Also, resolutions of the National Business League of Chicago, Ill., favoring the establishment of a department of commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Transvaal League, of Detroit, Mich., in the interest of the Boers—to the Committee on Foreign Affairs.

Also, resolutions of Michigan Sugar Manufacturers' Association against changing the tariff schedules with Cuba and favoring a rebate to relieve alleged distress in Cuba—to the Committee on Foreign Affairs.

By Mr. BELMONT: Resolutions of Central Federated Union of New York, indorsing the bill prohibiting enlisted men in the service of the United States competing with civilians—to the Committee on Labor.

Also, resolutions of the drug-trade section of the New York Board of Trade and Transportation, favoring the passage of House bill 11308, to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

Also, resolutions of New York Stereotypers' Union, No. 1; New Century Study Circle, and West End Woman's Republican Association, of New York City, and Woman's Republican Association of the State of New York, the Social Reform Club, Atlantic Coast Marine Firemen's Union, Association of Clothing Cutters and Trimmers, and Brotherhood of Electrical Workers, No. 3, all of New York City, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Petition of citizens of Sarvis Point, Mo., and Eden Valley, Minn., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also, resolutions of Group 2 of Nebraska Bankers' Association, opposing the branch banking bill—to the Committee on Banking and Currency.

By Mr. DALZELL: Resolutions of Mount Oliver Turn Verein, of Mount Oliver, Pa., in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of Ralph W. Johnson, of Allegheny, Pa., in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. GRIFFITH: Papers to accompany House bill 11624, granting an increase of pension to George M. Palmer—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of citizens of Hartford, Conn., asking for legislation restricting the coal monopoly—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Central Labor Union of Hartford, Conn., favoring appropriation for hydrographic survey and the amended irrigation bill—to the Committee on Irrigation of Arid Lands.

By Mr. JACKSON of Kansas (by request): Resolutions of the Gentlemen's Parliamentary Club of Winfield, Kans., favoring a military reservation in the vicinity of Thunder Mountain, Idaho—to the Committee on Military Affairs.

By Mr. KERN: Papers to accompany House bill 14819, granting an increase of pension to William H. Rupert—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14818, granting increase of pension to Christopher C. McCord—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: Paper to accompany House bill granting a pension to Jane L. Fagg—to the Committee on Pensions.

Also, paper to accompany House bill granting a pension to Julius Scheur—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Resolutions of Jobbers' Union of St. Paul, Minn., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, resolutions of the St. Paul (Minn.) Chamber of Commerce and the Commercial Club of St. Paul, favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of St. Paul Turnverein, against any proposition to restrict the immigration of healthy and honest persons—to the Committee on Immigration and Naturalization.

Also, resolutions of Women's Medical Club, Minneapolis, Minn., protesting against the regulation of vice in Manila—to the Committee on Insular Affairs.

Also, resolutions of the Commercial Club of Duluth, Minn., in favor of the Corliss Pacific-cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Minnesota Association of ex-Union Prisoners of War, in favor of granting pensions to such soldiers and sailors who served in Confederate prisons—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 11, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

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

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GREER COUNTY, TEX.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a supplemental report relating to the relations of the State of Texas with what was formerly Greer County, and expenditures on account of that county by the State of Texas, and for other purposes; which, on motion of Mr. CULBERSON, was ordered to lie on the table and 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 passed the following bills:

A bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.; and

A bill (S. 5062) to authorize the County Commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War.

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. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company; and

A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SLAYDEN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry;

A bill (S. 2975) granting an increase of pension to Levi Hatchett; and

A bill (H. R. 10819) for the relief of George P. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board trustees.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry members of the Audubon Society of New York, of New Russia, New York City, Brooklyn, Elizabethtown, Wadhams Mills, and Cuba, all in the State of New York, praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of Encampment No. 80, Union Veteran Legion, of Indianapolis, Ind., praying for the passage of a per diem pension bill; which was referred to the Committee on Pensions.

Mr. KEAN presented a petition of the Trades and Labor Federation of New Brunswick, N. J., praying that all the public domain be reserved for actual settlers thereon under the homestead law; which was ordered to lie on the table.

He also presented a petition of Enterprise Harbor, No. 2, American Association of Masters and Pilots of Steam Vessels, of Camden, N. J., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children; which was referred to the Committee on Pensions.

He also presented petitions of the Board of Aldermen of Jersey City; of the Board of Water Commissions of Jersey City; of the Trades and Labor Federation of New Brunswick, and of Local Union No. 168, United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of Hoboken,

all in the State of New Jersey, praying for the enactment of legislation increasing the compensaton of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. GALLINGER. Mr. President, two or three days ago I submitted some references as to the matter of the election of United States Senators by the people. I have had furnished me by Mr. A. T. C. Griffin, chief bibliographer of the Library of Congress, a list of references and also extracts from the debates in the Federal convention of 1787, and extracts from the Federalist on the same subject. I move that these papers be printed as a document for the use of the Senate and referred to Committee on Privileges and Elections.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CULBERSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4308) for the relief of Katie A. Nolan, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6008) granting an increase of pension to David Vickers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9463) granting an increase of pension to Edgar A. Stanley, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 6134) to authorize Col. Theodore A. Bingham, United States Army, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 6135) to authorize Capt. R. P. Rodgers, United States Navy, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 6136) to authorize Mr. H. H. D. Peirce, Third Assistant Secretary of State, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 6137) to authorize Arthur M. Beaupre, formerly secretary of legation and consul-general of the United States to Guatemala, to accept a silver inkstand presented to him by the British Government; which was read twice by its title.

He also, from the same committee, reported an amendment providing that the salary of the United States consul at Odessa, Russia, for the fiscal year ending June 30, 1903, shall be $2,500, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KEARNS, from the Committee on Mines and Mining, to whom was referred the bill (S. 4445) to amend section 2322 of the Revised Statutes of the United States, and for other purposes, reported it with an amendment.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3365) granting an increase of pension to Eliza M. Miller; and

A bill (S. 2545) granting a pension to William Johnston.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5431) granting a pension to Daniel Dougherty, reported it with amendments, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 10178) granting an increase of pension to Daniel Thomas, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 12770) granting an increase of pension to Carrie M. Schofield, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8781) granting a pension to Mary E. Holbrook, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 4827) granting an increase of pension to George W. Stott, reported it with an amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 10767) granting an increase of pension to Louisa N. Grinstead, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 5018) granting an increase of pension to Johann Conrad Haas; and

A bill (H. R. 14224) granting an increase of pension to Margaret S. Tod.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 2978) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, reported an amendment proposing to appropriate $1,000,000 to pay in part the judgments rendered under the act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in that Territory in 1899 and 1900, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

ISSUANCE OF PASSPORTS.

