments, and their successors shall hold office for two years. And such Government directors shall not be stockholders of said company, and shall report direct to the President of the United States. And all parts of said act approved February 20, 1889, inconsistent with this act are hereby repealed.

SEC. 14. That all the rights and powers reserved to Congress by section 8 of the act to which this is an amendment are hereby reserved and reenacted, and shall apply also to this act.

SEC. 15. That none of the bonds herein provided for shall be issued or delivered to the said Maritime Canal Company until it shall appear to the satisfaction of the President of the United States that the said canal, with all its accessory works, can be completed for the safe, convenient, and economical navigation from ocean to ocean of both mercantile and naval ships of as large size as can now be safely passed through the Suez Canal and at a cost not exceeding the cash proceeds of the said \$100,000,000 of bonds, including the cash proceeds of the Treasury stocks, as provided in section 10 of this act.

SEC. 16. That in order to make certain of the feasibility, permanence, and cost of the said canal and its accessory works, a board of three engineers is hereby constituted, to be selected by the President of the United States, one from the Corps of Engineers, United States Army, one from the Engineers of the Navy, and one from civil life, and it shall be the duty of the said board of engineers, under the direction of the Secretary of the Navy, to visit and carefully inspect the route of the said canal, to examine and consider the plans, profiles, sections, prisms, and specifications for its various parts, to prepare and certify to full and detailed estimates of the work to be done, and of the cost of the same, together with a report to the President of the United States as to the feasibility, permanence, character, and capacity of the said canal and of its various parts and accessory works. Should the board of engineers be of the opinion that a modification of the plans and location of the said canal adopted by the company would insure greater efficiency, economy of construction, or maintenance, then the board will so report in full. Should a majority of the members of the board report that, in their judgment, the Nicaragua Canal can be constructed in general accordance with the plans of the Maritime Canal Company of Nicaragua, with or without modifications, and conformably to the limitations and conditions contained in section 15, the President shall direct that all proper steps shall be immediately taken to carry into effect the provisions of this act.

SEC. 17. That, for the purposes of paying the necessary expenses of the board of engineers created by section 13, the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That the compensation of the members of the said board of engineers from civil life shall be fixed by the President, and the Secretary of the Treasury, with the approval of the President of the United States, shall make all needful regulations for carrying this act into execution.

[S. 1481. Fifty-third Congress, third session.]

In the Senate of the United States. December 19, 1894. Ordered to be printed.

Amendment intended to be proposed by Mr. TURPIE to the bill (S. 1481) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be hereby, and is, authorized to appoint three suitable persons, civil engineers, two of whom shall be members of the United States Civil Engineers Corps of the United States Army, and one a citizen from civil life not interested in and not employed nor heretofore employed by the Nicaragua Maritime Canal Company, or any of its allied incorporations, who shall proceed to make a survey and estimate of the cost of the construction and completion of the Nicaragua Canal, by the route as reported by A. G. Menocal, chief engineer of the Nicaragua Canal Construction Company, on the day of , 1890, and that they shall also make a report of the practicability of said route, and that they shall make a report of the practicability and an estimate of the cost of any other route by way of Nicaragua which they shall deem worthy of examination and survey.

SEC. 2. That the persons so appointed shall have authority to employ all necessary assistants necessary for the speedy prosecution of such survey and estimate, and to pay the same, and shall receive such compensation for their own services as may be agreed upon by them and the Secretary of War. That they shall file their report in writing, with all reasonable dispatch after its completion, in the office of said Secretary, and by him transmitted to Congress.

SEC. 3. That all moneys necessary for the payment of expenses herein incurred are hereby appropriated out of any money in the Treasury not otherwise appropriated.

[S. 1481. Fifty-third Congress, third session.]

In the Senate of the United States. December 22, 1894. Ordered to be printed.

Amendment intended to be proposed by Mr. Power to the bill (S. 1481) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Strike out sections 15 and 16 and insert in lieu thereof the following:

SEC. 15. That the said canal shall be constructed under the supervision of, and according to plans and specifications approved by, a board of three officers of the Corps of Engineers, United States Army, one of whom shall be chief engineer and the two others assistant chief engineers of said canal.

That the President of the United States, upon the recommendation of the Chief of Engineers, United States Army, shall detail three competent officers as chief engineer and assistant engineers and members of the aforesaid board, to enter regularly the service of the Maritime Canal Company, and thereafter shall detail such additional number of officers of the Corps of Engineers, United States Army, as may be required from time to time by the board of directors for the construction of said canal: *Provided*, That the same can be done without detriment to the public service.

That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition.

That all officers detailed as aforesaid shall be paid by the United States their official salaries, including commutation of quarters, and, in addition, 25 per centum of such salaries and commutation from sums appropriated for the pay of the Army; and the total amount thus paid to officers shall be paid annually into the Treasury of the United States by the said canal company.

[S. 1481. Fifty-third Congress, third session.]

In the Senate of the United States. January 23, 1895. Ordered to be printed. Amendments intended to be proposed by Mr. CAFFERY to the bill (S. 1481) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz:

In line 10, section 3, page 16, strike out all after the word "made," down to and including the word "Act," in line 11 of section 3.

In section 4, line 20, strike out the word "may" and insert "shall," and in line 21 of same section, after the word "bonds," insert "whenever in his opinion the construction of the canal is impracticable, or the work thereon is improperly or extravagantly conducted."

In line 9, section 8, page 23, strike out "seven" and insert "two."

[S. 1481. Fifty-third Congress, third session.]

In the Senate of the United States. January 23, 1895. Ordered to be printed. Amendment intended to be proposed by Mr. QUAY to the bill (S. 1481) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: At the end of the bill insert the following:

This act shall not take effect until the Government of the United States shall have secured, by convention with the Governments of Costa Rica and Nicaragua, the right to fortify and garrison the termini of the proposed canal upon the Atlantic and Pacific oceans, and to maintain one or more armed vessels upon the Lake of Nicaragua, and to move military forces through the territory of either of those States for the purpose of protecting the canal and the persons of citizens of the United States operating the same.

[S. 1223. Fifty-fourth Congress, first session.]

In the Senate of the United States. December 30, 1895. Mr. PERKINS introduced the following bill; which was read twice and referred to the Select Committee on the Construction of the Nicaragua Canal:

A bill to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$150 each, and no more.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or on the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

SEC. 3. That if the Maritime Canal Company of Nicaragua shall, within nine months from the passage of this act, show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the States of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, so that none shall remain outstanding, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled, and all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made, including all contracts with the Nicaragua Canal Construction Company, have been canceled, and before any bonds are delivered or any money appropriated by this act is paid, and after the surrender and return to the treasurer of the company of all stock that may have been issued, and after the surrender and cancellation of all bonds, bond scrip, and obligations to issue bonds, the satisfaction of all debts and liabilities of said company, and the cancellation and extinguishment of all contracts and agreements of said company with individuals or corporations, except the concessions from Nicaragua and Costa Rica, but including its contracts or agreements with the Nicaragua Canal Construction Company for the construction of the said canal, as is provided for in this act, and after the acceptance of the provisions of this act by a resolution of the stockholders of said company at a meeting duly called and held for this purpose, a distribution and disposition of the capital stock of the said Maritime Canal Company of Nicaragua shall be made by the officers of the company as follows, to wit:

First. Nine hundred and fifteen thousand shares of the capital stock of said company at the par value thereof shall be issued to the United States in absolute ownership in consideration for its aid in the construction of said canal as provided in this act, and the said stock, so to be issued, shall be full paid and nonassessable, and shall be deposited in the Treasury of the United States.

Second. That 60,000 shares of the said capital stock at the par value thereof shall be issued to the Government of the Republic of Nicaragua, and 15,000 shares of the said stock at the par value thereof shall be issued to the Government of Costa Rica, according to the terms of their respective concessions heretofore made.

That to enable the Maritime Canal Company to take up, cancel, and extinguish all issues of its stock heretofore made, except those made to the Governments of Nicaragua and Costa Rica, and all outstanding obligations for stock, bonds, or bond scrip heretofore entered into by said company, the stock of said company, with the approval of the Secretary of the Treasury, shall be issued to such person or persons as may be designated by the stockholders of said company, not to exceed in the aggregate 10,000 shares of the capital stock thereof, which stock shall be nonassessable. The amount of the stock to be issued shall be finally determined by the Secretary of the Treasury, on principles of justice and equity, but shall not exceed 10,000 shares.

SEC. 4. That upon the issuance and delivery of the stock hereinbefore provided for the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors, one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said Governments, and eight to be appointed by the President of the United States, who shall be citizens of the United States, and no two of them shall be residents of the same State, and who may be removed by him for cause. In case of a vacancy in the membership of directors appointed by the President, the same shall be filled by appointment by the President in the same manner for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipments, material, or anything connected with the construction, equipment, or operation of said canal; and not more than four of said directors shall be appointed from one political party.

SEC. 5. That at their first meeting the directors appointed by the President of the United States shall proceed to divide themselves by lot into three classes, one of which shall consist of two directors, who shall hold office for two years; one of three directors, who shall hold office for four years; and one of three directors, who shall hold office for six years, and until their successors are appointed and qualified, and their successors, respectively, shall hold office for six years. The director named by the holders of the stock, other than that held by the United States and the States of Nicaragua and Costa Rica, shall hold office for six years, and until his successor is appointed and qualified. Six of the eleven directors, of whom five at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer; but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

The treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors.

SEC. 6. That the compensation of the directors shall be \$5,000 per year, except the president, who shall receive \$6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and managers, including engineers not detailed for duty by the Secretary of War.

Every director appointed by the President of the United States shall visit the canal and make a personal examination of the works at least once a year. And they shall, on or before the 15th day of November of each year, make and send to the President of the United States a full and complete report, in writing, of all the acts and doings of the company, with a clear and detailed statement of the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

SEC. 7. That the United States hereby reserves the right to purchase the stock issued, as hereinbefore provided for, other than that issued to the United States and the States of Nicaragua and Costa Rica, at any time, at such sum as may be agreed upon by the Secretary of the Treasury and the said stockholders, which sum shall in no event exceed the par value of said stock.

SEC. 8. That the Secretary of the Treasury shall cause an account to be started with the Maritime Canal Company of Nicaragua, as soon as practicable after the passage of this act, which shall include all necessary and proper expenditures made by said company since the 3d day of June, 1889, in and about the construction of the said canal, or incident thereto, including the railroad and telegraph lines built by said company.

For the liquidation of the amount of such expenditures so ascertained, and by him approved, the United States shall pay to said Maritime Canal Company such amount, not to exceed \$4,500,000.

And the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 9. That to secure the means to construct and complete said canal, the Secretary of the Treasury is hereby authorized and directed to issue bonds of the United States, in denominations of not less than \$50 nor more than \$1,000, to an amount not exceeding \$150,000,000, or so much thereof as may be necessary, to be payable on the 1st day of July, 1926, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, with interest at the rate of 3 per cent per annum, payable quarterly on the 1st day of April, July, October, and January of each year from the delivery of the bonds to the said company by the Secretary of the Treasury.

That said bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, and shall be issued by the Secretary of the Treasury from time to time, as shall be determined by the Secretary of the Treasury, to the said Maritime Canal Company of Nicaragua, only as the work on the Nicaragua Canal progresses.

And the Secretary of the Treasury is hereby authorized and directed, if the principal or interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same; and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The Maritime Canal Company of Nicaragua shall repay to the United States the money appropriated by this act, and pay the principal and interest on said bonds, as the same become due, into the Treasury of the United States as provided for in section 14 of this act.

None of the bonds herein provided for shall be delivered to said Maritime Canal Company until said company shall have performed all the conditions and things required to be done and performed by it by the provisions of this act. Said bonds shall be used by said company only for the purposes provided for in this act, and shall not be sold for less than the par value thereof.

SEC. 10. That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by a board of three engineers, the members of which shall be selected by the President of the United States, one from the Corps of Engineers of the United States Army, one from the engineers of the Navy, and one from civil life, who shall, under the direction of the Secretary of State, carefully examine, inspect, survey, designate, and determine the route of said canal, and shall determine and specify the plans, profiles, sections, prisms, and specifications for the construction of its various parts and estimate the cost thereof and report thereupon to the Secretary of State and to said Maritime Canal Company of Nicaragua; and said canal shall be constructed on the route therein designated and according to such plans and specifications. That it shall be the duty of the engineers in making such surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition; and all contracts shall be let to the lowest responsible bidders, after advertisements, giving bonds for the performance of the work, to be approved by the Secretary of the Treasury, who shall also prescribe the extent of the advertising of proposals to be required. The aggregate amount of such accepted bids for the entire completion and furnishing said canal shall not exceed \$150,000,000. No contract for the construction of the whole or any part of said canal shall be let to any company, association, or corporation in which any stockholder or director of the Maritime Canal Company is a member or stockholder, or in which he is in anywise interested. To further expedite the completion of said canal said Maritime Canal Company, in addition to day work thereon, shall also work night shifts during the construction thereof, and shall establish such electric-light system as will enable it to do so.

SEC. 11. That the board of directors shall quarterly file with the Secretary of the Treasury a detailed statement of the work done, and the expense incurred therefor, during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board; and on his examination and approval of said statement he shall issue bonds, as provided for in section 9 of this act, to said Maritime Canal Company, in such amount.

SEC. 12. That the said Maritime Canal Company shall not issue any bonds or mortgages, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever; and no contract

shall be entered into or purchase made by said company, except for purposes provided for in this act.

SEC. 13. That all sums expended in the purchase of material and supplies in and about the construction of said canal, including dredging machinery and ships, shall be purchased in the United States, except such material and supplies as may be grown or produced in Nicaragua or Costa Rica, or not grown or produced in this country; and no Asiatic labor shall ever be used or employed in the construction of said canal.

SEC. 14. That no dividends shall be declared by said Maritime Canal Company except from the net earnings of said canal. That out of all the net earnings, income, and proceeds derived from the operation of said canal there shall be first paid by said Maritime Canal Company one-half thereof to the United States until the bonds issued by the United States and the money appropriated under the provisions of this act shall have been repaid, with the interest thereon, to the United States.

The other half thereof, or such portion as the directors may deem advisable, shall be divided among the stockholders of said company.

Thereafter the net proceeds, earnings, and income shall be divided among the stockholders of said Maritime Canal Company.

SEC. 15. That Congress shall at all times have the power to alter, amend, or repeal this act; and this act shall be null, void, and of no effect if the Maritime Canal Company of Nicaragua shall fail to comply with the requirements of section 3 of this act, and to communicate to the Secretary of the Treasury its acceptance of the terms and conditions of this act within nine months from the passage thereof.

SEC. 16. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[S. 3247. Fifty-fourth Congress, first session.]

In the Senate of the United States. June 1, 1896. Mr. MORGAN introduced the following bill; which was read twice, and referred to the Select Committee on the Construction of the Nicaragua Canal:

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and shall be nonassessable, and no more than this number of shares shall be issued except by the consent of Congress.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

SEC. 3. That if the Maritime Canal Company of Nicaragua shall within one year from the passage of this act show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, or that satisfactory arrangements have been made for the return and cancellation of said stock, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts, the Secretary of the Treasury shall, in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the guarantee by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required.

SEC. 4. That upon the issuance and delivery of the stock and bonds provided for in sections 3 and 7 of this act the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of 11 directors, 1 to be appointed by Costa Rica, 1 by Nicaragua, and 1 by the stockholders of the Maritime Canal Company other than the said Governments, and 8 to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

SEC. 5. That at their first meeting the directors appointed by the President of the United States shall proceed to divide themselves by lot into three classes, one of which shall consist of 2 directors who shall hold office for two years, one of 3 directors who shall hold office for four years, and one of 3 directors who shall hold office for six years and until their successors are appointed and qualified, and their successors, respectively, shall hold office for six years. The director named by the holders of stock other than that held by the United States and the States of Nicaragua and Costa Rica shall hold office for six years and until his successor is appointed and qualified. Six of the 11 directors, of whom 5 at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer, but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

The treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors.

SEC. 6. That the compensation of the directors shall be \$5,000 per year, except the president, who shall receive \$6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and

managers, including engineers not detailed for duty by the Secretary of War.

Every director appointed by the President of the United States shall visit the canal and make a personal examination of the works at least once each year. And they shall on or before the 15th day of November of each year make and send to the President of the United States a full and complete report in writing of all the acts and doings of the company, with a clear and detailed statement of the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

SEC. 7. That as soon as practicable after the passage of this act an account shall be stated with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been made or incurred by said company or for its account by agents since the 3d day of June, 1889, in and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. The amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States, and the other by the stockholders of the Maritime Canal Company of Nicaragua, whose stock is to be surrendered, as hereinbefore provided; and in case the said commissioners should fail to agree upon the amount of said expenditures, they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua whose stock has been surrendered and canceled as provided for in section 3 of this act, bonds of said company in an amount equal at their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed \$4,500,000 and the interest thereon. Said bonds to be issued shall have the guaranty of the United States indorsed thereon, as provided in section 10 of this act, and the acceptance of the same shall be in full satisfaction of all claims against the United States or the Maritime Canal Company of Nicaragua.

SEC. 8. That the United States hereby reserves the right to purchase the stock issued as hereinbefore provided for, other than that issued to the United States and the States of Nicaragua and Costa Rica, at any time, at such sum as may be agreed upon by the Secretary of the Treasury and the said stockholders, which sum shall in no event exceed the par value of said stock, together with 3 per cent per annum thereon from the date of its issue to the opening of the Nicaragua Canal to commerce. No dividend upon said stock shall ever be made by said directors except from the net earnings of said corporation.