Mr. FORAKER. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 8129) to amend sections 4076, 4078, and 4075 of the Revised Statutes, to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4075 of the Revised Statutes of the United States by inserting after the phrase "consular officers of the United States" the following: "and by such chief or other executive officer of the insular possessions of the United States."

It proposes to amend section 4076 of the Revised Statutes so as to read as follows:

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

It proposes to amend section 4078 so as to read:

If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport to or for any person whomsoever, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

Mr. HOAR. I should like to ask the Senator from Ohio, who undoubtedly has reflected upon the matter more than I have, whether in his judgment it is quite a compliance with the constitutional provision that a criminal must be tried in a district previously ascertained by law, to provide that he may be tried in any district where he happens to be in custody. Would there be any harm in avoiding that question by specifying some district in which the man shall be tried?

Mr. FORAKER. If I understand the inquiry of the Senator from Massachusetts, it has no relevancy to the bill which has just been read. The bill which has just been read proposes to amend three certain sections of the Revised Statutes of the United States, so as to authorize the granting of passports to those who owe allegiance, without regard to whether they have been called by law citizens of the United States or not.

Mr. HOAR. But as I understand the bill as read it provides in substance, whatever the phrase is, that any official who shall knowingly issue a passport to a person not entitled under the law shall be tried in any district where he happens to be in custody. I do not know whether that is new or a part of the old law. I merely have heard it read. If it be new, then the question would arise—the Constitution providing that every person charged with a criminal offense shall be tried in a district previously ascertained by law—whether it is a compliance with that provision to say he shall be tried in any district of the United States where he happens to be in custody.

Mr. FORAKER. The law in that particular is not changed. The only change that is made is to insert language so as to make the law applicable to the granting of passports apply to the citizens of Porto Rico, who are entitled to the protection of the United States, and to the citizens of the Philippine Islands, who are entitled to the protection of the United States, if the bill which has passed the Senate shall become a law by passing the House. The State Department have had many applications naturally for the granting of passports to such persons, and inasmuch as the power to grant passports is given only as to citizens of the United States they can not within the strict letter of the statute give a passport. This is simply to enlarge their powers.

Mr. HOAR. There is no objection on that score. If the Senator on hearing the point concludes that there is no constitutional difficulty in the provision I shall not press the objection, but I call his attention to it.

Mr. SPOONER. This is a bill which comes from the Committee on Foreign Relations?

Mr. FORAKER. Yes, sir.

Mr. SPOONER. I thought the phase of it to which the Senator from Massachusetts has called attention had been omitted.

Mr. FORAKER. I do not understand the Senator.

Mr. SPOONER. I thought there was a sort of understanding that the clause is objectionable which provides that a man may be tried where he happens to be in custody, irrespective of the question whether it is where the offense had been committed. I do not know whether the present law contains that provision, but I had, I know, serious doubts about its validity.

Mr. HOAR. I do not like to be meddling with carefully revised legislation coming from other committees, especially so learned and able a committee as the Committee on Foreign Relations, but it seems to me that the question is one worth looking at.

Mr. FORAKER. We did not think it advisable in considering this bill, which had passed the House, to undertake to amend the law as it now stands. The law, as it now stands, on that point is precisely as it is in this bill, the only change being such a change in the text as will make it applicable to citizens of Porto Rico or citizens of other insular possessions who may owe us allegiance and are entitled to protection, and who ought to be able to get from somebody a passport if they want to travel abroad.

I call the attention of the Senator from Massachusetts to the section as it now stands in the Revised Statutes, if he cares that I pursue the matter further.

SEC. 4078. If any person acting, or claiming to act, in any office or capacity under the United States, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports, shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, he shall be imprisoned for not more than one year, or fined not more than $500, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

I read that fully simply to show that there is no change in this respect proposed by the bill under consideration in the text of the statute as it now stands.

Mr. HOAR. As I said before, I shall not delay the bill at this time of the session with an objection. I do not at present, I confess, see how under the Constitution that can stand, but if the Senator is satisfied with it I shall make no further objection.

Mr. FORAKER. As I said a moment ago, I do not desire to raise any question about the law as it now stands, and I did not raise any in the committee.

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

BILLS INTRODUCED.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6127) granting an increase of pension to Samuel Fraze; and

A bill (S. 6128) granting an increase of pension to Jane Riner (with an accompanying paper).

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6129) granting a pension to Charles Crimson, jr.

A bill (S. 6130) granting an increase of pension to John E. Henderson; and

A bill (S. 6131) granting a pension to Frank Clark.

Mr. McCUMBER introduced a bill (S. 6132) granting an increase of pension to Fannie McHarg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6133) for the relief of the estate of James L. Miller; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 6138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park; which was read twice by its title, and referred to the Committee on the Public Lands.

DAM ACROSS THE ST. LAWRENCE.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 11657) allowing the construction of a dam across the St. Lawrence River. I think there is no opposition to it from any quarter.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

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

The preamble was agreed to.

REBECCA J. TAYLOR.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CARMACK, as follows:

Whereas it appears that Rebecca J. Taylor, late a clerk in the War Department, holding a position in the classified service, was, by order of the Secretary of War, discharged from her position on the 7th day of June, 1902: Therefore, be it

Resolved by the Senate of the United States of America, That the Committee on Civil Service and Retrenchment be instructed to inquire and report the reasons for such discharge and whether the same was made in accordance with law.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. BERRY. I think there was a unanimous-consent agreement that the motion to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution in regard to the election of Senators should come up this morning.

The PRESIDENT pro tempore. There was a unanimous-consent agreement that it should go over subject to call.

Mr. STEWART. I ask the Senator to let me get up this bill——

Mr. BERRY. I understood that it had gone over from day to day, always coming in after the routine morning business, and then an agreement was made that at the conclusion of the routine morning business to-day the Chair should lay it before the Senate. That is my understanding.

The PRESIDENT pro tempore. The unanimous-consent agreement was that it might lie on the table subject to be called up. The Senator can call it up at any time he pleases.

Mr. HOAR. It is practically the same thing, I desire to say to the Senator.

Mr. BERRY. I ask that it be laid before the Senate.

Mr. STEWART. I hope that will not be done.

The PRESIDENT pro tempore. Does the Senator from Arkansas interpose against the pending resolution?

Mr. BERRY. The Senator from Tennessee yields, I understand.

Mr. CARMACK. Let it go over without losing its place.

The PRESIDENT pro tempore. The resolution goes over.

Mr. HOAR. What goes over?