SEC. 9. That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than \$50 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of July, 1898, to be payable on the 1st day of July, 1923, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly on the first days of October, January, April, and July of each year, from the delivery of the bonds to said company, by the Secretary of the Treasury from time to time as by this act required: *Provided*, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking funds shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. Said mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, there is hereby created a first lien in favor of the United States upon the Nicaragua Canal.

SEC. 10. That the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of the said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinafter provided. Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. And all payments of principal of said bonds, or the interest thereon, shall be made through the Treasury of the United States.

SEC. 11. That the Maritime Canal Company of Nicaragua shall pay into the Treasury of the United States the interest on the guaranteed bonds herein provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds, and upon the payment of such interest by the United States, the said company shall be charged with and shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

SEC. 12. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua and had not been paid by the United States under their guaranty; but until the expiration of five years after the said canal shall be put in operation, and so long as, during said five years, the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid

shall not be enforced by foreclosure: *Provided*, That in case default shall be made by the said company, at any time before the said canal shall be put into operation, in the payment of interest as it becomes due, or if default shall be made in any other respect, the right of foreclosure under said mortgage shall at once attach in favor of the United States, without the necessity of judicial proceedings, and may be executed upon the written order of the President of the United States, given to the Attorney-General. Out of its net earnings each year the said corporation shall pay, first, the interest upon the bonded debt guaranteed by the United States; second, they may declare, out of the balance of the net earnings, a dividend upon the stock, in no year to exceed 5 per cent, and the balance of the net earnings, if any there be, shall be paid into the Treasury of the United States and constitute a sinking fund for the payment of the principal and interest of the mortgage. All dividends paid upon stock owned by the United States shall also be paid into said sinking fund, and the Secretary of the Treasury shall, as rapidly as possible, apply the same to the extinguishment of said mortgage debt.

SEC. 13. That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition.

That said canal company shall pay annually into the Treasury of the United States the official salaries of said engineer officers while in the employ of said company, and, in addition thereto, shall pay to said officers for their use 25 per cent of such salaries.

That the President of the United States may, and is hereby authorized, in his discretion, at any time after the passage of this act, to appoint a board of three civil engineers, the members of which shall be selected from civil life, to visit and carefully inspect the route of the said canal and to make and conduct such examinations and investigations in reference to the same as may be deemed necessary, and to report thereupon to the President of the United States. And the sum of \$200,000 is hereby appropriated for the purposes of said examinations and investigations by said board of civil engineers.

SEC. 14. That the board of directors shall quarterly file with the Secretary of the Treasury a detailed statement of the work done and the expenses incurred therefor during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value to cover the amount approved by him.

SEC. 15. That the said Maritime Canal Company shall not issue any bonds or mortgages except as herein provided, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever, except as herein provided, and no contract shall be entered into or purchase made by said company beyond the amount of bonds authorized to be issued by this act.

SEC. 16. That the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment, by the President of the United States, of the eight directors herein provided for.

SEC. 17. That Congress shall at all times have the power to alter, amend, or repeal this act, and this act shall be null, void, and of no effect if the Maritime Canal Company of Nicaragua shall fail to comply with the requirements of section 3 of this act and to communicate to the Secretary of the Treasury its acceptance of the terms and conditions of this act within nine months from the passage thereof.

[S. 3247. Fifty-fourth Congress, first session. Calendar No. 1221. Report No. 1109.]

In the Senate of the United States. June 1, 1896. Mr. MORGAN introduced the following bill; which was read twice and referred to the Select Committee on the Construction of the Nicaragua Canal. June 2, 1896. Reported by Mr. MORGAN with amendments, viz: Insert the parts printed in *italics*.

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and shall be nonassessable, and no more than this number of shares shall be issued except by the consent of Congress.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

SEC. 3. That if the Maritime Canal Company of Nicaragua shall within one year from the passage of this act show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, or that satisfactory arrangements have been made for the return and cancellation of said stock, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts, the Secretary of the Treasury shall, in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company herein-after provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or

persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required.

SEC. 4. That upon the issuance and delivery of the stock and bonds provided for in sections 3 and 7 of this act the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors, one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said Governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President, the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

SEC. 5. That at their first meeting the directors appointed by the President of the United States shall proceed to divide themselves by lot into three classes, one of which shall consist of two directors who shall hold office for two years, one of three directors who shall hold office for four years, and one of three directors who shall hold office for six years and until their successors are appointed and qualified, and their successors, respectively, shall hold office for six years. The director named by the holders of stock other than that held by the United States and the States of Nicaragua and Costa Rica shall hold office for six years and until his successor is appointed and qualified. Six of the eleven directors, of whom five at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer, but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

The treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors.

SEC. 6. That the compensation of the directors shall be \$6,000 per year, except the president, who shall receive \$8,000 per year. The actual expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and managers, including engineers not detailed for duty by the Secretary of War.

Every director appointed by the President of the United States shall visit the canal and make a personal examination of the works at least once each year. And they shall on or before the 15th day of November of each year make and send to the President of the United States a full and complete report in writing of all the acts and doings of the company, with a clear and detailed statement of the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

SEC. 7. That as soon as practicable after the passage of this act an account shall be stated with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been made or incurred by said company or for its account by its agents since the 3d day of June, 1889, in and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. The amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States, and the other by the stockholders of the Maritime Canal Company of Nicaragua, whose stock is to be surrendered, as hereinbefore provided; and in case the said commissioners should fail to agree upon the amount of said expenditures, they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua whose stock has been surrendered and canceled as provided for in section 3 of this act, bonds of said company in an amount equal at their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed \$4,500,000 and the interest thereon. Said bonds so to be issued shall have the guaranty of the United States indorsed thereon, as provided in section 10 of this act, and the acceptance of the same shall be in full satisfaction of all claims against the United States or the Maritime Canal Company of Nicaragua.

SEC. 8. That the United States hereby reserves the right to purchase the stock issued as hereinbefore provided for, other than that issued to the United States and the States of Nicaragua and Costa Rica, at any time, at such sum as may be agreed upon by the Secretary of the Treasury and the said stockholders, which sum shall in no event exceed the par value of said stock, together with 3 per cent per annum thereon from the date of its issue to the opening of the Nicaragua Canal to commerce. No dividend upon said stock shall ever be made by said directors except from the net earnings of said corporation.

SEC. 9. That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than \$50 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of July, 1896, to be payable on the 1st day of July, 1926, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1900, at par with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of Treasury from time to time as by this act required: *Provided*, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. Said mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary

of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, there is hereby created a first lien in favor of the United States upon the Nicaragua Canal.

SEC. 10. That the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as herein-after provided. Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. And all payments of principal of said bonds, or the interest thereon, shall be made through the Treasury of the United States.

SEC. 11. That the Maritime Canal Company of Nicaragua shall pay into the Treasury of the United States the interest on the guaranteed bonds herein provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds, and upon the payment of such interest by the United States, the said company shall be charged with and shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

SEC. 12. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua and had not been paid by the United States under their guaranty; but until the expiration of five years after the said canal shall be put in operation, and so long as, during said five years, the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure: *Provided*, That in case default shall be made by the said company, at any time before the said canal shall be put into operation, in the payment of interest as it becomes due, or if default shall be made in any other respect, the right of foreclosure under said mortgage shall at once attach in favor of the United States, without the necessity of judicial proceedings, and may be executed upon the written order of the President of the United States, given to the Attorney-General. Out of its net earnings each year the said corporation shall pay, first, the interest upon the bonded debt guaranteed by the United States; second, they may declare, out of the balance of the net earnings, dividend upon the stock, in no year to exceed 5 per cent, and the balance of the net earnings, if any there be, shall be paid into the Treasury of the United States and constitute a sinking fund for the payment of the principal and interest of the mortgage. All dividends paid upon stock owned by the United States shall also be paid into said sinking fund, and the Secretary of the Treasury shall, as rapidly as possible, apply the same to the extinguishment of said mortgage debt.

SEC. 13. That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition.

That said canal company shall pay annually into the Treasury of the United States the official salaries of said engineer officers while in the employ of said company, and, in addition thereto, shall pay to said officers for their use 25 per cent of such salaries.

That the President of the United States may, and is hereby authorized, in his discretion, at any time after the passage of this act, to appoint a board of three civil engineers, the members of which shall be selected from civil life, to visit and carefully inspect the route of the said canal and to make and conduct such examinations and investigations in reference to the same as may be deemed necessary, and to report thereupon to the President of the United States. And the sum of \$200,000 is hereby appropriated for the purposes of said examinations and investigations by said board of civil engineers.

SEC. 14. That the board of directors shall quarterly file with the Secretary of the Treasury a detailed statement of the work done and the expenses incurred therefor during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value to cover the amount approved by him.

SEC. 15. That the said Maritime Canal Company shall not issue any bonds or mortgages except as herein provided, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever, except as herein provided, and no contract shall be entered into or purchase made by said company beyond the amount of bonds authorized to be issued by this act.

SEC. 16. That the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment, by the President of the United States, of the eight directors herein provided for.

SEC. 17. That Congress shall at all times have the power to alter, amend, or repeal this act, and this act shall be null, void, and of no effect if the Maritime Canal Company of Nicaragua shall fail to comply with the requirements of section 3 of this act and to communicate to the Secretary of the Treasury its acceptance of the terms and conditions of this act within nine months from the passage thereof.

[S. 3247. Fifty-fourth Congress, second session.]

In the Senate of the United States. January 26, 1897. Ordered to be printed.

Amendment intended to be proposed by Mr. MORGAN to the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Insert the following:

Sec. 18. That of the \$100,000,000 of capital herein provided for at least 5 per cent shall be reserved for Central American governments and citizens that may desire to subscribe for the same within a time to be fixed by the Maritime Canal Company of Nicaragua.

That there shall be delivered to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act as they, or either of them, are entitled to receive by virtue of the concessions now existing from such States, or either of them, to said Maritime Canal Company of Nicaragua.

Nothing in this act contained shall be construed as empowering the Maritime Canal Company of Nicaragua to accept any rights or privileges or to do any act or thing inconsistent with the terms of the concessions made to it by the Nicaraguan Government or the Government of Costa Rica.

[S. 3247. Fifty-fourth Congress, second session.]

In the Senate of the United States. January 28, 1897. Ordered to be printed. Amendment proposed by Mr. MORGAN to the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Insert the following:

Sec. 18. That of the \$100,000,000 of capital herein provided for at least 5 per cent shall be reserved for Central American governments and citizens that may desire to subscribe for the same within a time to be fixed by the Maritime Canal Company of Nicaragua.

That there shall be delivered to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act as they, or either of them, are entitled to receive by virtue of the concessions now existing from such States, or either of them, to said Maritime Canal Company of Nicaragua.

Nothing in this act contained shall be construed as empowering the Maritime Canal Company of Nicaragua to accept any rights or privileges or to do any act or thing inconsistent with the terms of the concessions made to it by the Nicaraguan Government or the Government of Costa Rica; and the Government of the United States admits the right of Nicaragua and Costa Rica to interpose any objections to the acceptance of this act by the Maritime Canal Company of Nicaragua which they, or either of them, may deem just, subject to the right of the United States to participate in the examination, discussion, and settlement of such objections by diplomatic correspondence or by arbitration under the provisions of the concessions made by said Governments to said company, if that method of settlement is preferred by said Governments.

[S. 3247. Fifty-fourth Congress, second session.]

In the Senate of the United States. February 2, 1897. Ordered to be printed.

Amendments intended to be proposed by Mr. CARTER to the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz:

Amend section 3 by striking out, in lines 12 and 13, the words "or that satisfactory arrangements have been made for the return and cancellation of said stock," and by striking out of lines 15 and 16 the words "or that satisfactory arrangements have been made for their redemption and cancellation;" by striking out from lines 20, 21, and 22 the words "or that provision has been made for the satisfaction and cancellation of said liabilities and contracts," so that the section when amended shall be as follows:

"Sec. 3. That if the Maritime Canal Company of Nicaragua shall within one year from the passage of this act show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, the Secretary of the Treasury shall, on behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto, 70,000 shares of nonassessable stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled as hereinbefore required."

[S. 3247. Fifty-fourth Congress, second session.]

In the Senate of the United States. February 2, 1897. Ordered to be printed.

Amendment intended to be proposed by Mr. Vilas to the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Strike out all after the enacting clause and insert the following:

That a commission of five persons, one from the Corps of Engineers of the Army, one from the engineers of the Navy, and three other citizens of the United States, all to be appointed by the President, by and with the advice and consent of the Senate, is hereby created, to be known as the interoceanic canal commission; that the compensation of said board shall be fixed by the President, not to exceed \$500 per month to each, including such pay as the engineers so selected are receiving for the time they are employed from the Government. And the said board, under such arrangements and regulations as shall be made by the Secretary of State, with the approval of the President of the United States, shall, the necessary permission therefor having been previously obtained from the Governments of the respective countries interested, visit and personally inspect the several lines or routes projected, or which may seem to said board to be sufficiently practicable to demand an inquiry, for an interoceanic canal to connect the Atlantic and Pacific oceans, and shall make or cause to be made all needed surveys, examinations, observations, and inquiries necessary to enable them to determine which is the most feasible, practicable, and economical route for the construction of a canal, and which, upon all the considerations entering into the subject, is, in

their opinion, the most eligible, together with their reasons therefor; and also to make a report in reference to such route of plans, profiles, sections, prisms, and specifications for its various parts requisite to the construction and entire completion in a satisfactory manner of a canal sufficient to transport the vessels of all countries between said oceans, and also particular and complete estimates in full detail of the probable cost of such work upon the line or route so selected; and also to make such surveys, examinations, observations, and estimates of other lines or routes considered as competitive as may be necessary to distinguish and discriminate as compared with the same the eligibility of the route recommended.

For the purpose of securing the permission aforesaid, the President of the United States is authorized to make such negotiations with the governments of the several countries whose territory may be embraced in a portion of any of said canal routes as to him shall seem advisable.

And for the purposes hereof there is hereby appropriated \$1,000,000, to be immediately available.

[S. 3247. Fifty-fourth Congress, second session.]

In the Senate of the United States. February 2, 1897. Ordered to be printed. Amendment intended to be proposed by Mr. TELLER to the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz: Insert the following:

Sec. —. That the bonds hereinbefore mentioned shall not be guaranteed and no money shall be expended in the construction of the canal until a survey has been made by a competent board of engineers, to be appointed by the President of the United States, and a complete plan prepared for the entire work, and such plan shall be approved by the President of the United States.

Sec. —. That should it appear from the report of said board of engineers that the cost of said canal will be more than \$150,000,000 the President shall reject the plan, and the bonds herein provided for shall not be guaranteed and the Government of the United States shall not assume any liability in the construction of said canal.

[S. 3247. Fifty-fourth Congress, second session.]

In the Senate of the United States. February 2, 1897. Ordered to be printed. Amendment proposed by Mr. CARTER to the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, viz:

Strike out section 7.

[S. 321. Fifty-fifth Congress, first session.]

In the Senate of the United States. March 16, 1897. Mr. MORGAN introduced the following bill; which was read twice and referred to the Select Committee on the Construction of the Nicaragua Canal.

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and shall be nonassessable, and no more than this number of shares shall be issued except by the consent of Congress.

Sec. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

Sec. 3. That if the Maritime Canal Company of Nicaragua shall within one year from the passage of this act show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, or that satisfactory arrangements have been made for the return and cancellation of said stock, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled, or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts, the Secretary of the Treasury shall, in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled as hereinbefore required.

Sec. 4. That upon the issuance and delivery of the stock and bonds provided for in sections 3 and 7 of this act the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors, one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said Governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

Sec. 5. That at their first meeting the directors appointed by the President of the United States shall proceed to divide themselves by lot into three classes, one of which shall consist of 2 directors who shall hold office for two years, one of 3 directors who shall hold office for four years, and one of 3 directors who shall hold office for six years and until their successors are appointed

and qualified, and their successors, respectively, shall hold office for six years. The director named by the holders of stock other than that held by the United States and the States of Nicaragua and Costa Rica shall hold office for six years and until his successor is appointed and qualified. Six of the 11 directors, of whom 5 at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer, but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

The treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors.

Sec. 6. That the compensation of the directors shall be \$5,000 per year, except the President, who shall receive \$6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and managers, including engineers not detailed for duty by the Secretary of War.

Every director appointed by the President of the United States shall visit the canal and make a personal examination of the works at least once each year. And they shall on or before the 15th day of November of each year make and send to the President of the United States a full and complete report in writing of all the acts and doings of the company, with a clear and detailed statement of the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

Sec. 7. That as soon as practicable after the passage of this act an account shall be stated with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been made or incurred by said company or for its account by its agents since the 3d day of June, 1889, in and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. The amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States and the other by the stockholders of the Maritime Canal Company of Nicaragua whose stock is to be surrendered, as hereinbefore provided; and in case the said commissioners shall fail to agree upon the amount of said expenditures, they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua whose stock has been surrendered and canceled as provided for in section 3 of this act, bonds of said company in an amount equal to their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed \$4,500,000 and the interest thereon. Said bonds so to be issued shall have the guaranty of the United States indorsed thereon, as provided in section 10 of this act, and the acceptance of the same shall be in full satisfaction of all claims against the United States or the Maritime Canal Company of Nicaragua.

Sec. 8. That the United States hereby reserves the right to purchase the stock issued as hereinbefore provided for, other than that issued to the United States and the States of Nicaragua and Costa Rica, at any time, at such sum as may be agreed upon by the Secretary of the Treasury and the said stockholders, which sum shall in no event exceed the par value of said stock, together with 3 per cent per annum thereon from the date of its issue to the opening of the Nicaragua Canal to commerce. No dividend upon said stock shall ever be made by said directors except from the net earnings of said corporation.