The PRESIDENT pro tempore. The resolution offered by the Senator from Tennessee [Mr. CARMACK] touching an investigation of the discharge from her position in the classified service of a Miss Taylor.

ELECTION OF UNITED STATES SENATORS.

The PRESIDENT pro tempore. The Senator from Arkansas asks that there be taken from the table the following motion——

Mr. STEWART. I hope the Senator from Arkansas will not press that motion until I can dispose of the motion to reconsider the Choctaw treaty. I have given notice of it for several mornings, and I have been trying to get it up.

Mr. BERRY. The motion has been on the table for a week or ten days. It went over on account of the Philippine matter. I can not consent that it shall go over again.

Mr. STEWART. I hope it will not be taken up.

The PRESIDENT pro tempore. The Senator from Arkansas has a right to have it taken up.

Mr. STEWART. Without a motion?

The PRESIDENT pro tempore. Yes; without a motion.

Mr. HALE. I think it was on my suggestion that this matter went over. As I recollect, the Senator from Arkansas moved to discharge the Committee on Privileges and Elections. I called his attention to the fact that the chairman of the committee was absent, and that the Senator from Massachusetts [Mr. HOAR], who is very much interested in the measure, was absent, and the Senator from Connecticut [Mr. PLATT], I think, suggested that the Senator from New York [Mr. DEPEW], another important member of the committee, was absent. I asked the Senator not to make his motion on that day, and he very readily seeing the situation, said he did not want to take it up in the absence of those Senators and suggested that he would make it the next day. But after that suggestions were made that it go over still further, and Wednesday, to-day, was fixed upon, and I suppose the motion of the Senator comes up this morning.

Mr. BERRY. If the Senator will permit me, it did not require any motion. It was under the previous unanimous agreement that it went over until to-day without losing its place. When I moved to take it up, it was stated by the Senator, as he said, that

the Senators named were absent, and he suggested that it go over until Tuesday or Wednesday. Finally, I said, "We will agree that it shall come up on Wednesday morning," and I think the RECORD will show it was agreed that the Chair should lay it before the Senate on Wednesday morning, by which time the Senator from Massachusetts and others would have an opportunity to be here.

Mr. HALE. There is no issue between us as to what was agreed upon as to time. My recollection may be incorrect, but it is that the Senator had moved to discharge the committee.

Mr. BERRY. The Senator from Maryland [Mr. WELLINGTON] a week or ten days ago moved to discharge the committee. The Senator from Massachusetts [Mr. HOAR] asked that it go over until the next morning, and it went over until the next day, when the Senator from Massachusetts offered a substitute for that motion. It then went over without losing its place, the Philippine measure being on hand. It went over from day to day in that way, and that measure was disposed of. I then asked that the Chair lay it before the Senate, as it had been holding its place from time to time. The Senator from Maine who now occupies the floor objected on account of the absence of the Senators named, and it was thereupon agreed, as I think the RECORD will show, that it should go over until this morning.

Mr. HALE. Undoubtedly.

Mr. BERRY. I submit that it does not require any motion, and it is laid before the Senate in regular course. That is the point I make.

Mr. HALE. I do not make the point that it requires a motion. I may be incorrect, but even when it went over the Senator's motion to discharge the committee was pending. If the Senator did not make that motion, then I am mistaken. If he made that motion, the whole matter went over until this morning, and that motion is now pending. That will depend upon whether he made the motion. I understood that he had made it.

Mr. STEWART. May I inquire of the Chair what the motion is?

The PRESIDENT pro tempore. The Secretary will read the unanimous-consent agreement.

Mr. HALE. What took place before the unanimous-consent agreement? What was the action of the Senate?

The PRESIDENT pro tempore. The Secretary will read the unanimous-consent agreement.

Mr. HALE. I do not ask that that be read.

Mr. STEWART. Let us hear what it is.

Mr. HALE. What took place before the agreement? The matter came before the Senate by some action on the part of the Senator from Arkansas. Now, what was that action?

The PRESIDENT pro tempore. The motion was made that the Senate proceed to the consideration of the motion to discharge the committee.

Mr. HALE. That is what I thought. It was a motion to discharge the committee, and that went over.

Mr. BERRY. I should like to have the RECORD read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read from the proceedings of June 6, 1902, as follows:

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. BERRY] asks unanimous consent that the resolution lie on the table, subject to be called up on Wednesday morning next. Is there objection?

Mr. MCCOMAS. Before that is done, I only want a moment to say that there are not many Senators now present, and, as has been stated by the Senator from Maine [Mr. HALE], the chairman of the Committee on Privileges and Elections [Mr. BURROWS] is not present; the senior Senator from Massachusetts [Mr. HOAR], who has a substitute for the resolution, is not present, and I do not know that he will be, and the Senator from New York [Mr. DEPEW], who proposed an amendment vital in this matter, is not present, and I do not know that he will be. Would it not be well, therefore, to let the matter go over until Monday, and then fix a day?

Mr. BERRY. No, Mr. President; I object to that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas?

Mr. ALLISON. I desire to ask a question before we consent to the arrangement. This resolution, of course, will not interfere with the order of business at 2 o'clock, if it is taken up on Wednesday morning. The unanimous consent will only apply, as I understand, to the morning hour?

Mr. BERRY. So I understand it.

The PRESIDENT pro tempore. The Chair so understood the request.

Mr. ALLISON. I merely desire to have that understood.

Mr. MCCOMAS. My only anxiety is whether that will give sufficient time for the absent Senators to be present.

Mr. BLACKBURN. That is notice enough.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas [Mr. BERRY]? The Chair hears none, and that order is made.

Mr. HALE. Now, what I want to know is what the situation was when it went over. If the Secretary will read the proceedings in the Senate that led to the suggestion of the matter going over I will be very much obliged. It came before the Senate in some way. What was the motion of the Senator from Arkansas?

Mr. BERRY. The motion of the Senator from Maryland [Mr. WELLINGTON] was to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution proposing an amendment to the Constitution to elect United States Senators by the people. The Senator from Massachusetts objected to that.

Mr. HALE. I am not talking about what took place the day before.

Mr. BERRY. Well, I am coming along to it. The next morning the Senator from Massachusetts offered a substitute or an amendment to the motion of the Senator from Maryland. It was not disposed of when some other matter came up, and then it was agreed that it should go over without losing its place on the table; that is all.

Mr. HALE. Now, I want to know what took place on Friday or whatever day it was, when this matter came up and the agreement was made that it should go over. Let the Secretary state what the RECORD shows. There was some motion made. The Senator from Arkansas made a motion. I want to know what it was. I want to know what we are doing.

Mr. JONES of Arkansas. I understand that there was no motion made in connection with it.

Mr. HALE. I want to see what the RECORD shows.

Mr. JONES of Arkansas. The original motion, as suggested by my colleague, was made by the Senator from Maryland. That motion was pending and as a matter of right it was laid before the Senate the next morning. It having been objected to at the time it was made, the presiding officer must lay it before the Senate the next day. The next day there was not time to consider it, and by unanimous consent it went over to another day, to this particular day specified, and it has exactly the same right to-day that it had when it came over the day after it was made.

Mr. HALE. That is, the motion to discharge the committee, made either by the Senator from Arkansas or the Senator from Maryland, is now pending.

Mr. JONES of Arkansas. Yes, sir; that is my understanding of it.

Mr. HALE. That is my understanding. I do not care who made the motion. I know that is what came over.

The PRESIDENT pro tempore. The motion made by the Senator from Maryland [Mr. WELLINGTON] to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution is before the Senate.

Mr. CLAPP. I take it, Mr. President, that the continued refusal of the committee to report the joint resolution providing for an amendment to the Constitution authorizing the election of Senators by popular vote may as well be considered as bringing, by this motion, the merits of the joint resolution before the Senate, and with that view of the situation I desire to submit a few remarks relative to the joint resolution itself.

Certain objections are made to the proposition to amend the Constitution and provide for the election of Senators by a direct vote.

The first objection which I note, one which was urged by the distinguished Senator from Massachusetts [Mr. HOAR], is that it violates the pledge which was given in the adoption of the Constitution in that clause of the Constitution which provides that as to an equal number of Senators to each State there shall be no amendment without the consent of every State. It seems to me, with due deference to the distinguished Senator, that such a contention can not be successfully made. The language referred to in the Constitution itself is:

And that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

It seems to me to go without argument that that applies not to the manner in which Senators shall be elected, but to the number which each State shall have relatively with the other States, a number that was agreed upon in the convention to be two to each State.

Mr. HOAR. Before the Senator proceeds with his proposition, I ask him to allow me to call his attention to one point. There should also be read in that connection the definition of the Senate. My point is that a body of a certain character, defined in a certain way by the Constitution, was established; and to say that you shall not have a body of that kind any longer is to say that there shall not be any Senate hereafter. Now, will the Senator be good enough to read in that connection what is said of the Senate?

Mr. CLAPP. It is unnecessary to read it, because I concede that the American Constitution provides that the Senate shall consist of men elected by States legislatures. I think that covers the suggestion.

Mr. HOAR. That is the point.

Mr. CLAPP. Now, when we come to the provision which guarantees to every State its equal representation, I answer that the word "equal" there can have no significance and no reference except to numbers itself, and can not apply to the manner in which Senators are to be elected. I submit that there can be no

successful contradiction of that proposition. The language of the Constitution is:

And that no State, without its consent, shall be deprived of—

What? Of representation in the Senate, of Senators, as by this instrument it is provided shall be elected? No; but—

shall be deprived of its equal suffrage in the Senate.

The word that relates to proportion, the word that relates to numbers is used there. The word "equal" limits the significance of that provision. It seems to me, I repeat, that there can be no question but what that was simply a pledge that each State should be entitled to its equal proportion of Senators, and should not be deprived of that proportion without its own consent.

The next objection that is made to this proposition is that it overturns the policy of the fathers of the Constitution in a controversy which they waged with one another and out of which the election of Senators by the legislature was finally accepted as a compromise. I am willing to concede that that view does prevail as a popular impression; I am willing to concede that that is the conclusion reiterated time and again by the commentators upon the American Constitution; but I challenge the correctness of that statement, in view of the expressions found in the debates that preceded the adoption of the Constitution itself.

Mr. President, the controversy over the election of Senators did not begin with Senators. It began with the primary proposition of the election of the lower House of Congress. The debate upon that question produced three distinct propositions. One was that the members of the lower House of Congress should be elected directly by the people; another was that they should be elected by the legislatures, and still another was that they should be nominated by the legislatures and elected by the people. The conditions which then prevailed were somewhat peculiar. It was a period of reaction against former conditions.

The Revolutionary war had been waged and brought to a successful termination by such men as Thomas Jefferson arousing the latent forces of democracy, but no sooner was the war successfully terminated than the men who had used the powers of democracy in the prosecution of the war itself became alarmed at the idea and spirit of democracy, and running all through the debates in the Constitutional Convention is the evidence of alarm on the part of the leaders of that day at what they regarded as vesting too much power in the people themselves.

The controversy on the election of members of Congress turned upon that question, and such men as Rutledge, Pinckney, Gerry, Sherman, and others (quoting now from memory, I may not get their names exactly accurate), were opposed to the people selecting the lower House of Congress, the question of the election of Senators not yet having arisen.

Mr. Madison was one of the chief exponents of the popular election of the members of the lower House, and the matter was finally compromised by providing that the members of the lower House should be elected by popular vote.

They then proceeded to the consideration of the manner in which Senators should be elected, and Gerry was driven from every stronghold which he had sought to occupy in his resistance to the right of the people to participate in the Government. He made the appeal to some of the men who were in sympathy with the doctrine of State sovereignty that the election of Senators by the legislatures would in a measure extinguish and wipe out State sovereignty. But that was a mere incident to the discussion. The great controversy that was waged was whether the people should elect the Senators, or whether the Senators should be sifted, as Pinckney said, through the legislature, it being Pinckney's idea that the Senate should occupy as near as possible a position in comparison with that of the House of Lords of England.

Finally as a compromise not as to the relation of the State and Federal Government, but as a compromise upon the broad question as to who should elect the Senators, it was decided that the Senators should be elected by the legislatures.

The idea that the Senator represents the sovereignty of the State finds no warrant in the fact that he is elected by the legislature. The sovereignty of the State, that special identity which we call the State, consists not of a legislature, but it consists of legislative, judicial, and executive departments; and it might as well be said that if the Senator was appointed by the chief justice of the supreme court of a State he represented the sovereign character of his State.

But, Mr. President, there is another objection urged to this proposed change in the election of Senators, and that is that we are violating one of the cardinal tenets of the fathers; that this is the first time that an effort has ever been made to materially and radically change the policy of this Government. I submit that the history of this Government does not warrant that statement. No man can hold in higher reverence the memory of the fathers than do I; but, before we should be bound by precedent, we must recognize two great truths: First, the fallible nature of man; and second, the impossibility of any man, I care not how able, how great, how wise he may be, anticipating the needs of the future.

When we apply this principle to the idea of government, we have got to recognize another great principle, and that is, in all human history there never was an attempt made to formulate a rigid and fixed scheme of government that it did not fail because it failed to recognize the changes in conditions that time would bring.