Sec. 9. That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than \$50 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of July, 1898, to be payable on the 1st day of July, 1928, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as by this act required: *Provided*, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchises to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. Said mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, there is hereby created a first lien in favor of the United States upon the Nicaragua Canal.

Sec. 10. That the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as herein-after provided. Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. And all payments of principal of said bonds, or the interest thereon, shall be made through the Treasury of the United States.

Sec. 11. That the Maritime Canal Company of Nicaragua shall pay into the Treasury of the United States the interest on the guaranteed bonds herein provided for as it become due, and the guaranty of the United States shall

not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds, and upon the payment of such interest by the United States, the said company shall be charged with and shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

Sec. 12. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua and had not been paid by the United States under their guaranty; but until the expiration of five years after the said canal shall be put in operation, and so long as, during said five years, the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure: *Provided*, That in case default shall be made by the said company, at any time before the said canal shall be put into operation, in the payment of interest as it becomes due, or if default shall be made in any other respect, the right of foreclosure under said mortgage shall at once attach in favor of the United States, without the necessity of judicial proceedings, and may be executed upon the written order of the President of the United States, given to the Attorney-General. Out of its net earnings each year the said corporation shall pay, first, the interest upon the bonded debt guaranteed by the United States; second, they may declare, out of the balance of the net earnings, a dividend upon the stock, in no year to exceed 5 per cent, and the balance of the net earnings, if any there be, shall be paid into the Treasury of the United States and constitute a sinking fund for the payment of the principal and interest of the mortgage. All dividends paid upon stock owned by the United States shall also be paid into said sinking fund, and the Secretary of the Treasury shall, as rapidly as possible, apply the same to the extinguishment of said mortgage debt.

Sec. 13. That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall elect one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition.

That said canal company shall pay annually into the Treasury of the United States the official salaries of said engineer officers while in the employ of said company, and, in addition thereto, shall pay to said officers for their use 25 per cent of such salaries.

That the President of the United States may, and is hereby authorized, in his discretion, at any time after the passage of this act, to appoint a board of three civil engineers, the members of which shall be selected from civil life, to visit and carefully inspect the route of the said canal and to make and conduct such examinations and investigations in reference to the same as may be deemed necessary, and to report thereupon to the President of the United States. And the sum of \$200,000 is hereby appropriated for the purposes of said examinations and investigations by said board of civil engineers.

Sec. 14. That the board of directors shall quarterly file with the Secretary of the Treasury a detailed statement of the work done and the expenses incurred therefor during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value to cover the amount approved by him.

Sec. 15. That the said Maritime Canal Company shall not issue any bonds or mortgages except as herein provided, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever, except as herein provided, and no contract shall be entered into or purchase made by said company beyond the amount of bonds authorized to be issued by this act.

Sec. 16. That the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment, by the President of the United States, of the eight directors herein provided for.

Sec. 17. That Congress shall at all times have the power to alter, amend, or repeal this act, and this act shall be null, void, and of no effect if the Maritime Canal Company of Nicaragua shall fail to comply with the requirements of section 3 of this act and to communicate to the Secretary of the Treasury its acceptance of the terms and conditions of this act within nine months from the passage thereof.

[S. 4539. Fifty-fifth Congress, second session.]

In the Senate of the United States, May 5, 1898. Mr. MORGAN introduced the following bill; which was read twice and referred to the Select Committee on the Construction of the Nicaragua Canal.

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1890, and to aid in the construction of the Nicaragua Canal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and shall be nonassessable, and no more than this number of shares shall be issued except by the consent of Congress.

Sec. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, trams, telegraphs, telephones, vessels, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, or under the authority of the United States, by virtue of acts and the concessions granted or to be granted by Nicaragua and Costa Rica, or either of said States.

Sec. 3. That if the Maritime Canal Company of Nicaragua shall within three months from the passage of this act show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that reserved to the Republics of Nicaragua and Costa Rica, in their respective concessions, has been called in, returned to, and canceled by the treasurer of the company, or that satisfactory arrangements have been made for the return or cancella-

tion of said stock, and that all bonds issued by said company, and obligations to deliver bonds, have been redeemed, surrendered, or canceled, or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been discharged, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company have been satisfied or canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts, the Secretary of the Treasury shall, in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required. In case the Maritime Canal Company of Nicaragua shall be unable, within one year from the passage of this act, to call in and cancel all of the stock or bonds of said company now issued and outstanding, as is herein required, said company may deposit with the Secretary of the Treasury, in lieu of obtaining such cancellation, an amount of the new stock and bonds to be issued to it under this act which shall be equal in amount to the said stock and the bonds of said company then outstanding, the cancellation of which can not be procured. Such new stock and bonds shall be held by the Secretary of the Treasury and exchanged by him, share for share and bond for bond, with the said old stock and bonds then outstanding, upon the surrender of the same for cancellation by the holders thereof; and the deposit of said securities with the Secretary of the Treasury as aforesaid shall be equivalent to and shall be received as a performance of the requirements of this act, and this act shall thereupon become effective in the same manner as if all of said stocks and bonds had been called in, returned to, and canceled by the treasurer of the Maritime Canal Company.

SEC. 4. That upon the issuance and delivery of the stock as provided in section 3 of this act the offices now held by the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall thereafter consist of 11 directors, 1 to be appointed by Costa Rica, 1 by Nicaragua, and 1 by the stockholders of the Maritime Canal Company other than the said Governments, and 8 to be appointed by the President of the United States, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President, the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, work, or anything connected with the construction, equipment, or operation of said canal.

SEC. 5. That at their first meeting the directors appointed by the President of the United States under this act shall proceed to divide themselves by lot into three classes, one of which shall consist of two directors who shall hold office for two years, one of three directors who shall hold office for four years, and one of three directors who shall hold office for six years and until their successors are appointed and qualified, and their successors, respectively, in each class, shall hold office for six years. The director named by the holders of stock other than that held by the United States and the States of Nicaragua and Costa Rica shall hold office for six years and until his successor is appointed and qualified. Six of the eleven directors, of whom five at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer, but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

The treasurer of said Maritime Canal Company shall give bond and security to said company in such sum as may be fixed by the board of directors.

SEC. 6. That the compensation of the directors shall be \$5,000 per year, except the president, who shall receive \$6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and managers, including engineers not detailed for duty by the Secretary of War.

And the board of directors shall on or before the 15th day of November of each year make and send to the President of the United States a full and complete report in writing of all the acts and doings of the company, with a clear and detailed statement of the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

SEC. 7. That as soon as practicable after the passage of this act an account shall be stated by the Secretary of the Treasury with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been heretofore made or incurred by said company or for its account by its agents since the 3d day of June, 1889, in and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. If the Secretary of the Treasury shall so recommend, the amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States, and the other by the Maritime Canal Company of Nicaragua, and in case the said commissioners should fail to agree upon the amount of said expenditures, they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon, if interest is allowed, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua, whose stock has been surrendered and canceled as provided for in section 3 of this act, bonds of said company in an amount equal at their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed \$4,500,000. Said bonds so to be issued shall have the guaranty of the United States indorsed thereon, as is hereinafter provided in this act, and the acceptance of the same by said company as it is now organized shall be in full satisfaction of all claims against the United States in favor of the Maritime Canal Company of Nicaragua for such expenditures.

SEC. 8. That the United States hereby reserves the right to call in and purchase the stock issued as hereinbefore provided for, other than that issued to the United States and the States of Nicaragua and Costa Rica, at any time, at such sum as may be fixed by the Secretary of the Treasury as being just, between the United States and the said stockholders, which sum shall in no event exceed the par value of said stock, together with 3 per cent per annum thereon from the date of its issue to the opening of the Nicaragua

Canal to commerce. No dividend upon said stock or upon any stock of said company shall ever be made by said directors except from the net earnings of said corporation.

SEC. 9. That to secure the means to construct, complete, and equip said canal, and to meet expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than \$50 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of July, 1898, to be payable on the 1st day of July, 1926, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1908, at par, with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as by this act required: *Provided*, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. For the security of the payment of said bonds at maturity and of the interest thereon as the same matures, a lien is hereby declared in favor of the United States of America upon all the property, real, personal, and mixed, and upon all the rights, franchises, easements, privileges, and interests of every description of and belonging to the Maritime Canal Company of Nicaragua, and appurtenant to said canal or connected therewith, whether in action or in possession; and if any default is made at any time in the full payment of the principal or the interest upon the said bonds as the same falls due, the President of the United States is fully empowered to declare the forfeiture of said property to the United States, without the necessity of a judicial or other ascertainment of such forfeiture, and thereupon the full and complete title to all such property, rights, privileges, easements, or franchises shall vest absolutely in the United States, and the President shall cause the same to be taken into possession for the benefit of the Government.

SEC. 10. That the said bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinbefore provided. Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. And all payments of principal of said bonds, or the interest thereon, shall be made through the Treasury of the United States.

SEC. 11. That the Maritime Canal Company of Nicaragua shall pay into the Treasury of the United States the interest on the guaranteed bonds herein provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds, and upon the payment of such interest by the United States, the said company shall be thereafter charged with and shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

Out of its net earnings each year the said Maritime Canal Company shall pay, first, the interest upon the bonded debt guaranteed by the United States; second, they may declare, out of the balance of the net earnings, a dividend upon the stock, in no year to exceed 5 per cent, and the balance of the net earnings, if any there be, shall be paid into the Treasury of the United States and constitute a sinking fund for the payment of the principal and interest of the mortgage. All dividends paid upon stock owned by the United States shall also be paid into said sinking fund, and the Secretary of the Treasury shall, as rapidly as possible, apply the same to the extinguishment of said mortgage debt.

SEC. 13. That the said canal shall be constructed under the supervision of the Engineer Department of the United States Army; and if the President of the United States shall so direct, the President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, may detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company to construct said work, and said engineers shall select one of their number as chief engineer.

Said canal company shall pay annually into the Treasury of the United States the official salaries of said engineer officers while in the employ of said company, and, in addition thereto, shall pay to said officers for their use 20 per cent of such salaries.

SEC. 14. That the board of directors, at the commencement of the work of construction and quarterly thereafter, shall file with the Secretary of the Treasury a detailed statement of the work to be done and the expenses to be incurred therefor during three months next ensuing, and the amount which will be due and payable thereon, together with all other expenses to be incurred by said board during said period, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value to cover the amount approved by him, unless said sum is paid in money.

SEC. 15. That the said Maritime Canal Company shall not issue any bonds or create any liens or mortgages except as herein provided, and shall not endorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever.

SEC. 16. That the bonds issued quarterly to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company, and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment, by the President of the United States, of the eight directors herein provided for.

SEC. 17. That the President of the United States is authorized to invest from time to time, as the same may be needed for the more speedy or economical construction of the Nicaragua Canal, a sum of money in the bonds authorized to be issued under this act, not to exceed the sum that has been received into the Treasury from the sales of the Union Pacific and Central Pacific railroads, or their branches or appurtenances, or that is hereafter received from said sources. Such investments shall be made at par, and the bonds so acquired, with the interest thereon, as the same is paid, shall be carried into the sinking fund created by this act, and a prior lien is hereby created in favor of the United States, superior to all other liens, for the payment of the principal and interest of said bonds. The sum of money required for this purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and the money arising from such appropriation

and so invested in such bonds shall be paid into the treasury of the Maritime Canal Company of Nicaragua, in lieu of an equal amount of bonds which otherwise would be due to be delivered to said company for sale in the market under the provisions of this act.

SEC. 18. That the Maritime Canal Company, with the consent and approval of the President of the United States, is authorized to contract with responsible parties, who are citizens of the United States, for the construction, completion, and equipment of the Nicaragua Canal, within a period of six years from the date of this act, and at a cost not to exceed the engineers' estimate, which shall not exceed \$15,000,000; and all work on said canal and all material used in its construction shall be under the constant inspection and supervision of the engineers of the United States as provided under this act.

SEC. 19. That the President of the United States is authorized to arrange by agreement with Nicaragua and Costa Rica, or either of said States, for any change or modification in the terms of the concessions granted by said States which he shall deem just and for the best interests of all who are interested in the Nicaragua Canal; and he is also authorized to submit to arbitration, in the manner provided in said concessions, any matter of controversy that may arise in reference to said canal, or that relates to any claim of right under said concessions, or either of them.

SEC. 20. That it is hereby declared that the neutrality of the Nicaragua Canal is guaranteed by the United States, as the same is provided for in the concessions made by Nicaragua and Costa Rica, which are the basis of this act, thereby securing its innocent use by all maritime nations, on equal terms as to tolls and all the privileges of navigation, so conceded by said Republics, reserving to Nicaragua and Costa Rica and securing to them the special rights for which they have stipulated in said concessions, respectively; and the good faith of the United States is pledged to this declaration. The Nicaragua Canal being a necessary connection between the eastern and western coast lines of the United States, the right to protect the same against all interruptions, and at all times, is reserved and excepted out of this declaration of the neutrality of said canal and its free use by other nations.

SEC. 21. That Congress shall at all times have the power to alter, amend, or repeal this act, and this act shall be null, void, and of no effect if the Maritime Canal Company of Nicaragua, under its present organization, shall fail to comply with the requirements of section 3 of this act and to communicate to the Secretary of the Treasury its acceptance of the terms and conditions of this act within three months from the passage thereof.

[S. 4657. Fifty-fifth Congress, second session.]

In the Senate of the United States. May 25, 1898. Mr. STEWART introduced the following bill: which was read twice and referred to the Select Committee on the Construction of the Nicaragua Canal.

A bill concerning right of way for a canal across the Isthmus of Darien, via Lake Nicaragua.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the President be, and he is hereby, authorized to secure, by such negotiations as he may deem proper, from the Government of Nicaragua and any other government interested therein, the right of way for a canal across the Isthmus of Darien, via Lake Nicaragua, and such rights and privileges to construct such canal and harbor at each end thereof as may be necessary and proper for that purpose, with such power of control and jurisdiction as may be necessary to enable the United States to construct, own, and control the canal and the harbors connected therewith, and keep the same open as a highway for all nations between the Atlantic and Pacific oceans. And the President is further authorized and empowered to negotiate for and purchase whatever rights and privileges the Maritime Canal Company may have in connection with such canal, and to pay therefor a sum not exceeding the actual expenditures made by such company; and the amount necessary to carry this act into effect is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

[S. 4792. Fifty-fifth Congress, third session. Calendar No., 1307. Report No. 1265.]

In the Senate of the United States. June 20, 1898. Mr. MORGAN, from the Select Committee on the Construction of the Nicaragua Canal, reported the following bill: which was read the first and second times by unanimous consent. December 12, 1898. Amended in Committee of the Whole. December 13, 1898. Ordered printed as amended in Committee of the Whole. December 15, 1898. Ordered printed showing amendments proposed by Mr. BERRY. January 6, 1899. Ordered reprinted in roman as agreed upon by the Select Committee on the Construction of the Nicaragua Canal. January 17, 1899. Ordered reprinted as amended in Committee of the Whole. [Insert the amendments agreed to in *italics*.]

A bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each, and shall be nonassessable, and no more than this number of shares shall be issued except by the consent of Congress.

SEC. 2. That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, trams, telegraphs, telephones, vessels, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, or under the authority of the United States, by virtue of acts and the concessions granted or to be granted by Nicaragua and Costa Rica, or either of said States.

SEC. 3. That in consideration of the provisions of this act, and as soon after its acceptance as is practicable, the Maritime Canal Company of Nicaragua shall call in and cause to be returned and surrendered to and canceled by the treasurer of the company all of the capital stock of the corporation heretofore paid for or partially paid for or issued and now outstanding, except that reserved to the Republics of Nicaragua and Costa Rica in their respective concessions, and shall redeem and cause to be surrendered and canceled all bonds and scrip for bonds heretofore issued by said company, and shall satisfy and discharge all cash liabilities of said corporation and all existing construction contracts heretofore made by said company, or shall make ample provision for such surrender, cancellation, redemption, discharge, and satisfaction; and persons who have partially paid upon said stock subscription shall be considered as entitled to relief under this section to the extent of the partial cash payments, respectively. That to enable the said company to provide for such surrender, cancellation, redemption, discharge, and satisfaction, and in consideration therefor, there shall be issued and delivered

to such person or persons as may be designated by the stockholders of said company, other than the Republics of Nicaragua and Costa Rica, or by a majority thereof, warrants of the Treasury of the United States, which the Secretary of the Treasury is hereby authorized to cause to be issued to an amount not exceeding, at their par value, the sum of \$5,000,000, which said amount, in such case, shall be fixed and determined by three commissioners, by principles of justice and equity, so as to provide a fair compensation of the rights, privileges, and franchises now owned by the said company and the reimbursement of all expenses made heretofore by the said company in the construction of the canal, or in any way incident thereto: *Provided, That for all compensation or reimbursement of every character only such sum, not exceeding \$5,000,000, shall be paid as the rights, privileges, franchises, and property are actually worth in cash at the time of such payment.* Said commissioners shall be appointed by the President of the United States, and shall not in any way be interested in the Maritime Canal Company of Nicaragua or in any contract or concession relating to the Nicaragua Canal. Any two of said commissioners agreeing, they shall report to the Secretary of the Treasury the sum they shall have agreed upon as a just and equitable compensation for the property, rights, privileges, franchises, and expenditures aforesaid, and the Secretary of the Treasury shall thereupon issue and deliver to the persons designated by the stockholders as above provided an amount of said warrants so authorized as aforesaid equal at their par value to the sum so fixed and determined by said commissioners. Said commissioners shall have authority to examine witnesses under oath touching the matters to be determined by them, and such oaths may be administered by either of them. In case of the failure, within three months from the passage of this act, to call in and cancel all of the stock or bonds or bond scrip of said company now issued and outstanding, as is herein required, the Secretary of the Treasury shall retain in the Treasury, in lieu of obtaining such cancellation, an amount of the warrants to be issued under this act which shall be equal to the value of the said stock and the bonds and bond scrip of said company then outstanding the cancellation of which can not be procured. Such warrants shall be held by the Secretary of the Treasury and exchanged by him for said old stock and bonds or scrip then outstanding, upon the surrender of the same for cancellation by the holders thereof: *Provided always, That the amount of warrants so retained shall not exceed in value the value of old stock and bonds then outstanding.*

SEC. 4. That the Secretary of the Treasury, when he is satisfied that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that reserved to the Republics of Nicaragua and Costa Rica, in their respective concessions, has been called in, returned, and canceled, or that satisfactory arrangements have been made for the return or cancellation of said stock, and that all bonds or scrips for bonds issued by said company, and obligations to deliver bonds, have been redeemed, surrendered, or canceled, or that satisfactory arrangements have been made for their redemption and cancellation, and that all construction contract liabilities of the said company have been discharged, and all contracts and agreements heretofore made by said company, except its contract with Nicaragua and Costa Rica, including all contracts with any canal construction company have been satisfied or canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts, the Secretary of the Treasury shall report the facts to the President of the United States, and with his approval shall, in behalf of the United States, subscribe for 925,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 925,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the Treasury warrants hereinafter provided for in this act, and shall be regarded as fully paid and nonassessable.