The American Constitution would have been no exception to this rule had it not contained within itself the elements of its own modification. But, sir, even then it would have proved a disastrous failure had it not been that the American people were great enough, wise enough, and patriotic enough to change the fundamental principle and policy of our Government without even resorting to the measure provided in the Constitution itself for effecting such a change. Scarce was the ink dry with which the Constitution was written until, notwithstanding the wisdom of the fathers, it was found necessary to begin its modifications by the process of amendment.

It is said that the earlier amendments were only designed to carry into effect the spirit and purpose of the Constitution itself. That may be, but the thirteenth amendment stands out either as merely vapid declamation or as a radical change in the policy of the Government. Either under the original Constitution slavery was permissible—and if so, the amendment reversing that policy reversed it as to an important and material policy—or it was not permissible, and that amendment was mere idle surplusage.

But we go further than that. In the early history of this country it was contended almost generally that the Government must be limited to the primary functions of government itself. During the days when the presence and the memory of the fathers of the Constitution still lingered in our midst, that was a view which was universally and generally accepted; but in the process of time we began a radical change.

We began to yoke government side by side with the industrial and economic forces, and to-day in this Chamber the proposition is being debated of invoking the functions of government, not for development within our own borders, but that we may go into the Treasury of this nation and take untold millions and go into a foreign land and there inaugurate and carry forward the purchase, building, and maintenance and operation of railroads and canals. I submit that there was not a man in that great deliberative body that gave to the world the American Constitution that ever dreamed that that was one of the functions for which the Government they framed was being organized.

But, sir, even in a more marked respect than that we have changed the fundamental policy of our Government. The distinguished Senator from Massachusetts [Mr. HOAR] in his speech referred to the fact that in yonder hall sits a tribunal that holds within bounds all the vast powers of a great nation as the law of gravitation holds in check the stars and the planets in their order. It is true that that tribunal sits there to-day; but, Mr. President, that is not the tribunal that the fathers of this country gave us when they formulated and gave forth this Constitution.

A little more than a hundred years ago John Jay was offered the position of Chief Justice of the Supreme Court of the United States. He declined that offer upon the ground that that court did not possess the power and authority to maintain its own dignity or to serve the interests of the American people, and he had some warrant for that when we realize that the governor of Pennsylvania had called out the militia to resist the mandates of the Supreme Court and when the State of Georgia had passed a law making it a misdemeanor to carry into effect the mandates of the Supreme Court of the United States.

John Marshall was finally offered the position, and he accepted it. I will not weary the Senate this morning with discussing the evidence as to what position the Supreme Court occupied in the minds of the founders of this Government. They undertook to establish three coordinate branches of the Government. You might take a spiritual or divine essence and divide it into branches coordinate, if you please, but you never could have three coordinate human agencies. Somewhere above the warring interests of the three there must be a power to regulate, or one of those three must of itself assume that authority.

Chief Justice Marshall took that position; and I bring him to-day as a witness upon the proposition that it was never understood or dreamed of that the Supreme Court, or the judicial branch of the Government, could set aside the act of what was deemed the great popular department of the Government—the legislative. Less than a year before he took that seat he declared, in the Ware case, that the court had no authority to set aside an act of the Legislature as void because it contravened the constitutional limitation.

But when he occupied that position and assumed that high office he soon discovered what the genius of American citizenship was bound sooner or later to discover, and that was that somewhere in this organization there had to be some power which could judge between conflicting interests and warring powers, and he arrogated—and I use that word advisedly—that power to the Supreme Court, when he declared that it was for the court to point out what the law was; and if an act of Congress contravened what the court declared to be the law, that then the act of Congress failed, because it would not be a law in the light of the declared will of the tribunal itself. In other words, with one stroke of his pen he placed the Supreme Court above the legislative department, not only as to those questions that go to the rights of citizens, but that court has gone on until to-day the American people, and wisely, too, recognize the right of that court to regulate the governmental and political policies of this great nation by calling a halt upon legislative enactment.

That tribunal sits there to-day, but it is not the tribunal that the fathers of our country created.

I can not take the time to dwell at length upon the struggle by which this was accomplished, but every lawyer is familiar with the history of that controversy, every layman is familiar with the fact that to-day it sits in yonder chamber and there is no appeal from its decisions in the path of peace; and it sits there the most august tribunal on earth; but I frankly submit that its position to-day is an absolute reversal of the policy, the purpose, and the will of the founders of this Government.

But, sir, in another important respect we have departed from the policy of the fathers and reversed their purposes. When the Constitution was under debate, a proposition was made to clothe the Federal Government with power to coerce a recreant State. Madison declared that that could not be; that to attempt to force a State would be to declare war and annul the compact between the States, and the proposition was unceremoniously dismissed. It is a singular coincidence that fifty years later Attorney-General Black, in speaking of this same question in an opinion addressed to Mr. Buchanan, who was then President, declared that the Federal Government had no power or right to invade a State for coercive purposes, and that an invasion of a State for such purposes would of itself work its expulsion from the Union.

In the Virginia plan of the constitution the word "nation" appears twenty-six times, I think, and yet by one resolution it was stricken out wherever it occurred in the proposed constitution, and the great principle that the citizen owed his superior allegiance to the Federal Government and not to the State government never again received authoritative recognition, except from the decisions of the Supreme Court, until the State of Nevada gave forth a constitution, one drawn, I believe, by the present junior Senator from that State [Mr. STEWART], followed a few months later by Maryland. But it was as absolutely impossible to have two sovereignties in one as it was to have three coordinate human agencies. One must rise above the others and place a check on the relations between the two.

John Marshall by one stroke of the pen forever banished the word "compact," when he said that the Constitution should be read and understood as words were commonly understood, not by the men who framed it, for that would be the law of interpretation as to contracts and compacts, but as understood by the men for whom it was intended, which would be the law of interpretation of law itself.

He then proceeded to go further and decided that while the Federal Government is only a Government of limited powers, yet it is for the Federal Government itself to determine what the limitations are. What, then, became, so far as judicial construction is concerned, of the idea of coordinate sovereignty, if the Federal Government was clothed with the power to determine its own limitations? There was absolutely no limitation left upon the Federal power except the own judgment, the wisdom, and patriotism exercised in determining the limitation itself. That position was maintained. He sat there after the political complexion of the court changed, but the American people had recognized that great principle, and the principle survived, until finally, on the battlefields of this Republic, the manhood of this country wrote that principle in letters of blood into the spirit and policy of American Government.

I submit, Mr. President, in all fairness and candor, if that is not a complete reversal of the policy, the purpose, and the plan of the fathers of this country as enunciated in the Constitution itself. Certainly it is above the rank of mere trivial correction, as is suggested in one of the speeches in opposition to this proposed amendment.

Mr. President, these illustrations simply serve two purposes: First, to show the necessity for change as changes became necessary; and secondly, to show that we should not always yield blind obedience to a theory simply because it is sanctioned by long observance.

But, for all that, we ought not to make a change unless there is some reason for a change.

The fourth objection which is urged to the constitutional amendment making the office of Senator elective is that it would destroy the independence of Senators and break down the personality of the Senate in the fact that it would shorten the career of members of the Senate. With all due deference to those who advocate that view, it has seemed to me for years—and during all these years the principle has never grown with such intensity as within the year and a half I have been permitted to be a member of this body—that this is the very reason why the change ought to be made. Instead of striking down the independence of a Senator or weakening his tenure of office, a popular election and appeal to the people would add to his independence and strengthen his tenure of office, and I propose to demonstrate that by the lives and careers of the very men who most strongly and strenuously oppose this change.

There are any number of men amply equipped by their natural ability to present, discuss, and administer great public questions who are absolutely lacking in the ability to manipulate caucuses, conventions, and legislatures. To-day the difficulty which a Senator experiences during what I am going to call his crucial experience—I know of no better term, and I may use that a time or two again—is to maintain the proper relation of a political and personal character with a few leaders scattered through his State and who are powerful factors in their relation to legislative forces.

The man who succeeds in passing that point and possesses the ability and reaches a position where he is recognized as one amply qualified to be all a Senator should be is the man who serves out the long career in this body. I undertake to say that there is nothing that would so add to the independence of the Senator as to relieve him of this personal political relation and place the Senator where, ignoring leaders, ignoring legislatures, he can take his stand upon broad public questions and appeal to his entire constituency in that manner, and you then place him in a position of independence and strength.

Now, I appeal to Senators if their experience and observation does not confirm this statement. Take the distinguished Senator from Massachusetts [Mr. HOAR], a man who to-day is recognized as admired and respected throughout the length and breadth of this nation. He is not here because of his skill in manipulating conventions and legislatures, but because he has won such a place in the hearts and in the minds of his people that the act of the legislature in selecting him is a mere ratification of the popular will. He stands here to-day, and let us hope that he will—and he will by the will of his people—until nature shall demand the payment of nature's great and last debt.

I turn to the distinguished Senator from Alabama [Mr. MORGAN], a man who not only has the respect and confidence of his people, of the members of this body, and of the American people, but, if I may use the term in connection with that life which men live in the association of politics, he has the love of all, and he stands here to-day, why? Because of his ability to manipulate conventions? No. No man whose mere dictum is recognized the length and breadth of this land upon a constitutional question can be an adept in the matter of managing and manipulating caucuses and conventions.

So I might go on along the line. It is the experience of every man in this body that just in proportion as a man gets away from the legislature, as he gets away from those political and personal relations and becomes strong in the confidence of his people, he becomes free and independent, and his tenure in office is increased.

Mr. President, it has been suggested in one of the speeches in opposition to the election of Senators by the people, that the Senate must defend itself against a popular uprising. Let me suggest that the Senate has not defended itself, and the Senate can not defend itself against the purposes and the will of the American people to participate directly in the election of United States Senators.

It has been suggested that this movement is a mere mushroom movement; that it is actuated by a few typewritten letters scattered throughout the country. If that is so, why is it that State after State has taken every means in its power within the limitations of this Constitution to make the office of United States Senator elective?

A few days ago we congratulated the junior Senator from Georgia [Mr. CLAY] upon the fact that a primary election, an appeal to the people, had been had, and it had been determined in his favor. Will any man in this Chamber say that that Senator is less independent, will any man say that his tenure of office is less secure, because the people of his State have pronounced their verdict and declared that he shall succeed himself?

A few days ago we congratulated the junior Senator from the State of South Dakota [Mr. KITTREDGE] upon what? Upon his having managed to control the legislature? No; but upon the absolute failure of the Senate to defend itself against the efforts

of the people to participate in the election of Senators, because a convention had been called in his State and nominated him for the office of Senator, and his election follows as a mere sequence.

Will anyone assert that he is less independent because of this popular expression of the will of the people of his State?

This is something more than a mere mushroom growth inspired by typewritten letters scattered throughout the country. It is an earnest on the part of the people of their determination in some way or other to be heard and to take part in the selection of United States Senators.

There is evidence of the fact that State after State, especially in the South and West, has, either by conventions or primary elections, gone just as far as it could in this direction. It is not all confined to the West, either, but the placid, slumbering bosom of Pennsylvania politics has been disturbed by these pulsations of public sentiment, and last winter, if I remember correctly, the legislature of that State declared in favor of the popular election of United States Senators.

Now, why attempt to dam up this overwhelming and ever-increasing force of public sentiment? Why force the people of this country in a roundabout way to accomplish that which they ask at our hands to be permitted to accomplish in a plain and direct way?

Mr. President, there is one other phase of this question, and that is the attempt to frighten certain members of the Senate from its support upon the theory that if we change the Constitution as to the election of Senators we must of necessity change the basis of representation.

I appeal to Senators, to whom that threat is made in the hope of frightening them from the support of this measure, if my contention is not right, namely, that no State can, without the consent of that State itself, be deprived of the right to send two Senators here in whatever way the law may prescribe. It is a false alarm, designed to drive the real friends of this measure from its support.

It is possible that this resolution at this time will be defeated, but, as I said before, you can not stay the force of public will—for it is more than mere sentiment when the people of this country, by every means left to them under the Constitution, seek to make the office of United States Senator, as it should be, an elective office.

Mr. BERRY. Mr. President, I ask for a vote on the motion to discharge the committee.

Mr. BACON. I should like to ask the chairman of the committee a question before I am called on to vote. When this matter was up some days ago, the day the Senator from Michigan [Mr. BURROWS] made his report, I made two inquiries then which had the same object which I now have in view. I desire to ask the Senator whether the committee in making the report which has been made through him, intended that that should be indicative of the desire on the part of the members of the committee to be discharged from the further consideration of this joint resolution?

Mr. BURROWS. Mr. President, in reply to the Senator, I will state that my impression is that it was not so intended; that the object of the committee, as I understood, was to advise the Senate of the progress made by the committee in the consideration of this question. No desire was expressed one way or the other as to the discharge of the committee; but I was simply directed to report the status to the Senate, and leave it for the consideration of the Senate whether the committee should continue its consideration of the measure or whether the Senate preferred to take it into its own hands.

Mr. SPOONER. I should like to ask the Senator if the committee is still considering the measure?