SEC. 5. That when the subscription for the stock as provided in section 4 of this act is so made the offices now held by the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant, and said Maritime Canal Company of Nicaragua shall be reorganized under this act. The board of directors of the Maritime Canal Company of Nicaragua shall thereafter consist of 11 directors, 1 appointed by Costa Rica, 1 by Nicaragua, removable by said States, respectively, and 9 to be appointed by the President of the United States, who shall be removable by the President of the United States. Such directors shall be appointed by and with the advice and consent of the Senate, and no two of the same shall be residents of the same State, Territory, or District of the United States, nor shall either of the said directors have been connected heretofore with the Maritime Canal Company of Nicaragua, either as director, officer, or employee thereof. In case of a vacancy in the membership of directors appointed by the President the same shall be filled by appointment of the President, by and with the advice and consent of the Senate, for the unexpired term. The directors appointed by the President of the United States are prohibited from being interested, directly or indirectly, in any contract made by the said reorganized company for implements, equipment, material, work, or any contract connected with the construction, equipment, or operation of said canal.

SEC. 6. That at their first meeting the directors appointed by the President of the United States under this act shall proceed to divide themselves by lot into three classes, one of which shall consist of three directors who shall hold office for two years, one of three directors who shall hold office for four years, and one of three directors who shall hold office for six years and until their successors are appointed by and with the advice and consent of the Senate, and are qualified; and their successors, respectively, shall hold office for six years. Said directors shall take the oath of office prescribed to other executive officers of the United States, and shall be amenable to like responsibilities, civil or criminal. Six of the eleven directors, of whom four at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business under the charter of said company. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer; but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

The treasurer of said Maritime Canal Company of Nicaragua shall give bond and security to said company in such sum as may be fixed by the board of directors.

SEC. 7. That the compensation of the directors shall be \$5,000 per year, except the president, who shall receive \$6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and managers, including engineers not detailed for duty by the Secretary of War. All of said salaries and expenses shall be fixed charges on the treasury of the company, and shall be charged to the account for administration.

And the board of directors shall, on or before the 15th day of November of each year, make and send to the President of the United States a full and complete report in writing of all the acts and doings of the company, with a clear and detailed statement of the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

SEC. 8. That no dividend upon any stock of said company shall ever be made by said directors except from the net earnings of said corporation, after deducting all fixed charges and the expenses for construction and administration.

SEC. 9. That the Maritime Canal Company of Nicaragua, with the consent and approval of the President of the United States, is authorized to contract with responsible parties, who shall be citizens of the United States, for the construction, completion, and equipment of the Nicaragua Canal within a period of six years from the date of this act; and all work on said canal and all material used in the construction shall be subject to the immediate and continuous inspection, supervision, and approval of the engineers, as provided by this act; and said Nicaragua Canal is to be constructed, completed, and equipped for the use and navigation of the largest seagoing vessels at a cost not to exceed the estimate of the engineers, and not to exceed \$115,000,000; and the said sum of \$115,000,000 is hereby appropriated as a permanent appropriation, out of any money in the Treasury not otherwise appropriated, and the same is to be expended in the manner following: The board of directors at the commencement of the work, and quarterly thereafter, shall file with the Secretary of the Treasury a statement of the work necessary to be done and the expenses necessary to be incurred by the company during the three months next ensuing, and shall submit therewith an estimate of the amount which will be due and payable thereon, together with all other or extraordinary expenses necessary to be incurred by said board during said quarterly period, and on his examination and approval of said statement the Secretary of the Treasury shall issue a warrant upon the Treasury of the United States to the said board of directors for the amount so approved by him; and this section shall apply to any contract that is made for the construction of the entire canal, or any part thereof, or any contract work connected with said canal, or any railroad, telegraph, telephone, or other facility to be used in constructing said canal, or in forming or deepening the harbors connected therewith. Said board of directors, through their proper accounting officer, shall, at the end of each quarter, or as often as they shall be so required by the Secretary of the Treasury, make a full and complete accounting for all money which shall have been expended in any way in the construction of said canal or any part thereof. For the security of the repayment by said company of said moneys so advanced, and interest thereon, by the United States to the said board of directors, a lien is hereby declared in favor of the United States of America upon all the property, real, personal, and mixed, and upon all the rights, franchises, easements, privileges, rents, and tolls and interest of every description, belonging to the Maritime Canal Company of Nicaragua and appurtenant to said canal or connected therewith, whether in action or possession; and in default of the payment of the principal and interest of said moneys by such time as the President of the United States shall determine that they ought to be paid by said company, he (the President) is fully empowered to declare the forfeiture of said property to the United States without the necessity of a judicial or other ascertainment of such forfeiture; and thereupon the full and complete title of said company to all such property, rights, privileges, rents, tolls, or franchises shall rest absolutely in the United States, and the President shall cause the same to be taken into possession for the benefit of the Government; and the President of the United States is hereby authorized at any time to suspend or to decline the payment, in whole or in part, of any of the quarterly sums or estimates or other sums herein provided for, but in case of such declaration of forfeiture or of suspension of the issue of warrants the President shall inform Congress of the grounds of such action, and his action thereon shall continue in force until Congress shall otherwise direct.

SEC. 10. That the said canal may be constructed under the supervision of the Engineer Department of the United States Army, if the President of the United States shall so direct; and the President of the United States may detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company to construct said work. Otherwise the board of directors shall appoint all engineers in the service of the company.

Said canal company shall pay into the Treasury of the United States quarterly the official salaries of said engineer officers who are detailed from the Army, while in the employ of said company, and in addition thereto shall pay to said officers a sum equal to 20 per cent of such salaries in full compensation for their services while they are so employed.

SEC. 11. That the said Maritime Canal Company shall not issue any bonds or create any liens or mortgages except as herein provided, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever.

SEC. 12. That the President of the United States is authorized to arrange by agreement with Nicaragua and Costa Rica, or either of said States, for any change or modification in the terms of the concessions granted by said States which he shall deem just and for the best interests of all who are interested in the Nicaragua Canal; and he is also authorized to submit to arbitration, in the manner provided in said concessions, any matter of controversy that may arise in reference to said canal, or that relates to any claim of right under said concessions, or either of them.

SEC. 13. That it is hereby declared that the neutrality of the Nicaragua Canal is guaranteed by the United States, as the same is provided for in the concessions made by Nicaragua and Costa Rica, which are the basis of this act, thereby securing its innocent use by all maritime nations, on equal terms as to tolls and all the privileges of navigation, as the same are conceded by said Republics, and with the reservations therein provided, reserving to Nicaragua and Costa Rica and securing to them the special rights for which they have stipulated in said concessions, respectively; and the good faith of the United States is pledged to this declaration. The Nicaragua Canal being a necessary connection between the eastern and western coast lines of the United States, the right to protect the same against all interruptions, and at all times, is reserved and excepted out of this declaration of the neutrality of said canal and its free use by other nations.

SEC. 14. That Congress shall at all times have the power to alter, amend, or repeal this act.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. December 7, 1898. Ordered to be printed.

Amendment reported by Mr. MORGAN, from the Select Committee on the Construction of the Nicaragua Canal, to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz: Strike out section 3 and insert the following in lieu thereof:

SEC. 3. That in consideration of the provisions of this act, and as soon after its acceptance as is practicable, the Maritime Canal Company of Nicaragua shall call in and cause to be returned and surrendered to and canceled by the treasurer of the company all of the capital stock of the corporation heretofore subscribed for or issued and now outstanding, except that reserved to the Republics of Nicaragua and Costa Rica in their respective concessions, and shall redeem and cause to be surrendered and canceled all bonds and scrip for bonds heretofore issued by said company, and shall satisfy

and discharge all cash liabilities of said corporation and all existing construction contracts heretofore made by said company, or shall make ample provision for such surrender, cancellation, redemption, discharge, and satisfaction. That to enable the said company to provide for such surrender, cancellation, redemption, discharge, and satisfaction, and in consideration therefor, there shall be issued and delivered to such person or persons as may be designated by the stockholders of said company, other than the Republics of Nicaragua and Costa Rica, or by a majority thereof, guaranteed bonds of the Maritime Canal Company of Nicaragua provided for in this act to an amount not exceeding at their par value the sum of \$5,000,000, which said amount shall be fixed and determined by three commissioners on principles of justice and equity so as to provide a fair compensation for the property, rights, privileges, and franchises now owned by the said company and for the reimbursement of all expenditures heretofore made or incurred by the said company in the construction of the canal or in any way incident thereto. Said commissioners shall be appointed by the President of the United States, and shall not in any way be interested in the Maritime Canal Company of Nicaragua, or in any contract or concession relating to the Nicaragua Canal. Any two of said commissioners agreeing, they shall report to the Secretary of the Treasury the sum they shall have agreed upon as a just and equitable compensation for the property, rights, privileges, franchises, and expenditures aforesaid, and the Secretary of the Treasury shall thereupon issue and deliver to the persons designated by the stockholders as above provided an amount of said guaranteed bonds equal at their par value to the sum so fixed and determined by said commissioners.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. December 13, 1898. Ordered to be printed.

Amendments intended to be proposed by Mr. BERRY to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz: Strike out sections 9, 10, 11, 12, 16, and 17 and insert the following:

"That the Maritime Canal Company of Nicaragua, with the consent and approval of the President of the United States, is authorized to contract with responsible parties, who shall be citizens of the United States, for the construction, completion, and equipment of the Nicaragua Canal within a period of six years from the date of this act, and all work on said canal and all material used in the construction shall be subject to the immediate and continuous inspection, supervision, and approval of the engineers as provided by this act, and said Nicaragua Canal is to be constructed, completed, and equipped for the use and navigation of the largest seagoing vessels, at a cost not to exceed the estimate of the engineers and not to exceed \$115,000,000; and the said sum of \$115,000,000 is hereby appropriated as a permanent appropriation, out of any money in the Treasury not otherwise appropriated, and the same is to be expended in the manner following: The board of directors, at the commencement of the work, and quarterly thereafter, shall file with the Secretary of the Treasury a statement of the work necessary to be done and the expenses necessary to be incurred by the company during the three months next ensuing, and shall submit therewith an estimate of the amount which will be due and payable thereon, together with all other or extraordinary expenses necessary to be incurred by said board during said quarterly period, and on his examination and approval of said statement the Secretary of the Treasury shall issue a warrant upon the Treasury of the United States to the said board of directors for the amount so approved by him, and this section shall apply to any contract that is made for the construction of the entire canal, or any part thereof, or any contract work connected with said canal, or any railroad, telegraph, telephone, or other facility to be used in constructing said canal, or in forming or deepening the harbors connected therewith. For the security of the repayment by said company of said moneys so advanced, and interest thereon, by the United States to the said board of directors, a lien is hereby declared in favor of the United States of America upon all the property, real, personal, and mixed, and upon all the rights, franchises, easements, privileges, rents, and tolls, and interests of every description belonging to the Maritime Canal Company of Nicaragua, and appurtenant to said canal or connected therewith, whether in action or possession; and in default of the payment of the principal and interest of said moneys by such time as the President of the United States shall determine that they ought to be paid by said company, he, the President, is fully empowered to declare the forfeiture of said property to the United States without the necessity of a judicial or other ascertainment of such forfeiture, and thereupon the full and complete title of said company to all such property, rights, privileges, rents, tolls, or franchises shall rest absolutely in the United States, and the President shall cause the same to be taken into possession for the benefit of the Government; and the President of the United States is hereby authorized at any time to suspend or to decline the payment, in whole or in part, of any of the quarterly sums or estimates herein provided for."

Amend the committee amendment substituted for section 3 of the bill offered on December 7, 1898, as follows: In line 6, on page 1, after the word "subscribed," insert the words "paid for or partially paid for." After the word "outstanding," in the same line, insert the words "which has been paid for or partially paid for." After the word "satisfaction," in line 3, on page 2, insert the words "and persons who have partially paid upon said stock subscription shall be considered as entitled to relief under this section to the extent of the partial cash payments, respectively." After the word "thereof," in line 9, on page 2 of said amendment, insert the words "warrants of the Treasury of the United States, which the Secretary of the Treasury is hereby authorized to cause to be issued to an amount not exceeding, at their par value, the sum of \$5,000,000, which said amount, in such case, shall be fixed and determined by three commissioners, by principles of justice and equity, so as to provide a fair compensation of the rights, privileges, and franchises now owned by the said company and the reimbursement of all expenses made heretofore by the said company in the construction of the canal, or in any way incident thereto."

Amend line 4, page 3, by striking out the words "by an amount of said guaranteed bonds" and inserting "an amount of said warrants so authorized as aforesaid."

Amend section 5 of the bill by striking out the words "for cause," in line 10, and inserting after the word "States," in line 10, the following: "Such directors shall be appointed by and with the advice and consent of the Senate, and no two of the same shall be residents of the same State, Territory, or District of the United States, nor shall either of the said directors have been connected heretofore with the Maritime Canal Company of Nicaragua, either as director, officer, or employee thereof."

Amend section 8 of said bill by striking out the word "seven," before the word "hundred," in line 1, page 8, and inserting the word "nine;" and insert the words "and twenty-five" after the word "hundred," in line 2; and strike out in line 8, page 8, of said section the words "the guarantee of the United States of the bonds of said company," and insert in lieu thereof, after the word "consideration," the words "of the Treasury warrants hereinafter."

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. December 13, 1898. Ordered to be printed.

Amendment intended to be proposed by Mr. RAWLINS to the bill (S. 4792) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz: Insert at the end of the bill as a separate section the following:

That this act shall not take effect until the Government of the United States shall have secured, by convention with the Governments of Costa Rica and Nicaragua, and with other governments with which the United States may have treaties inconsistent therewith, the right to fortify and garrison the proposed canal, and to maintain armed vessels therein or upon Lake Nicaragua, and to move military forces through the territory of either of said States for the purpose of protecting the canal and the citizens of the United States operating the same; also, the right of passage through the canal of the armed vessels, troops, munitions, and supplies of war of the Governments of the United States, Costa Rica, and Nicaragua in case either of said Governments is at war with any foreign government, with the right to close the canal to the ships, troops, and munitions of war of such foreign government during the existence of such state of war.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. December 14, 1898. Ordered to be printed.

Amendment intended to be proposed by Mr. BACON to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz: Insert the following at the close of section 20, the same to be section 21:

SEC. 21. The provisions of this act shall not be operative and the work of constructing said canal shall not be proceeded with under the same until the Government of the Republic of Nicaragua consent to eliminate and expunge from the concession to the Nicaragua Canal Association, and to its transferees, Articles LIII and LIV of the same, and until said amended concession shall secure to the United States of America title in perpetuity to their interest in said canal and the property appurtenant thereto as contemplated in this act.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. December 15, 1898. Ordered to be printed.

Amendment intended to be proposed by Mr. CAFFERY in the nature of a substitute for the bill S. 4792 and all amendments, entitled "A bill to amend the act entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,' approved February 20, 1889, and to aid in the construction of the Nicaragua Canal," viz:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to negotiate with the Government of Great Britain for the abrogation or modification of the Clayton-Bulwer treaty so far and to such extent as to enable the United States to own, construct, maintain, and operate, under its exclusive jurisdiction, a canal across the Isthmus of Darien from or near the mouth of the San Juan River, on the Atlantic Ocean, up the valley of said river to Lake Nicaragua; thence to the Pacific Ocean at or near Brito.

SEC. 2. That the President be further authorized to purchase from the parties now holding the same all valid outstanding concessions or grants from Nicaragua and Costa Rica to enable them to construct an interoceanic canal across the territories of the aforesaid countries, and to procure from the Governments of Nicaragua and Costa Rica, for and on behalf of the United States, the revision and cancellation of all such grants or concessions: *Provided*, That not more than \$5,000,000 be paid for all outstanding grants and concessions from Nicaragua and Costa Rica for constructing an interoceanic canal across their territory, or any part thereof.

SEC. 3. That the President be authorized to purchase from Nicaragua and Costa Rica, for and in behalf of the United States, a sufficient area of land, with all privileges and easements, from a point at or near the mouth of the San Juan River, on the Atlantic Ocean, to or near a point on the Pacific Ocean at or near Brito, as is necessary for the construction, maintenance, and operation of an interoceanic canal of a sufficient depth and capacity to admit the easy and safe passage of vessels and ships of the deepest draft and largest tonnage now in use, with all necessary locks, dams, and other works and appliances needful and necessary for the permanence, security, and safety of the canal. And the President is further requested to negotiate with said Governments for the enjoyment of such privileges in the passage of their vessels and ships through said canal as he may deem equitable and proper: *Provided*, That not more than \$1,000,000 be paid for such area, privileges, and easements.

SEC. 4. That immediately after the negotiations with the Government of Great Britain shall have terminated in a satisfactory arrangement under which the United States may proceed to the construction of the canal as herein set out, and after the Senate shall have ratified the same, and after the purchase and cancellation of all outstanding and valid concessions as aforesaid, and after the purchase from the Governments of Nicaragua and Costa Rica of a sufficient area of land, with all necessary privileges and easements, the Secretary of War shall proceed to construct said canal, under plans and specifications set out by him, in the same manner and according to the same rules and regulations as now adopted and in use for all public works and improvements in the United States.

SEC. 5. That the Secretary of War shall detail a sufficient number of officers from the Engineer Corps of the Army to survey the canal and make all necessary examinations and prepare all necessary plans and specifications for the successful completion of the canal; and the said engineer officers shall supervise and inspect and report upon all work as it progresses, the same as required for public works and improvements in the United States. The money required for the construction of the canal shall be drawn from the Treasury, on a warrant of the President, in such sums as are needed on the estimates and certificates of the engineer in chief in charge of the work, approved by the Secretary of War.

SEC. 6. That to construct and put in effective operation the aforesaid canal the sum of \$140,000,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated; not more than \$28,000,000 whereof are to be paid out in any one year.

SEC. 7. That the sum of \$6,000,000, or so much thereof as may be necessary, be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of all valid outstanding concessions or grants for canal construction and franchises from Nicaragua and Costa Rica, and for the acquisition of the necessary canal route and privileges and easements from Nicaragua and Costa Rica.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. January 5, 1899. Ordered to be printed. Amendment intended to be proposed by Mr. GEAR to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz: Insert the following:

That the President of the United States be, and is hereby, authorized to acquire, by purchase from the States of Costa Rica and Nicaragua, full ownership, jurisdiction, and sovereignty, for and in behalf of the United States, of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Grey Town, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to make such purchase is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full and complete title to and jurisdiction and sovereignty over the territory in section 1 referred to, he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Grey Town, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest depth now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Grey Town to Brito; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal, and such fortifications for defense, as will be required for the convenience and safety of all vessels desiring the use of said canal.

SEC. 3. That in making surveys for said canal and harbors the Secretary of War shall detail such number of engineer officers of the Army as may be necessary, and may require of them the performance of such professional duties as he may desire.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of \$140,000,000, or so much as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the work herein authorized, said money to be drawn from the Treasury from time to time, as the same shall be needed, upon warrants of the President based on estimates made and verified by the chief engineer in charge of the work and approved by the Secretary of War.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. January 17, 1899. Ordered to be printed. Amendment proposed by Mr. CAFFERY in the nature of a substitute for the bill (S. 4792), and all amendments, entitled "A bill to amend the act entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,' approved February 20, 1889, and to aid in the construction of the Nicaragua Canal," viz: Strike out all after the enacting clause and insert:

That the President of the United States be requested to negotiate with the Government of Great Britain for the abrogation or modification of the Clayton-Bulwer treaty so far and to such extent, if in his opinion any such abrogation or modification is necessary, as to enable the United States to own, construct, maintain, and operate, under its exclusive jurisdiction, a canal across the Isthmus of Darien from or near the mouth of the San Juan River, on the Atlantic Ocean, up the valley of said river to Lake Nicaragua; thence to the Pacific Ocean at or near Brito.

SEC. 2. That the President be further authorized to purchase from the parties now holding the same all valid outstanding concessions or grants from Nicaragua and Costa Rica to enable them to construct an interoceanic canal across the territories of the aforesaid countries, and to procure from the Governments of Nicaragua and Costa Rica, for and on behalf of the United States, the revision and cancellation of all such grants or concessions: *Provided*, That not more than \$5,000,000 be paid for all outstanding grants and concessions from Nicaragua and Costa Rica for constructing an interoceanic canal across their territory, or any part thereof.

SEC. 3. That the President be authorized to purchase from Nicaragua and Costa Rica, for and in behalf of the United States, a sufficient area of land, with all privileges and easements, from a point at or near the mouth of the San Juan River, on the Atlantic Ocean, to or near a point on the Pacific Ocean at or near Brito, as is necessary for the construction, maintenance, and operation of an interoceanic canal of a sufficient depth and capacity to admit the easy and safe passage of vessels and ships of the deepest draft and largest tonnage, with all necessary locks, dams, and other works and appliances needful and necessary for the permanence, security, and safety of the canal. And the President is further requested to negotiate with said Governments for the enjoyment of such privileges in the passage of their vessels and ships through said canal as he may deem equitable and proper: *Provided*, That not more than \$1,000,000 be paid for such area, privileges, and easements.

SEC. 4. That after the purchase and cancellation of all outstanding and valid concessions as aforesaid, and after the purchase from the Governments of Nicaragua and Costa Rica of a sufficient area of land, with all necessary privileges and easements, the Secretary of War shall proceed to construct said canal, under plans and specifications set out by him, in the same manner and according to the same rules and regulations as now adopted and in use for all public works and improvements in the United States.

SEC. 5. That the Secretary of War shall detail a sufficient number of officers from the Engineer Corps of the Army to survey the canal and make all necessary examinations and prepare all necessary plans and specifications for the successful completion of the canal; and the said engineer officer shall supervise and inspect and report upon all work as it progresses, the same as required for public works and improvements in the United States. The money required for the construction of the canal shall be drawn from the Treasury, on a warrant of the President, in such sums as are needed on the estimates and certificates of the engineer in chief in charge of the work, approved by the Secretary of War.

SEC. 6. That to construct and put in effective operation the aforesaid canal the sum of \$140,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, not more than \$28,000,000 whereof are to be paid out in any one year.

SEC. 7. That the sum of \$6,000,000, or so much thereof as may be necessary, be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of all valid outstanding concessions or grants for canal construction and franchises from Nicaragua and Costa Rica, and for the acquisition of the necessary canal route and privileges and easements from Nicaragua and Costa Rica.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. January 18, 1899. Ordered to be printed. Amendment intended to be proposed by Mr. MASON to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz:

And the President is hereby authorized to negotiate by commission or otherwise for the use, settlement, purchase, or transfer to the Government of the United States, or to its agents, of any rights, privileges, contracts, or concessions that may be owned or claimed within the territory of Nicaragua or Costa Rica, or by any individual, company, or association.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. January 18, 1899. Ordered to be printed. Amendment proposed by Mr. ALLISON to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz: Insert the following:

SEC. —. That the Secretary of the Treasury is hereby authorized to borrow, on the credit of the United States, from time to time when necessary, such sum or sums as may be required to provide for the payment of the Treasury warrants authorized to be issued under the provisions of this act, and shall issue bonds of the United States for such purpose at a rate of interest not exceeding 3 per cent per annum, payable quarterly, principal and interest to be paid in coin of the present standard value at the pleasure of the United States after twenty years from their date, and said bonds shall be sold at not less than par, and shall first be offered to the people of the United States, under rules and regulations to be prescribed by the Secretary of the Treasury.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. January 20, 1899. Ordered to be printed. Amendment intended to be proposed by Mr. CARTER to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz:

After the word "payment," in line 4, page 4, insert the following: "and no payment of any amount shall be made under or on account of this act until the Republics of Nicaragua and Costa Rica shall have consented to the transfer to Government of the said privileges and franchises and shall have extended and modified the terms and conditions of the concession to the satisfaction of the President of the United States."

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. January 20, 1899. Ordered to be printed.

Amendment intended to be proposed by Mr. SPOONER to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz: Insert the following:

SEC. 13. That if the President shall be unable to secure from the Governments of Nicaragua and Costa Rica such concessions as will enable the United States to build and perpetually own and control said canal, the President is authorized to negotiate for a control of or a right to construct, maintain, and perpetually control some other canal connecting the Atlantic and Pacific oceans, and the President is requested to negotiate for the abrogation or modification of any and all treaty obligations, if any such exist, as shall in any wise interfere with the construction, ownership, and perpetual control of any such canal.

[S. 4792. Fifty-fifth Congress, third session.]

In the Senate of the United States. January 20, 1899. Ordered to be printed.

Amendment intended to be proposed by Mr. CARTER to the bill (S. 4792) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Nicaragua Canal, viz:

After the word "thereupon," in line 13, page 4, insert "if satisfied that the finding of the said commissioners is just and equitable in all particulars."

Mr. PETTIGREW. Mr. President, I wish simply to say that I shall not vote for this measure, first, because of its form; second, because I believe the Government of the United States can expend this sum of money with greater advantage to the people of the United States. I believe that we should improve and develop our own country before we expend money collected by taxation from the people of the United States for the purpose of improving some other country.

I think this money, if we choose to dig a canal, can be better expended in the construction of a canal connecting the Great Lakes with the sea, so that the ships of the nations of the world can reach the interior of this country. The commerce of the lakes is greater—probably ten or fifteen times greater—than the commerce of this canal will be. More tonnage passes through the present canal which connects the Great Lakes—four times more tonnage—than passes through the Suez Canal, and the tonnage of the port of Chicago is greater than all the foreign commerce of New York, Philadelphia, and Baltimore together.

Therefore I believe that this money expended in building a ship canal connecting the Great Lakes with the sea, and thus developing our own country, would be of greater advantage to our own people, inasmuch as they must pay for it, than the construction of a canal connecting the two oceans, for there is no commercial necessity which prompts the construction of the Nicaragua Canal under this bill.

It can not be pleaded that there is a war necessity for it, that it is needed for the protection of the people of the United States; for the concessions which we have and the treaties which exist prohibit and prevent the Government of the United States from fortifying and protecting the canal after it shall have been constructed. Besides this, the canal itself is to be built along such

lines with enormous embankments, so that it will be a danger and menace rather than a means of defense in case of hostilities. We can not fortify it. It is 200 miles in length; according to the present plan, 176 miles in length, but the new plan which will probably be proposed by the board which is now examining this question will extend that length to 200 miles. There are many miles of embankments 70 feet high. Suppose we should in case of war pass a fleet through this canal, unfortified and unprotected, 176 miles in length; one man, with the quantity of dynamite which he could carry alone, could destroy these enormous embankments and leave our fleet indefinitely in Lake Nicaragua after it had entered the portals of the canal. So I say that as a war necessity the bill itself makes the canal inadequate for the purpose for which it is intended.

It seems to me further, Mr. President, that if we are going to build a canal, we must build it and declare it a neutral canal. It must be under the same terms as the Suez Canal, by which all vessels in time of peace or war can pass it without hindrance or delay, and the nations of the world have united as to the Suez Canal. When this canal shall be built, its neutrality must be guaranteed by the nations of the world, so that our enemy will be able to use it in case of war as well as we, and therefore only one canal should be built across the Isthmus.

It seems to me more reasonable, if we are going to build a canal, that we should join with the other nations of the world and build a neutral canal, and build it at the best place; that that question should be left open in this bill, and our Government should be left free to determine whether they will join in the completion of the canal already commenced or whether they will join with other nations in building a canal which is not commenced. At Panama 4,000 men are now employed in the excavation of a canal and have been so employed for the last three years. It is 46 miles across the Isthmus of Panama. It is 176 miles by the shortest route at Nicaragua. If we build two canals, which canal will receive the commerce of the world? The shorter canal. A vessel can cross at Panama in fourteen hours. It takes forty-four hours for a vessel to cross at Nicaragua. If we build this canal and the other canal is completed, no commerce will pass through this waterway. Under this bill we can not fortify it, and under the concession we can not protect it; therefore it will be useless for us as a means of defense in case of war.

So I say, Mr. President, that it seems to me the whole broad question should be open; and if we are to build a canal across the Isthmus of Panama, we should join with the other nations of the world and make it a neutral canal. Therefore I am opposed to the bill. I do not care to delay a vote upon it this afternoon. If the bill passes the House, it will undoubtedly be amended; and when the conference report is presented, I shall, to some greater extent, submit to the Senate my further objections to the passage of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

The bill was passed.

Mr. VEST subsequently said: Mr. President, I understand that the Nicaragua Canal bill was passed a few moments ago without a call of the roll. I was called out by public business. I have taken no part in the debate for several reasons, principal among which is the fact that it was suggested that those of us who were opposed to the peace treaty, as it is termed, were using the Nicaragua bill to defeat action on the treaty. How that was possible when we are in the minority in the Senate, I have never been able to ascertain, but still that was the charge. But I do want the privilege of recording my vote against the Nicaragua bill. I think we are entitled to a roll call. The idea of passing a bill of its importance without a quorum of the Senate and without a roll call is unprecedented. I suggest to my friend the Senator from Alabama that the vote by which the bill was passed be reconsidered for the purpose of taking the yeas and nays on its passage.

Mr. PETTIGREW. That is right.

Mr. MORGAN. Mr. President, I do not admit the correctness of the statement made by the Senator from Missouri that there was no quorum present at the time when the vote was taken which passed the Nicaragua Canal bill, but the Senator from Missouri insists that he has the right to have his name recorded on a roll call. I therefore move to reconsider the vote by which the bill was passed, in order that we may proceed to have the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama, that the vote by which the measure known as the Nicaragua Canal bill was passed be reconsidered.

The motion was agreed to.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from Texas [Mr. MILLS], whom I do not see in the Chamber. However, on this vote my right has been reserved, and I will vote. I vote "yea."

Mr. HANSBROUGH (when his name was called). On this vote I transfer my pair with the Senator from Virginia [Mr. DANIEL] to the Senator from Maine [Mr. HALE], and will vote. I vote "yea."

Mr. LINDSAY (when his name was called). Upon this bill I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

Mr. McLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "nay."

Mr. MALLORY (when Mr. PASCO's name was called). My colleague [Mr. PASCO] is unavoidably absent. He is paired on this subject with the Senator from Tennessee [Mr. TURLEY]. If the Senator from Florida [Mr. PASCO] were here, he would vote "yea."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Nevada [Mr. STEWART]. If he were present, he would vote "yea" and I should vote "nay."

Mr. HAWLEY (when the name of Mr. PLATT of Connecticut was called). My colleague [Mr. PLATT] is necessarily absent, out of town, but he is paired on this question with the Senator from Maryland [Mr. WELLINGTON]. My colleague would vote "yea," if present.

Mr. CARTER (when the name of Mr. PLATT of New York was called). Before the adoption of the amendment proposed by the Senator from Wisconsin I intended to vote against the bill, and consequently paired with the Senator from New York [Mr. PLATT]. I transfer my pair to the Senator from Texas [Mr. MILLS], and will vote. I vote "yea." That is the way the Senator from New York [Mr. PLATT] would vote, if present.

Mr. LODGE (when Mr. PRITCHARD's name was called). The Senator from North Carolina [Mr. PRITCHARD], supposing the bill had passed, for which he was very desirous to vote, left the Chamber, being called away by important business. I think proper, therefore, to make this explanation.

Mr. HAWLEY. He would have voted for the bill.

Mr. LODGE. He would have voted "yea," if present.

Mr. RAWLINS (when his name was called). I am paired with the Senator from Washington [Mr. TURNER]. If he were present, I should vote "nay."

Mr. ROACH (when his name was called). On this question I agreed to pair with the Senator from Utah [Mr. CANNON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. SPOONER (when his name was called). Upon the pending bill I am paired with the Senator from Wyoming [Mr. CLARK], who, as I am advised, would have voted for the bill as reported from the committee. As amended I shall vote for the bill.

I ask unanimous consent to say for the Senator from Ohio [Mr. FORAKER] that he left the Chamber supposing the bill had been passed. If he were present, he would vote for the bill.

Mr. TELLER (when his name was called). On this bill I am paired with the senior Senator from Maryland [Mr. GORMAN]. If he were present, he would vote "yea" and I should vote "nay."

Mr. TILLMAN (when his name was called). I am paired on this bill with the Senator from West Virginia [Mr. FAULKNER], who is absent, as I stated previously, by reason of bereavement in his family. If he were present, he would vote "yea" and I should vote "nay."

Mr. TURLEY (when his name was called). As stated, on this bill I am paired with the Senator from Florida [Mr. PASCO]. If he were present, I should vote "nay."

Mr. JONES of Arkansas (when Mr. TURPIE's name was called). The Senator from Indiana [Mr. TURPIE] is detained from the Senate by a somewhat protracted illness. If he were present, he would vote "nay." He is paired with the Senator from Washington [Mr. WILSON].

Mr. VEST (when his name was called). I inquire if the junior Senator from Minnesota [Mr. NELSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. VEST. I have a general pair with that Senator. I understand that if he were present he would vote "yea." I should certainly vote "nay."

The roll call was concluded.

Mr. LODGE. I desire to announce that the Senator from Maine [Mr. HALE] is detained from the Chamber by illness. I understand if present he would vote "yea."

Mr. CULLOM. I desire to inquire if the present occupant of the chair [Mr. FRYE] or any other Senator is paired with the senior Senator from Delaware [Mr. GRAY]. The understanding

was that in the absence of the present occupant of the chair and the Senator from Delaware they stood paired.

The PRESIDENT pro tempore. The present occupant of the chair is not aware that he is paired, and has voted.

Mr. CULLOM. I have had a general pair with that Senator, lasting for many years, and in the absence of any other arrangement by which he is represented here I will withhold my vote. If I were at liberty, I should vote "yea."