Mr. BURROWS. The joint resolution is still before the committee, but since the motion to discharge the committee was made the committee have not considered the joint resolution; but when this motion is disposed of, if the committee is not discharged, of course it will resume the consideration of the joint resolution.

Mr. BLACKBURN. May I ask the chairman of the committee a question?

Mr. BURROWS. Certainly.

Mr. BLACKBURN. Does the chairman believe that it is possible, after the votes taken in that committee upon this joint resolution, for that committee ever to report it to the Senate, either favorably or unfavorably, as it came from the House of Representatives, or as it has been amended, or as it can ever possibly be amended? I will make the question shorter. Does not the chairman of the Committee on Privileges and Elections believe—is he not satisfied—that the only way that that joint resolution will ever come out of that committee will be for the Senate to take it out by a vote discharging the committee from its further consideration?

Mr. BURROWS. No; I would not be prepared to say that. All I can say is that if the Senate shall refuse to discharge the committee—which I hope it will—the committee will resume the consideration of the joint resolution and do the best it can to reach a conclusion.

Mr. BLACKBURN. Then, Mr. President, in this connection I want to say, as a member of that committee, that the committee has refused to report that joint resolution back to the Senate as it came from the House; that the committee has amended that joint resolution on motion of the Senator from New York [Mr. DEPEW]; that the committee then by a vote of yeas and nays refused to report that joint resolution back to this Senate as amended, either favorably or unfavorably, and I defy any member of that committee to suggest how it is possible for that committee ever to bring back to the Senate that joint resolution, unamended or amended, either adversely or favorably. I wait for the chairman of the committee, I wait for any member of the committee, to suggest within the realm of possibility how that joint resolution can ever come back into this Senate Chamber, unless the Senate shall discharge the committee from its further consideration.

Mr. HOAR. Mr. President, I am myself in favor of a bill, which I had the honor to introduce, providing that after a certain number of ballots in the State legislature there shall be an election by a plurality. That, in my judgment—deferring to the judgment of other gentlemen—would remove the chief popular dissatisfaction with the present arrangement, and that is that it creates deadlocks and the election goes over. That was the last pending matter before the committee, and they have not yet acted upon that.

Some members of the committee had some doubt about its constitutionality, but in the case of one member who had such a doubt I think the doubt has been removed by further reflection. That was called up and pending when the committee adjourned some time ago, as I understand. When that is disposed of, then, so far as I know, the whole committee will have formed by a majority an opinion on every one of the solutions of this question, and a majority of the committee will be ready to advise the Senate whether they ought to pass the House joint resolution, or the majority of the committee will be ready to advise the Senate whether they ought to pass that bill, or the majority of the committee will be ready to advise the Senate whether if the House joint resolution is passed, it should be passed with the amendment of the Senator from New York.

A majority of the committee will be ready to advise the Senate whether, amending it as the Senator from New York proposes, still it should be passed or be defeated. In other words, you will have the opinion of the committee on every possible phase of this question.

The committee has devoted a great many sessions and a good deal of anxious thought to this matter. Some people think it is one of the gravest questions which has come up since the beginning of the Government. Others think it of less importance, although everybody agrees it is a very grave question.

Now, the motion to discharge the committee will take it out of the hands of the committee when one of the most essential matters connected with it is still undisposed of there. I have no doubt myself that when that is disposed of there the committee will be prepared, as I have said, to give the Senate its opinion on every phase of this question. I have never known the Senate to discharge a committee under such circumstances.

Mr. BLACKBURN. Mr. President, I doubt if the Senator from Massachusetts in his long and honorable experience here ever before knew a committee to get into just such a fix.

Mr. HOAR. The Senator will pardon me. That is because the committee do not in every respect take my advice. If they did they would not get into such a fix. But I find that thing happens pretty often nowadays.

Mr. BLACKBURN. I am perfectly willing to accept the Senator's explanation, but nevertheless the fact remains that this committee is in an anomalous condition; in an awkward predicament. It is in very much the same fix that the teamster was who got stalled driving his wagon down hill. He could neither unload nor back out. That is about the shape the Committee on Privileges and Elections is in now.

Mr. HOAR. If the Senator will allow me once more, that is one of the troubles of the committee. When we get to dealing with this question the Senator from Kentucky tells us a delightful anecdote of this kind which takes up our attention and distracts us. That is one of the causes of delay.

Mr. BLACKBURN. Nevertheless the committee has not been sufficiently distracted to prevent it from reaching a fix where it can not help itself, and if it is ever to be gotten out of its predicament the Senate must do it by the Cæsarian process. The Senator from Massachusetts will admit that the bill to which he has alluded, and which he tells the Senate is yet pending before the committee, and which he thinks when disposed of will solve all of this difficulty and relieve us from this embarrassment, has no

earthly bearing upon and no earthly connection with the question of electing Senators by direct vote of the people.

The bill to which the Senator alludes, but the nature of which he fails to tell the Senate, is a bill that provides for a plurality election of a Senator by the legislatures of the several States after a certain number of ballots. That is all that it does. It does not touch the question as to whether the Senator shall be elected by direct vote of the people or by the intermediary process of a legislature. So whether that bill which the Senator has pending on reference to the Committee on Privileges and Elections shall be approved or disapproved will not in the slightest degree nor in the remotest shape touch the issue which the joint resolution presents.

I repeat, the Senate shall have fair warning from at least one member of the committee. The situation there is conclusive. That joint resolution never can come out of the committee room and never will come out of it unless the Senate takes it out by discharging the committee from its further consideration. It has been elaborately discussed for weeks and months. Week after week no attention was given by the committee to any subject except the joint resolution.

The Senator from New York [Mr. DEPEW] introduced an amendment and spoke upon it at length in this Chamber. The amendment was elaborately debated in the committee room. It was adopted by a majority of the committee, and after that, by a yea-and-nay vote, the committee refused to bring the House joint resolution back here, either with a favorable or an adverse report, either as the joint resolution came from the House or as it had been amended in committee on the motion of the New York Senator. I submit in common candor—we had as well call things by their proper names—that any effort to keep the joint resolution in the hands of the committee any longer, in the face of this record, is simply an affidavit for a continuance. It is nothing more and nothing less.

The resolution offered by the Senator from Massachusetts does nothing except to direct the committee to do what it has already tried to do, namely, to amend the joint resolution in such shape and such form as that it will be able to bring it back here and offer it to the Senate and recommend its adoption. It is an open secret—the Senator from Massachusetts knows it and every other member of the committee knows it—that you can not so amend the joint resolution, it is not within the compass of human ingenuity so to amend it, as to induce a majority of the committee to recommend it favorably to the Senate. Nor have the opponents of the joint resolution been able in all these weeks and all these months so to amend the joint resolution as to induce the committee to report it back even unfavorably. It will not give the Senate an opportunity to vote upon it, and a majority of the committee never intend to give the Senate an opportunity to vote upon it.