The PRESIDENT pro tempore. The Senator from Illinois can transfer his pair to my colleague [Mr. HALE].

Mr. CULLOM. I shall be glad to do so.

Mr. BERRY. The Senator from Maine [Mr. HALE] has been paired with the Senator from Virginia [Mr. DANIEL].

Mr. HANSBROUGH. I announced that pair.

Mr. CULLOM. If I were privileged to vote, I should vote "yea." I do not know how the distinguished Senator from Delaware would vote.

Mr. MORGAN. The Senator can transfer his pair, I am informed, to the Senator from Nebraska [Mr. ALLEN], who is not paired.

Mr. CULLOM. Is there objection to my transferring my pair with the Senator from Delaware [Mr. GRAY] to the Senator from Nebraska [Mr. ALLEN]? If not, I will announce that pair and vote.

Mr. HARRIS. Does the Senator from Illinois refer to the Senator from Nebraska [Mr. ALLEN]?

Mr. CULLOM. Yes, sir.

Mr. HARRIS. I will state that I have authority to arrange a pair for the Senator from Nebraska, who, if present, would vote in favor of the bill.

Mr. CULLOM. I do not know how the senior Senator from Delaware would vote. If that is agreeable to the Senator, I will announce that pair and cast my vote.

Mr. HARRIS. The Senator from Nebraska has been called to Nebraska on important business. I am willing to accept the pair suggested by the Senator from Illinois.

Mr. CULLOM. Then I will vote. I vote "yea."

Mr. HARRIS. I am authorized to announce for my colleague [Mr. BAKER] that if present he would vote for the bill. He has been confined to his room for some time past by serious illness.

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. I am informed by his colleague that if present he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

The result was announced—yeas 48, nays 6; as follows:

YEAS—48.			
Allison,	Elkins,	Kyle,	Pettus,
Bacon,	Fairbanks,	Lodge,	Proctor,
Berry,	Frye,	McBride,	Quay,
Burrows,	Gallinger,	McEnery,	Ross,
Butler,	Gear,	McMillan,	Sewell,
Carter,	Hanna,	Mallory,	Shoup,
Chandler,	Hansbrough,	Mitchell,	Simon,
Chilton,	Harris,	Money,	Spooner,
Clay,	Hawley,	Morgan,	Sullivan,
Culom,	Heitfeld,	Murphy,	Thurston,
Davis,	Hoar,	Penrose,	White,
Deboe,	Jones, Ark.	Perkins,	Wolcott.

NAYS—6.			
Bate,	Cockrell,	Martin,	Smith.
Caffery,	Mantle,		
		NOT VOTING—38.	
Aldrich,	Gray,	Pasco,	Tillman,
Allen,	Hale,	Pettigrew,	Turley,
Baker,	Jones, Nev.	Platt, Conn.	Turner,
Cannon,	Kenney,	Platt, N. Y.	Turpie,
Clark,	Lindsay,	Pritchard,	Vest,
Daniel,	McLaurin,	Rawlins,	Warren,
Faulkner,	Mason,	Roach,	Wellington,
Foraker,	Mills,	Stewart,	Wetmore,
Gorman,	Nelson.	Teller,	Wilson.

So the bill was passed.

MEMORIAL SERVICES ON THE LATE REPRESENTATIVE COOKE.

Mr. CULLOM. Mr. President, I desire to give notice that on Friday afternoon of next week I shall call up the House resolutions in relation to the death of the Hon. EDWARD D. COOKE, late a member of the House of Representatives from the Chicago district. These resolutions, on account of various matters which have interfered, were not taken up during the last session. I hope to call them up on next Friday, sometime in the afternoon.

ORDER OF BUSINESS.

Mr. WOLCOTT. I desire, if I am in order, to move that the Senate proceed to the consideration of the bill (H. R. 7130) to amend an act entitled "An act to regulate commerce." I may state that I make the motion on behalf and at the request of the chairman of the Committee on Interstate Commerce, who is at present unable to be here.

Mr. CHILTON. What is the bill?

Mr. WOLCOTT. The anti-scalping bill.

Mr. TILLMAN. Is it the House bill?

Mr. WOLCOTT. The House bill.

Mr. TILLMAN. I will say to the Senator from Colorado that the Senator from New Hampshire [Mr. CHANDLER] is very much

interested in this matter, and we have had some conferences with the chairman of the committee. Those of us who are opposed to the measure have decided that it ought to go to the committee and be considered.

Mr. WOLCOTT. I will say to the Senator from South Carolina that in this matter I am acting on behalf of the chairman of the Committee on Interstate Commerce, and all I desire is to get the bill before the Senate, and I will—

Mr. TILLMAN. Yes; and we do not want it to go before the Senate. We want it to go to the committee.

Mr. WOLCOTT. I desire to suggest to the Senator from South Carolina that if the bill can be laid before the Senate, it will be entirely in order for the Senator at any stage to move to refer it to the committee. All I desire is to get it before the Senate, and I will give way to any other bill. There is no desire to press it.

Mr. HOAR. Where is the bill now?

Mr. WOLCOTT. It is between heaven and earth. It came here from the House, and I have moved that the Senate proceed to its consideration.

Mr. CHILTON. I do not think such a motion ought to be made on Saturday afternoon at this hour. No one would expect a new matter of importance to be taken up at this time. I therefore suggest to the Senator from Colorado that he defer his motion until Monday next.

Mr. HOAR. Has the bill ever been laid before the Senate by the Chair?

The PRESIDENT pro tempore. It was laid before the Senate and was read twice, and is now on the Table Calendar. The Senator from Colorado moves that the Senate proceed to the consideration of the bill (H. R. 7130) to amend an act entitled "An act to regulate commerce."

Mr. TILLMAN. I do not want to appear to obstruct matters here again, but in the absence of the Senator from New Hampshire I insist that the Senator from Colorado will not gain any time by undertaking to press this matter to a vote, because we do not intend to have it summarily disposed of in this way. We contend that the minority members of the committee have some rights, and that a similar measure having been reported here, entirely different from this, we ought to have this measure referred to the committee and that the committee should be treated with proper courtesy.

Mr. WOLCOTT. The Senator from Colorado is not desirous of gaining time or gaining anything else. He is acting for the chairman of the committee, on whose behalf he moves that the bill be laid before the Senate, and then he will ask that it be made the unfinished business. There is no sort of question as to the ability of anybody to move to refer it to the committee or to take any other step which he may see fit. I do not understand that there is anywhere any suggestion of unfairness in moving its consideration at this time.

Mr. TILLMAN. I do not undertake for a moment to charge the Senator from Colorado, because I do not believe he would do anything of the sort, with acting in any way not in perfect accord with courtesy and having regard for the rights of other Senators.

Mr. WOLCOTT. I would not think of such a thing.

Mr. TILLMAN. I merely wish to have notice given that those of us in the minority on the committee think we have the right to have the matter referred to the committee, and we propose to ask the Senate to treat us with respect, in spite of the chairman, who wishes to override us.

Mr. CHILTON. I wish to suggest that the rules provide that on objection any bill which has been laid on the table shall go to the Calendar, and I make that objection.

Mr. WOLCOTT. Does the Senator from Texas make the objection?

Mr. CHILTON. Yes, sir.

Mr. WOLCOTT. In view of that objection, I move that the Senate proceed to the consideration of the bill (S. 1575) to amend an act entitled "An act to regulate commerce," which has been reported from the Committee on Interstate Commerce and is now upon the Calendar.

Mr. CHILTON. I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Senator from Texas suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Gear,	Mallory,	Sewell,
Bacon,	Hanna,	Mantle,	Shoup,
Bate,	Hansbrough,	Martin,	Simon,
Berry,	Harris,	Mitchell,	Smith,
Burrows,	Hawley,	Money,	Spooner,
Butler,	Heitfeld,	Morgan,	Sullivan,
Caffery,	Hoar,	Murphy,	Teller,
Carter,	Jones, Ark.	Penrose,	Thurston,
Chandler,	Jones, Nev.	Perkins,	Tilman,
Chilton,	Kyle,	Pettigrew,	Turley,
Davis,	Lindsay,	Pettus,	Vest,
Deboe,	Lodge,	Proctor,	White,
Elkins,	McBride,	Quay,	Wolcott.
Fairbanks,	McEnery,	Rawlins,	
Frye,	McLaurin,	Roach,	
Gallinger,	McMillan,	Ross,	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present. The Senator from Colorado moves that the Senate proceed to the consideration of the bill (S. 1575) to amend an act entitled "An act to regulate commerce."

Mr. CHANDLER. I desire unanimous consent to say a word upon the motion.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that he may be permitted to make a statement.

Mr. SEWELL. Is this a debatable subject? If not, I object.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

Mr. CHANDLER. I ask the Chair to lay before the Senate messages from the House of Representatives.

JOHN H. SANBORN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 508) granting an increase of pension to John H. Sanborn, which was, in line 8, to strike out "thirty" and insert "twenty-four."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

MARY SPRAGUE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 1454) granting an increase of pension to Mary Sprague; which were, in lines 4 and 5, to strike out "the name of Mary Sprague, a volunteer nurse in the late war," in line 6, after the word "laws" to insert "the name of Mary Sprague, late an army nurse;" in line 7, after "her" to strike out "the sum" and insert "a pension at the rate;" and, in lines 7 and 8, to strike out "from and after the passage of this act."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HATTIE E. GUSLER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 2555) granting a pension to Hattie E. Gusler, which was, in line 8, to strike out "twelve" and insert "eight."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LEAH L. PRICE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 3693) granting an increase of pension to Leah L. Price, which was, in line 6, to strike out "Revend."

Mr. GALLINGER. I move that the Senate concur in the amendment.

Mr. TILLMAN. Mr. President, I wish to address the Senate for a moment on the motion just made by the Senator from New Hampshire [Mr. GALLINGER] in order to make a statement.

The PRESIDENT pro tempore. Will the Senator from South Carolina allow the Chair to finish laying before the Senate the messages of the House of Representatives?

Mr. TILLMAN. I think I have a right to discuss the motion if I choose. Have I not?

The PRESIDENT pro tempore. To what bill does the Senator from South Carolina refer?

Mr. TILLMAN. The one laid before the Senate for concurrence in the amendment of the House. I have a right to discuss it, have I not?

The PRESIDENT pro tempore. Undoubtedly.

Mr. TILLMAN. Mr. President, I do not want to discuss it, but I desire to get the floor for another purpose, and under our splendid rules we can always get a hearing in the Senate, if we fight for it.

The Senator from Colorado, acting for the chairman of the Committee on Interstate Commerce, has moved to take up the Senate bill 1575, reported by the Interstate Commerce Committee. He moved first to take up the House bill, which has been sent to us, but on objection being made he moved to take up the Senate bill, which is already on the Calendar.

The Senator from New Hampshire asked leave to make a statement and the Senator from New Jersey objected. I had intended making a statement myself before him, and I will now make it to the Senate. It is to this effect: The bill which the Senator from Colorado asked to have taken up and to be made the special order was reported to the Senate from the Committee on Interstate Commerce by a vote of 6 to 4. Immediately after that vote had been had a motion was made that that bill be not taken up for consideration in the Senate until the question of the whole subject of railroad management and the strengthening of the Interstate

Commerce Commission had been considered by the committee, and that the two subjects would be reported together and acted on together. That resolution not to consider the bill, not to take it up, passed the committee. It passed the committee by a vote of 6 to 4. The committee has had no meeting rescinding that action, and I submit to the Senator that as a matter of fairness to the members of that committee he ought not to come in to this body and undertake to get up business that has been reported from that committee in this way.

Mr. CHANDLER. Mr. President, what is now before the Senate?

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire [Mr. GALLINGER] to concur in the amendment of the House of Representative to Senate bill 3693.

The motion was agreed to.

CATHERINE CHILDERS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 3705) granting a pension to Catherine Childers.

The amendments were, in line 4, after the word "roll," to insert the words "subject to the provisions and limitations of the pension laws;" and in line 7, after the word "Cavalry," to insert "and pay her a pension."

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

Mr. CHANDLER. Mr. President, I shall not follow the Senator from South Carolina in debating the motion to take up for consideration the anti-scalping bill simply because the Senator from New Jersey, who is distinguished authority upon railroad questions, of course, objected to my request for unanimous consent. I shall, however, if the Senator makes the motion to take up, claim as a matter of privilege the right to state to the Senate that the motion to take up is made in pursuance of an express vote of the Interstate Commerce Committee that the bill should not be taken up.

The PRESIDENT pro tempore. The question is on agreeing to the motion to concur in the amendments of the House of Representatives.

The motion was agreed to.

ELI M. COUCH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 4547) granting a pension to Eli M. Couch, which was, in line 7, after the word "pension," to insert the words "at the rate."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

LEWIS C. L. SMITH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 3441) to authorize the Secretary of War to remove the charge of desertion and issue to Lewis C. L. Smith, Company D, First Delaware Infantry Volunteers, an honorable discharge, which was, in section 2, line 2, after the word "approval," to insert:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the possible passage of this act.

Mr. MITCHELL. I move that the Senate concur in the amendment.

The motion was agreed to.

TICKET BROKERAGE.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. WOLCOTT] moves that the Senate proceed to the consideration of Senate bill 1575, which will be read by title.

The SECRETARY. A bill (S. 1575) to amend an act entitled "An act to regulate commerce."

Mr. CHANDLER. I ask unanimous consent to make a statement with reference to this motion before the vote is taken.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent to make a statement.

Mr. SEWELL. It is well known that the Senator is opposed to this bill under any and all circumstances. It does not make any difference what it is, I object to any statement.

Mr. CHANDLER. Inasmuch as the Senator from New Jersey has discussed the subject, I think I ought to be allowed to reply to him.

Mr. SEWELL. I do not discuss it. It is the intention of the Senator from Colorado, as I understand it, to get the bill up and then to give way to the appropriation bills, but to have it before the Senate.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. CHANDLER. I ask unanimous consent that the Senator from New Jersey may go on.

The PRESIDENT pro tempore. The Senator from New Hamp-

shire asks unanimous consent that the Senator from New Jersey may proceed with his remarks.

Mr. SEWELL. Mr. President, I decline to follow such a bad precedent as the Senator from New Hampshire is setting.

Mr. CHANDLER. Now I renew my request for unanimous consent.

Mr. SEWELL. I object.

The PRESIDENT pro tempore. The Senator from New Hampshire again asks unanimous consent that he may make a statement.

Mr. SEWELL. I object.

Mr. CHANDLER. I claim the right as a member of the committee to make a statement, as a matter of privilege.

Mr. SEWELL. I object.

Mr. CHANDLER. I understand that the Senator objects. That is what the Senator is here for, Mr. President; it is to object. I claim the right to make a statement, as a matter of privilege, concerning the business of the Interstate Commerce Committee before this vote is taken. That matter of privilege the Chair will kindly hear.

After a vote was taken by 6 to 4 to report this bill, it was voted by the same vote, 6 to 4, to instruct the chairman not to move to take it up for consideration in the Senate until the committee should have prepared and reported to the Senate as an amendment a bill strengthening the powers of the Interstate Commerce Commission, so that the two subjects of suppressing ticket brokerage and of strengthening the powers of the Interstate Commerce Commission should be considered at the same time.

I submit, Mr. President, that under those circumstances the chairman of the committee, who is present, I see, and the member of the committee who makes this motion ought not at this late hour Saturday afternoon to ask for a vote on this subject.

Mr. SEWELL. Now, Mr. President, I suppose I have a right to speak after allowing the Senator from New Hampshire to go on.

The PRESIDENT pro tempore. All the Chair can do is to state that the question is not debatable.

Mr. SEWELL. Well, it is done by unanimous consent.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. SEWELL. This bill was reported February 3 of last year. It has the strongest support to-day, numerically, of any bill that has ever come before Congress. There are petitions before this body of about 4,500,000 people.

The committee, as the Senator has said, did ask to have it lie over until an Interstate Commerce Commission bill had been reported, so as to put it on that bill. They have not reported that bill, but in the meantime the House of Representatives has sent a bill here on a similar subject. The Committee on Interstate Commerce have no right to say that that bill from the coordinate body at the other end of the Capitol shall have no consideration here. A bill of this character, which involves not alone great interests, but is the subject of a petition of 4,500,000 of the people of this country, has no right to be smothered. It ought to come up for the deliberate action of this body. I understand from conversation with the Senator from Colorado that all he wants is to get the bill a status here now. He is perfectly willing to give way to the Senator from Iowa with the appropriation bills.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from South Carolina?

Mr. SEWELL. Certainly.

Mr. TILLMAN. I wish to submit to the Senator from New Jersey that the discussion of the merits of the proposition at this stage of the game and at this late hour certainly ought not to be entered into before we take a vote as to whether we shall take the bill up.

Mr. SEWELL. I am perfectly willing to stop any discussion of the kind.

Mr. TILLMAN. You are making statements—

Mr. SEWELL. The Senator from New Hampshire forced me into it.

Mr. TILLMAN. You are making statements that those of us who have examined the question as members of the Interstate Commerce Committee feel bound to dispute and to deny as being true.

Mr. SEWELL. Very good.

Mr. TILLMAN. We would not want the Senate to be influenced by those statements in voting to bring the bill before the Senate for consideration.

Mr. SEWELL. If the Senator will allow me, I am perfectly willing—

Mr. TILLMAN. The point I wish to make, Mr. President, if the Senator will permit me, is that when the Senator from Colorado moved to take up the House bill we did not endeavor to smother it. It is not customary for bills which come here from the House to be brought here and dumped on the table to be considered by the Senate without consideration by its committees. We only ask that the Interstate Commerce Committee shall have the same courtesy shown it and the same right to examine the bill

sent by the House as other committees have; and when that purpose was indicated to the Senator from Colorado, he simply moved to take up this other bill, contrary to the agreement made in the committee.

Mr. SEWELL. Mr. President, it is within the rights of the Senator from Colorado, as a member of the Senate, to make that motion, and, in fact, any Senator can move to take up any bill that is on the Calendar. Now I do not wish to discuss the subject any further.

Mr. TILLMAN. Does the Senator from New Jersey contend that it is the right of the Senator from Colorado to move to take up a bill which the committee that reported it have agreed among themselves, by a majority vote, shall not be taken up?

Mr. SEWELL. The committee, after having reported the bill, have no rights over it. It is a bill on the Calendar and in the possession of the Senate. You have no business to say that you have a string on that report.

Mr. WOLCOTT. Perhaps I can relieve the strain of this discussion, which threatens to become personal, by suggesting that a majority of the total members of the Interstate Commerce Committee have already requested the chairman to call this bill up.

Mr. TILLMAN. But they did not do it in committee. They did not do it by vote. It was irregular and contrary to the rules of the committee.

Mr. SPOONER. Will the Senator from South Carolina allow me to ask him a question?

Mr. TILLMAN. I will, sir.

Mr. SPOONER. It is only for information. Is the bill which has passed the House substantially the bill reported by a majority vote of the committee?

Mr. TILLMAN. By no manner of means.

Mr. PETTIGREW. Of course the House bill has not been referred.

Mr. TILLMAN. The House bill has not been referred to the committee, and the motion we made when the Senator from Colorado moved to take up the House bill was to refer it to the committee.

Mr. PETTIGREW. Mr. President—

The PRESIDENT pro tempore. The motion is not debatable.

Mr. GALLINGER. I make the point of order that this question is not debatable and ought not to be further debated.

Mr. PETTIGREW. I do not desire to debate it at all.

Mr. GALLINGER. I trust the Chair will enforce the rule.

Mr. PETTIGREW. I wish to know of the Chair if a motion to commit the bill to the Committee on Interstate Commerce is in order at this time?

Mr. CHILTON. I suggest to the Senator from South Dakota that the bill which is now moved to be taken up is the bill already reported from the Interstate Commerce Committee, and I do not think it would be advisable to move to recommit until after the Senate has agreed to take it up.

The PRESIDENT pro tempore. The Chair informs the Senator from South Dakota that it is not the House bill the Senator from Colorado has moved shall be taken up.

Mr. PETTIGREW. I understand that. I want to know if a motion to recommit the Senate bill would be in order at this time?

The PRESIDENT pro tempore. No; it would not.

Mr. HOAR. Not until after it is taken up.

The PRESIDENT pro tempore. The question is on taking up the bill for consideration.

Mr. CLAY. I think, if I understood the Senator from Texas [Mr. CHILTON] correctly, that a bill on this subject was passed by the House and it came to the Senate, and has never been referred to the Committee on Interstate Commerce here, but the committee heretofore simply reported a bill on this subject, and now the committee propose to offer the Senate bill as a substitute for the House bill.

Mr. CHILTON. No; that is not the exact status. By unanimous consent, for clearness sake, I will state the present attitude of the question. The Senate Committee on Interstate Commerce reported a bill on this general subject, but varying very widely from the bill which passed the House. The House bill, having come to the Senate, has not taken the usual course of reference to a committee, but was laid on the table. Now, the motion of the Senator from Colorado is to take up the bill which came from the Senate Committee on Interstate Commerce and which is now on the Calendar of the Senate. The minority members of the Interstate Commerce Committee, including myself, believe that that is substantially a violation of the order made by the vote of the committee.

The PRESIDENT pro tempore. On the motion to proceed to the consideration of the bill the Senator from Texas demands the yeas and nays.

The yeas and nays were ordered.

Mr. CHANDLER. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. SEWELL. Mr. President—

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire.

Mr. CHANDLER. On that motion I call for the yeas and nays. The PRESIDENT pro tempore. The Senator from New Hampshire asks for the yeas and nays on the motion to proceed to the consideration of executive business.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. Not knowing how he would vote, I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. I will take the liberty of transferring that pair to the senior Senator from Rhode Island [Mr. ALDRICH], and cast my vote. I vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from Texas [Mr. MILLS]. I will transfer that pair to the Senator from Connecticut [Mr. PLATT] and vote. I vote "nay."

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL], and I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. QUAY]. If he were here, I should vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. ROACH]. He is not in his seat, and I withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MC LAURIN]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I do not know how he would vote if present.

The roll call was concluded.

Mr. BUTLER (after having voted in the affirmative). I have had a general pair with the junior Senator from Maryland [Mr. WELLINGTON] on all questions. Yesterday by mutual arrangement that pair was modified so as to cover political questions. Therefore, on this question we are not paired by the agreement entered into yesterday. As this is not a political question, I have voted.

Mr. HANSBROUGH. I will transfer my pair with the Senator from Virginia [Mr. DANIEL] to the Senator from Maryland [Mr. WELLINGTON], and vote "nay."

Mr. GALLINGER. I will inquire if a pair has been announced with the Senator from Nebraska [Mr. ALLEN]?

The PRESIDENT pro tempore. It has not.

Mr. GALLINGER. I have a communication from the Senator from Nevada [Mr. STEWART], who says he desires to be paired in favor of the passage of this bill, and I should like to pair him with some Senator who is opposed to it. If there be no objection I will suggest a pair between the Senator from Nevada [Mr. STEWART] and the Senator from Nebraska [Mr. ALLEN] on this subject. I will so announce it.

Mr. WARREN (after having voted in the negative). I should like to inquire if the Senator from Washington [Mr. TURNER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he did not vote.

Mr. WARREN. Then I will withdraw my vote, as I am paired with that Senator.

The result was announced—yeas 23, nays 30; as follows:

YEAS—25.

Bate,	Clay,	Money,	Teller,
Berry,	Harris,	Morgan,	Tillman,
Burrows,	Heitfeld,	Pettigrew,	Turley,
Butler,	Jones, Ark.	Pettis,	White.
Caffery,	Kyle,	Rawlins,	
Chandler,	Lindsay,	Ross,	
Chilton,	Mallory,	Sullivan,	

NAYS—30.

Allison,	Frye,	McMillan,	Sewell,
Carter,	Gallinger,	Mantle,	Shoup,
Cockrell,	Gear,	Martin,	Simon,
Cullom,	Hanna,	Mitchell,	Smith,
Davis,	Hansbrough,	Murphy,	Spooner,
Deboe,	Hawley,	Penrose,	Wolcott.
Elkins,	Jones, Nev.	Proctor,	
Fairbanks,	Lodge,	Quay,	

NOT VOTING—35.

Aldrich,	Gorman,	Mills,	Thurston,
Allen,	Gray,	Nelson,	Turner,
Bacon,	Hale,	Pasco,	Turpie,
Baker,	Hoar,	Perkins,	Vest,
Cannon,	Kenney,	Platt, Conn.	Warren,
Clark,	McBride,	Platt, N. Y.	Wellington,
Daniel,	McEnery,	Pritchard,	Wetmore,
Faulkner,	McLaurin,	Roach,	Wilson.
Foraker,	Mason,	Stewart,	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Colorado [Mr. WOLCOTT] to proceed to the consideration of the bill (S. 1575) to amend an act entitled "An act to regulate commerce," on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my pair with the junior Senator from Rhode Island [Mr. WETMORE]. If he were here, I should vote "yea."

Mr. GALLINGER (when his name was called). I again announce the transfer of my general pair with the Senator from Texas [Mr. MILLS] to the Senator from Connecticut [Mr. PLATT]. I vote "yea."

Mr. HANSBROUGH (when his name was called). I again transfer my pair with the Senator from Virginia [Mr. DANIEL] to the Senator from Maryland [Mr. WELLINGTON], and vote "yea."

Mr. PERKINS (when his name was called). I again announce that I have a general pair with the junior Senator from North Dakota [Mr. ROACH], who is not in his seat, and I will therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. MC LAURIN]. If he were present, I should vote "yea."

Mr. TELLER (when his name was called). I am not certain that I am paired with the Senator from Maryland [Mr. GORMAN], but he may have understood that the pair lasted all day. I know he said something on the subject. I therefore withhold my vote, as I do not know how the Senator from Maryland would vote, if present.

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I do not know how he would vote on this question, if present, and so I withhold my vote.

Mr. WARREN (when his name was called). I have a pair with the Senator from Washington [Mr. TURNER]; and unless some Senator can advise me of his position, I will assume that he would vote "nay," if present. I should vote "yea." He being absent, I will withhold my vote.

The roll call was concluded.

Mr. HARRIS. I desire to announce that the Senator from Nebraska [Mr. ALLEN] is paired with the Senator from Nevada [Mr. STEWART]. The Senator from Nebraska would vote "nay," if present, and the Senator from Nevada would vote "yea."

The result was announced—yeas 33, nays 21; as follows:

YEAS—33.

Allison,	Frye,	McMillan,	Shoup,
Burrows,	Gallinger,	Mitchell,	Simon,
Carter,	Gear,	Money,	Smith,
Cockrell,	Hanna,	Murphy,	Spooner,
Cullom,	Hansbrough,	Penrose,	Thurston,
Davis,	Hawley,	Proctor,	Wolcott.
Deboe,	Hoar,	Quay,	
Elkins,	Jones, Nev.	Ross,	
Fairbanks,	McBride,	Sewell,	

NAYS—21.

Bate,	Clay,	Martin,	Tillman,
Berry,	Heitfeld,	Morgan,	Turley,
Butler,	Jones, Ark.	Pettigrew,	White.
Caffery,	Lindsay,	Pettus,	
Chandler,	Mallory,	Rawlins,	
Chilton,	Mantle,	Sullivan,	

NOT VOTING—36.

Aldrich,	Gorman,	Mason,	Stewart,
Allen,	Gray,	Mills,	Teller,
Bacon,	Hale,	Nelson,	Turner,
Baker,	Harris,	Pasco,	Turpie,
Cannon,	Kenney,	Perkins,	Vest,
Clark,	Kyle,	Platt, Conn.	Warren,
Daniel,	Lodge,	Platt, N. Y.	Wellington,
Faulkner,	McEnery,	Pritchard,	Wetmore,
Foraker,	McLaurin,	Roach,	Wilson.

So the motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent to proceed to the consideration of the Indian appropriation bill. In making this request I will say to the Senate that it is not my purpose to finish the bill to-night. The reading of the bill was not completed at the last sitting when it was under consideration.

Mr. WHITE. I desire to inquire of the Senator from Iowa whether he designs to consider the bill at all this evening. This being Saturday, and it now being quite late in the afternoon, it appears to me we should adjourn; but I do not wish to antagonize an appropriation bill in any way. I do not, however, feel that any good purpose will be subserved by proceeding with the consideration of the bill this evening.

Mr. ALLISON. I will say to the Senator from California that if any controverted questions arise in the consideration of the bill, I will let them go over. I wish to complete the reading of the bill and the consideration of the amendments of the Committee on Appropriations. I do not think it will take three-quarters of an hour to do that.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the pending unfinished business, being what is known as the anti-scalping bill, be laid temporarily aside, and that the Senate proceed to the consideration of the Indian appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11217) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1900, and for other purposes.

The reading of the bill was resumed at line 10 on page 46, beginning with the appropriations for "Support of schools."

The next amendment of the Committee on Appropriations was, under the head of "Support of schools," on page 46, line 12, after the word "for," to insert "including pay of an architect and draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of an architect and draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs, \$1,100,000, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

The amendment was agreed to.

The next amendment was, on page 46, line 17, after the word "Alaska," to insert:

Provided, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year 1900, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 20 per cent of the amount so used for the fiscal year 1895. Provided further, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

Mr. GALLINGER. Mr. President, I wish to inquire of the Senator from Iowa if it is his intention to pass over all controverted questions? For if it is not, I desire to be heard briefly on this proposed amendment of the committee. I should prefer to have it go over, if that be agreeable to the Senator.

Mr. ALLISON. Very well; let the amendment be passed over.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, line 8, after the word "swine," to insert "poultry;" so as to make the clause read:

For purchase of horses, cattle, sheep, goats, swine, poultry, etc., for schools, \$10,000.

The amendment was agreed to.

The next amendment was, on page 48, line 10, before the word "thousand," to strike out "forty-nine" and insert "ten;" and in line 13, before the word "thousand," to strike out "fifty" and insert "eleven;" so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding \$167 per annum for each pupil, and for transportation of pupils to and from said school, and for general repairs and improvements, \$110,000; for additional to the salary of any military officer of Carlisle Indian School while acting as superintendent of said school, \$1,000; in all, \$111,000.

The amendment was agreed to.

The next amendment was, on page 49, line 13, after the word "dollars," to insert "and for electric-light plant, \$2,500;" and in line 14, after the word "all," to strike out "forty-five thousand three" and insert "forty-seven thousand eight;" so as to make the clause read:

For support and education of 250 Indian pupils at Flandreau, S. Dak., at \$167 each per annum, \$41,750; for general repairs and improvements, \$1,000; for pay of superintendent of said school, \$1,600; water rent, \$1,000; and for electric-light plant, \$2,500; in all, \$47,850.

The amendment was agreed to.

The next amendment was, on page 50, line 25, after the word "dollars," to insert "to be immediately available;" on page 51, line 2, after the word "dollars," to insert "to be immediately available;" and in line 3, after the word "dollars," to insert the following proviso:

Provided, That in making the repairs and improvements herein provided for at said school, the superintendent shall make such repairs and improvements, as far as practicable, by the labor of the Indian pupils, and the superintendent may, with the approval of the Commissioner of Indian Affairs, buy the material for such repairs and improvements in the open market.

So as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Grand Junction, Colo., at \$167 per annum each, \$25,050; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$2,000; for sewerage system, \$5,500, to be immediately available; for construction of ice plant, \$2,500, to be immediately available; in all, \$38,550: Provided, That in making the repairs and improvements herein provided for at said school the superintendent shall make such repairs and improvements, as far as practicable, by the labor of the Indian pupils, and the superintendent may, with the approval of the Commissioner of Indian Affairs, buy the material for such repairs and improvements in the open market.

The amendment was agreed to.

The next amendment was, on page 51, after line 13, to insert:

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, Pa., at \$167 per annum each, \$33,400.

The amendment was agreed to.

The next amendment was, on page 53, after line 5, to insert:

For erection of a girls' dormitory, kitchen, and dining room, and hospital, and for necessary repairs and improvements, for the Fort Lewis Indian School, Colorado, \$25,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 53, line 25, after the word "dollars," to insert "erection of warehouse, \$600; erection of barn, \$2,500; refitting present horse barn for a granary, and refitting present cow barn for a sheep barn, \$200; sewer for boys' dormitory and dining hall, \$1,500; heating plant for school building now in process of erection, \$1,500; for general repairs and improvements, \$2,000: *Provided*, That the sum of \$25,000 appropriated for a new stone building by the Indian appropriation act of 1899 may be used for the erection of one or more buildings, in the discretion of the Secretary of the Interior, and so much of said sum as is not expended during the fiscal year 1899 is hereby appropriated for that purpose; in all, \$4,850.

The amendment was agreed to.

Mr. ALLISON. On page 57, in line 6, I move to strike out all after the word "dollars" and insert what I send to the Secretary's desk.

The PRESIDING OFFICER. The amendment submitted by the Senator from Iowa will be stated.

The SECRETARY. On page 57, line 6, after the word "dollars," it is proposed to strike out "in all, \$32,550," and insert:

For girls' dormitory, \$14,000; in all \$46,550: *Provided*, That the sum of \$10,000 heretofore appropriated for a new school building by the Indian appropriation bill approved July 1, 1898, known as "Public, No. 175," may be expended, applied, and used for the erection, construction, and completion of a new dining hall and kitchen in lieu of a new school building.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. ALLISON. I offer, on behalf of the committee, an amendment to be inserted on page 11, after line 7.

The SECRETARY. After line 7, on page 11, it is proposed to insert:

To enable the Secretary of the Interior to establish and maintain at the city of Omaha, Nebr., a warehouse for Indian supplies, from which distributions shall be made to such Indian tribes of the West and Northwest as the Secretary of the Interior may direct, \$3,000.

Mr. PETTIGREW. I wish to make an inquiry about the amendment. Is there a warehouse now at Omaha, Nebr.?

Mr. ALLISON. There is a warehouse at Omaha, Nebr., completed to the satisfaction of the Secretary of the Interior. In an appropriation bill passed a year or two ago we provided that there should be established a warehouse when the people of Omaha should provide a suitable place.

Mr. PETTIGREW. Has that been done?

Mr. ALLISON. Yes; it has been, and a letter from the Secretary of the Interior has been received asking for the appropriation.

Mr. PETTIGREW. For the maintenance of the warehouse?

Mr. ALLISON. Yes, sir.

Mr. PETTIGREW. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. PETTUS. I desire to know whether the action of the Senate on any of these amendments is conclusive as to what the amendment shall be, or whether any amendments to the amendments will be in order hereafter. In other words, whether the present reading of and action on the bill is conclusive, or can be altered by subsequent action of the Senate.

Mr. ALLISON. I will say to the Senator from Alabama that it is not any purpose of mine to make any of these amendments conclusive. If it is desired to add to them on the motion of any Senator, it can be done, or in the Senate a vote can be taken on striking out the amendment. So there is no difficulty.

Mr. PETTUS. I wish to have it so that any amendment may be offered that is proper and germane, notwithstanding the present action of the Senate.

Mr. ALLISON. I assure the Senator that the widest liberality will be extended to him and every other Senator as respects matters that are now being considered.

Mr. PETTUS. Very well.

Mr. ALLISON. I offer the amendment I send to the desk.

The SECRETARY. On page 19 it is proposed to strike out lines 19 to 24, inclusive, and insert:

For interest on \$66,892.26 at 5 per cent per annum, for educational and other beneficial purposes, per treaty of May 18, 1854, \$3,344.61;

This amount to enable the President of the United States to pay the legal

representatives of one deceased Kickapoo Indian, the settlement of whose estate is desired, under the provisions of section 2 of the act of August 4, 1886, such sum as may be the proportion of the \$100,000 provided for said tribe for education and other beneficial purposes, per treaty of May 18, 1854, not exceeding \$337.83; in all, \$3,682.44.

Mr. GALLINGER. Mr. President, I desire to make an inquiry of the Senator from Iowa concerning the rate of interest paid to the Indians. I notice throughout the bill, and I think there must be several million dollars involved, that the rate of interest paid is always 5 per cent. The Senate has established a rule, an unwritten law, it is true, that the Government will not pay interest to white people in this country when the Government is indebted to them, and the Government is borrowing money at 3 per cent. I think it can borrow an abundance of money at that rate, and yet when we deal with the Indians we pay them 5 per cent. My inquiry is as to how this happens to be, whether it is the result of treaty obligations or simply a discrimination in favor of the Indians as against white men.

Mr. ALLISON. In every instance where 5 per cent is authorized in the bill it is because the treaty stipulations require the payment of that rate.

Mr. GALLINGER. That conclusively answers my inquiry. The Senator will observe that I made the inquiry as to whether it is due to treaty stipulations.

Mr. ALLISON. Yes.

Mr. GALLINGER. I could not understand why it was so unless the Government was obligated.

Mr. ALLISON. That is the obligation. The bill having been completed so far as the reading of the amendments presented by the committee is concerned, I have agreed to yield to the Senator from Minnesota [Mr. DAVIS] and the Senator from Colorado [Mr. TELLER] to offer amendments which have been considered by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. After those amendments have been offered I shall move to adjourn or to proceed to the consideration of executive business.

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

The PRESIDING OFFICER. Where is the amendment to be inserted?

Mr. DAVIS. As a separate section.

Mr. ALLISON. It should be a separate section after section 1. It should be section 2.

The SECRETARY. It is proposed to insert on page 58, at the end of section 1, the following as section 2:

SEC. 2. And nothing in section 27 of chapter 543, volume 26, of the United States Statutes at Large, pages 1038 and 1039, shall be construed to apply to any contract for services for the prosecution of any claim against the United States or the Indians named in said section, and which had been prosecuted within its final allowance by the Department before which it was prosecuted within the period stated in said contracts; and said contracts shall not be deemed or taken to have been in full force and legal effect until the date of their official approval by the Secretary of the Interior and the Commissioner of Indian Affairs and the date of the approval thereof officially indorsed thereon by said Secretary of the Interior and Commissioner of Indian Affairs, as required by the provisions of the fourth paragraph of section 2103 of the Revised Statutes of the United States; and in cases mentioned in said section 27 the Secretary of the Interior shall cause all claims for service under agreements mentioned in said section 27 to be adjusted, audited, allowed, and paid out of any moneys in the Treasury belonging to the bands or tribes to which such Indians belong; and so much money as is necessary for that purpose is hereby appropriated out of their fund in the Treasury, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals in the Treasury of the United States: *Provided*, That the amount so audited, allowed, and paid shall not exceed the sum of \$45,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. TELLER. I move to insert, on page 46, after line 9, the amendment I send to the desk. It has the approval of the committee.

The SECRETARY. On page 46, after the committee amendment, it is proposed to insert:

That the following provision in the Indian appropriation act approved July 1, 1898, is hereby continued in force for and during the fiscal year 1900, namely:

"That the Secretary of the Interior shall make investigation as to the practicability of providing a water supply for irrigation purposes, to be used on a portion of the reservation of the Southern Utes in Colorado, and he is authorized, in his discretion, to contract for, and to expend from the funds of said Southern Utes in the purchase of, perpetual water rights sufficient to irrigate not exceeding 10,000 acres on the western part of the Southern Ute Reservation, and for annual charges for maintenance of such water thereon, such amount and upon such terms and conditions as to him may seem just and reasonable, not exceeding \$150,000 for the purchase of such perpetual water rights, and not exceeding a maximum of 50 cents per acre per annum for the maintenance of water upon land irrigated: *Provided*, That after such an investigation he shall find all the essential conditions relative to the water supply and to the perpetuity of its availability for use upon said lands, such as in his judgment will justify a contract for its perpetual use: *Provided*, That the Secretary of the Interior, upon making all such contracts, shall require from the person or persons entering into such contract a bond of indemnity, to be approved by him, for the faithful and continuous execution of such contracts as provided therein."

Mr. PETTIGREW. Is the amendment offered merely to be printed?

Mr. TELLER. I should like to state to the Senator that it is the existing law. The Indian Office thinks it is a continuing provision; at least, the office of the Assistant Secretary. But there is a doubt, and for that purpose we propose to reenact the present law.

Mr. PETTIGREW. Does the Senator offer it as an amendment to be considered now?

Mr. TELLER. Yes.

Mr. PETTIGREW. With the understanding that there will be an opportunity to amend it after the bill is reprinted, as I suppose it will be.

Mr. TELLER. How amend it? It is a repetition of existing law.

Mr. PETTIGREW. I have not had an opportunity to examine the amendment, nor has the Committee on Indian Affairs.

Mr. TELLER. It is exactly what the Committee on Indian Affairs last year reported—verbatim. We have not changed a word in it. I thought it was better to reenact the present law, which had the approval of the Committee on Indian Affairs last year. I think the Senator will find it is all right when he looks at it.

Mr. PETTIGREW. Presumably. I have not had an opportunity to look at it, however.

Mr. TELLER. The whole bill will be open to amendment.

Mr. PETTIGREW. All right.

Mr. ALLISON. The water for these Utes—

Mr. PETTIGREW. I did not hear the whole of the amendment. Does it relate entirely to the Utes?

Mr. TELLER. Entirely to the Utes.

Mr. PETTIGREW. I have no objection to the Utes. I am willing to trust the question to the Senator from Colorado.

Mr. ALLISON. It was supposed when we first examined the question in committee that this was a provision which need not be reenacted, but there seems to be some doubt about it.

Mr. PETTIGREW. I was not aware that it was the Ute matter.

Mr. TELLER. It is the Ute matter and nothing else.

Mr. PETTIGREW. I have no objection to the amendment.

Mr. SPOONER. The money is to come from the funds of the Ute Indians?

Mr. TELLER. The money is to come from the funds of the Ute Indians, to make available lands which otherwise would be absolutely valueless.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment to be inserted at the end of line 24, page 43.

The amendment was read, and agreed to, as follows:

That the Secretary of the Interior be, and is hereby, directed to investigate the claims for damages resulting to the members of the tribe of Lower Brule Indians who were residing south of White River, in the State of South Dakota, by reason of their removal to a new reservation on the Missouri River north of White River, and to report to Congress not later than December 5, 1899.

Mr. CARTER. Mr. President—

Mr. ALLISON. I hope the Senator from Montana will withhold his amendment. The provision which he proposes to amend was passed over some days ago by consent, and I do not care to have it acted upon this evening. If the Senator wishes to offer his amendment now, so that it may be read and printed in the RECORD, I shall be very glad.

Mr. CARTER. I will withhold the amendment until the bill is taken up again.

Mr. ALLISON. On page 5, line 17, I move, on behalf of the committee, to strike out "two" and insert "five;" so that it will read "\$1,500." The agent at this point has two other agencies under his control, and it is recommended that his salary be increased to \$1,500.

The SECRETARY. On page 5, line 17, it is proposed to strike out the word "two" before the word "hundred" and insert "five;" so as to read:

At the Santee Agency, Nebr., \$1,500.

The amendment was agreed to.

Mr. ALLISON. Then I wish to change the total on the next page, adding \$300 to the total in line 24, page 6.

The SECRETARY. In line 24, page 6, it is proposed to strike out "\$85,300" and insert "\$85,600."

The amendment was agreed to.

Mr. PETTIGREW. I wish to offer an amendment to the bill, that it may be printed and lie on the table.

Mr. CARTER. I desire to inquire of the Senator from Iowa whether the bill will be open to amendment when it is taken up on Monday, according to his understanding?

Mr. ALLISON. Absolutely.

The PRESIDING OFFICER. The Chair so understands.

BRIDGE ACROSS SAVANNAH RIVER, GEORGIA.

Mr. BACON. With the permission of the Senator from Iowa, I ask unanimous consent that the Senate proceed to the consideration of a House bill which yesterday came from the House. It is a bill for the construction of a bridge across Savannah River, and is identical with a bill which has already passed the Senate. It is here with a report from the Senate committee, made to-day. It is the bill (H. R. 11019) to authorize the construction of a bridge across the Savannah River from the mainland of Chatham County, Ga., to Hutchinsons Island, in said county.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from Georgia, which the Chair understands has been reported favorably from the Committee on Commerce?

Mr. BACON. It has been.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT LEXINGTON, MO.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. Will the Senator from Iowa withdraw the motion to enable me to secure the passage of a bill for the extension of a bridge charter over the Missouri River?

Mr. ALLISON. With the consent of the Senator from Alabama [Mr. PETTUS], I will be glad to yield.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 5047) to revive, reenact, and amend an act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, in section 6, page 5, line 6, after the word "reserved," to strike out the remainder of the bill; so as to make the section read:

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER C. BOSBYSHELL.

Mr. PENROSE. With the consent of the Senator from Iowa and by unanimous consent, I request present consideration of the bill (H. R. 581) for the relief of Oliver C. Bosbyshell, late superintendent United States mint at Philadelphia, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Oliver C. Bosbyshell from all liability for the acts of Henry S. Cochran, late weigh clerk of United States mint at Philadelphia, in the embezzlement or larceny of certain gold-bullion bars, the property of the United States, and from all liability to account for any and all embezzled or stolen gold-bullion bars by Henry S. Cochran.

Mr. SPOONER. I should like to ask the Senator from Pennsylvania who reported the bill?

Mr. PENROSE. It was reported by the Senator from Wyoming [Mr. WARREN] from the Committee on Claims. It has already passed the House and was reported here without amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALLISON. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. SPOONER. Would it be entirely agreeable to the Senator from Iowa to substitute for that motion a motion to adjourn?

Mr. ALLISON. Entirely so, but—

Mr. SPOONER. I know a number of Senators left the Chamber expecting there would be no executive session this evening.

Mr. HAWLEY. If we hold an executive session simply for one minute, it will release a number of nominations that have been confirmed hitherto.

Mr. SPOONER. If confirmed hitherto, why must they be confirmed hereafter?

Mr. HAWLEY. They are not to be confirmed.

Mr. SPOONER. To notify the President?

The PRESIDING OFFICER. The Chair is of opinion that debate concerning proceedings that take place in executive session is out of order.

Mr. HAWLEY. I have got through with what I desired to say on that subject.

Mr. ALLISON. I have made the motion.

THE PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, January 23, 1899, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 21, 1899.

REGISTERS OF LAND OFFICE.

Frederick C. L. Hachenberger, of Burlington, Colo., to be register of the land office at Hugo, Colo., vice Thomas J. Edwards, term expired.

Edmund D. Wiggin, of Washington, D. C., to be register of the land office at Ware, Alaska (location changed from Nulato by Executive order of December 2, 1898), vice Boetius H. Sullivan, resigned, the commission for the appointment of R. C. Nichols, issued August 12, 1898, during the recess of the Senate, having been canceled.

COLLECTOR OF CUSTOMS.

James Low, of New York, to be collector of customs for the district of Niagara, in the State of New York, to succeed William Richmond, whose term of office will expire by limitation February 10, 1899.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be inspector-general with the rank of major.

Capt. Cunliffe H. Murray, Fourth United States Cavalry.

Tenth Regiment Volunteer Infantry.

David B. Jeffers, commissary-sergeant, United States Army, retired, to be second lieutenant, vice Burton, discharged.

Ninth Regiment Volunteer Infantry.

William H. Coston, of Ohio, to be chaplain, vice Walker, resigned.

First Regiment Volunteer Engineers.

Lieut. Col. Harry F. Hodges, to be colonel, vice Griffin, resigned.

Maj. John S. Sewell, to be lieutenant-colonel, vice Hodges, promoted.

Capt. William G. Ramsay, to be major, vice Sewell, promoted.

First Lieut. Henry C. Wilson, to be captain, vice Ramsay, promoted.

Second Lieut. Chauncey Eldredge, to be first lieutenant, vice Wilson, promoted.

Sergt. Maj. Justin Burns, to be second lieutenant, vice Eldredge, promoted.

To be signal officer with the rank of captain.

First Lieut. Alvar G. Thompson, United States Volunteer Signal Corps, vice Sample, discharged.

To be signal officers with the rank of first lieutenant.

Second Lieut. Charles H. Gordon, United States Volunteer Signal Corps, vice Coe, discharged.

Second Lieut. Alson J. Rudd, United States Volunteer Signal Corps, vice Reddy, discharged.

Second Lieut. William Mitchell, United States Volunteer Signal Corps, vice Thompson, promoted.

To be signal officers with the rank of second lieutenant.

First-Class Sergt. Charles C. Shew, United States Volunteer Signal Corps, vice Gordon, promoted.

First-Class Sergt. Robert B. Montgomery, United States Volunteer Signal Corps, vice Rudd, promoted.

First-Class Sergt. James P. Anderson, United States Volunteer Signal Corps, vice Mitchell, promoted.

First-Class Sergt. Edward E. Kelley, United States Volunteer Signal Corps, vice Campbell, promoted.

To be brigade surgeon with the rank of major.

Orlando Ducker, of Kentucky.

Seventh Regiment Volunteer Infantry.

Owen T. Kenan, of Georgia, late major, First Georgia Volunteers, to be captain, vice Bernhard, resigned.

Sergt. Daniel T. Brantley, Company D, Seventh United States Volunteer Infantry, to be second lieutenant, vice Hunter, discharged.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captain.

First Lieut. John M. Stotsenburg, Sixth Cavalry, December 14, 1898, vice Knox, Sixth Cavalry, appointed inspector-general, with rank of major, who resigns his line commission only.

To be first lieutenants.

Second Lieut. Frank A. Barton, Tenth Cavalry, October 16, 1898, vice Rivers, Third Cavalry, promoted.

Second Lieut. Robert Sewell, Seventh Cavalry, October 24, 1898, vice Mills, First Cavalry, promoted.

Second Lieut. George C. Barnhardt, Sixth Cavalry, November 7, 1898, vice Lockwood, Fourth Cavalry, promoted.

Second Lieut. James H. Reeves, Sixth Cavalry, November 10, 1898, vice Allen, Second Cavalry, promoted.

Second Lieut. Kirby Walker, Third Cavalry, December 14, 1898, vice Stotsenburg, Sixth Cavalry, promoted.

Second Lieut. Claude B. Sweezy, Eighth Cavalry, December 14, 1898, vice Byron, Eighth Cavalry, appointed assistant quartermaster, who resigns his line commission only.

Second Lieut. Sterling P. Adams, First Cavalry, December 14, 1898, vice Wood, Ninth Cavalry, appointed assistant quartermaster, who resigns his line commission only.

APPOINTMENTS IN THE ARMY.

To be professor of mathematics in the Military Academy.

Associate Prof. Wright P. Edgerton, October 7, 1898, vice Bass, retired.

To be associate professor of mathematics in the Military Academy.

First Lieut. Charles P. Echols, Corps of Engineers, October 7, 1898, vice Edgerton, appointed professor of mathematics.

PROMOTIONS IN THE NAVY.

Asst. Engineer Henry B. Price, to be a passed assistant engineer in the Navy, from the 17th day of November, 1898, vice P. A. Engineer Frank H. Conant, deceased.

Asst. Engineer Martin E. Trench, to be a passed assistant engineer in the Navy, from the 20th day of November, 1898, vice P. A. Engineer Walter M. McFarland, promoted.

SENATE.

MONDAY, January 23, 1899.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

LUCIEN BAKER, a Senator from the State of Kansas, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. FAULKNER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal stands approved.

LOSSES BY LOYAL SEMINOLES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 17th instant, copies of the loyal Seminole rolls, and also the report of the commissioners appointed to investigate Seminole losses; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of EUGENE HALE, chosen by the legislature of Maine a Senator from that State for the term beginning March 4, 1899; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a concurrent resolution of the assembly of the Territory of Oklahoma, relative to free homes for settlers on public lands; which was referred to the Committee on Public Lands.

He also presented a memorial of the Romeyn Mutual Improvement Society of the Romeyn Church of the Fifth Avenue Presbyterian Church of New York City, N. Y., remonstrating against the seating of Congressman-elect B. H. Roberts, of Utah; which was ordered to lie on the table.

Mr. QUAY presented a memorial of the Board of Trade of Philadelphia, Pa., and a memorial of the Grocers and Importers' Exchange, of Philadelphia, Pa., remonstrating against the failure to provide for the maintenance of a pneumatic-tube system in the post-office at that city; which were referred to the Committee on Appropriations.

He also presented a petition of the Local Union No. 28, United Brotherhood of Carpenters and Joiners, of Philadelphia, Pa., and a petition of Local Union No. 56, Journeyman Tailors of America, of Philadelphia, Pa., praying for the passage of the eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the First Congregational Church of Rochester and the Central Presbyterian Church of Allegheny; of the Penns Park Young Woman's Christian Temperance Union, of Bucks County; of the United Presbyterian Congregation of Canonsburg, and of the Brownburg Union,