Whether I fail or whether I succeed, I never intend whilst I am a member of the United States Senate to desist from the effort to force a vote upon this question. At the hour of 2 o'clock it will go to the Calendar. That will not help you. A motion to take it from the Calendar can be renewed every day during the remainder of this and all succeeding sessions, and it will be made and it will be continued to be made at frequently recurring intervals until the Senate of the United States shall have a chance to vote upon the question of the election of Senators by a vote of the people.

Mr. STEWART. We can vote to take it up, can we not?

Mr. BLACKBURN. I do not want any debate. I want a vote.

Mr. HALE. Let me say to the Senator that I do not think there is any disposition to run this matter by the hour of 2 o'clock. I think we are entirely ready to take a vote now.

Mr. BLACKBURN. Let us take it. Mr. President, what is the question before the Senate?

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

Mr. STEWART. Let us vote.

Mr. HOAR. I withdraw that for the present.

The PRESIDENT pro tempore. It is withdrawn. The question is on agreeing to the motion to discharge the committee from the further consideration of the joint resolution.

Mr. BURROWS. Mr. President, before the vote is taken, perhaps I ought to state that in addition to the matter stated by the senior Senator from Massachusetts as pending before the committee upon the subject of the election of Senators, I had the honor of introducing at the opening of this Congress a proposed amendment, providing for the election of Senators by the people where the legislature failed to make a choice. It is now well understood under the settled policy of the Senate that when the legislature adjourns without making a choice of Senator the executive of the State can not appoint. The amendment proposed was that where a legislature failed to elect, then the executive of the State should call a popular election for Senator. That proposition is pending before the committee and has not yet been considered. So it will be observed that this whole subject, in many phases, is before the committee, and it is possible we will reach some conclusion.

Mr. PLATT of Connecticut. I should like to ask the chairman of the committee one question. I understand it is said that the committee has refused or declined by vote to report back either the House joint resolution or the House joint resolution as amended upon the motion of the Senator from New York. I do not know under what other circumstances. I wish to inquire whether, at the time there was a vote not to report back the joint resolution to the Senate, there were pending the proposition of the Senator from Massachusetts and the proposition of the Senator from Michigan, the chairman of the committee, to which he has just alluded? If so, it seems to me it was quite proper to refuse to report back the joint resolution.

Mr. BURROWS. In reply to the Senator from Connecticut, I will state that both propositions were then pending before the committee. The proposition of the Senator from Massachusetts had been, I believe, partially considered, but its consideration had not been concluded, and the proposition to which I refer had not been considered. It is still pending before the committee.

Mr. BAILEY. Mr. President, I shall not detain the Senate more than a moment. As I understand the parliamentary status, it is simply this: The affirmative of this motion would bring the House joint resolution to the Senate without any of the amendments which have been considered by the committee and without that amendment which the committee have actually adopted. But that will not improve the situation when the original House joint resolution is brought back from the committee to the Senate, because the friends of that amendment, objectionable to us and the adoption of which prevented a report of the original joint resolution by the committee, will present it here, and it will be adopted in the Senate precisely as it was adopted in the committee. The peculiar situation is this——

Mr. BERRY. Will the Senator permit me for one moment?

Mr. BAILEY. Certainly.

Mr. BERRY. I do not think the Senator can say that a majority of the Senate will vote for the amendment simply because a majority of the committee did.

Mr. BAILEY. I venture the prophecy, and I think it will be fulfilled.

The peculiar situation in the Senate, as well as in the committee—and to committee transactions I shall not again refer—is this: There is a respectable number of gentlemen in the Senate who are opposed to any change in the present method of selecting Senators. There is another section of Senators who, agreeing to the change, insist upon coupling with it a change as to the power of determining the qualifications of electors. Now, when what is known as the Depew amendment is proposed, the first section of Senators, who are opposed to any change, join with the second section of Senators, who are willing to have a change upon the condition of another change, and they adopt the Depew amendment. Then when the question recurs on the joint resolution as amended, every Senator on this side of the Chamber joins with you Senators on the other side who are opposed to any change at all and the joint resolution will be voted down.

In my judgment that is exactly what will happen. I may add, believing that that would happen, perhaps as a matter of wisdom I would vote against occupying the time of the Senate by bringing the joint resolution here. Still, I am a member of the committee, and perhaps I have some delicacy in insisting upon holding in the committee a joint resolution which the Senate desires to consider. But further, while I ventured my prophecy, I am going to assume that I may be mistaken and that the Senator from Arkansas may be right, and that it is possible the Depew amendment might be voted down and the original House joint resolution adopted. Upon that bare hope—it is not more than a bare one—I intend to vote to discharge the committee. But at the same time neither now nor hereafter, nor at any time, will I ever vote to change the method of electing Senators when I must couple with it a surrender of the power now possessed by the States to determine the qualifications of their electors.

Mr. FORAKER. Mr. President, I also am a member of the Committee on Privileges and Elections, and I wish to confirm the statements which have been made here as to the industrious and sincere way in which the committee has labored to reach a conclusion in regard to this general proposition.

In view of what the Senator from Kentucky [Mr. BLACKBURN] has said, I wish to say that I favored reporting the House joint resolution to the Senate as amended by the adoption of the Depew amendment, as it is called. That, however, did not prevail, and now we are confronted with the question whether or not the committee shall be discharged, and, I suppose, whether or not the Senate shall then take up this question and deal with it. I doubt whether we will remedy the situation by discharging the committee. But this is one of the questions which it seems will not down, and the Senator from Kentucky has told us that he

intends to renew this motion and press it upon the Senate at every opportunity—every day, during the morning hour—until in some manner we have a chance to vote upon the question whether or not the people are to be allowed to vote in the election of United States Senators.

In view of all this, although doubting the wisdom of changing the present plan of electing Senators, I have concluded to vote in favor of discharging the committee, with the understanding that we shall then take up this question and settle it.

Mr. BLACKBURN. That is right.

Mr. FORAKER. I propose, if the Senator from New York is not here to offer his amendment, to offer it in his absence, unless some other Senator will kindly do so. I will do that. I will say to Senators on the Democratic side, in good faith, in order that, if it is to be a question whether or not Senators shall be elected by a vote of the people, we may make sure that the people have a right to vote. Therefore I shall vote to discharge the committee. Then I shall vote to immediately consider the joint resolution. I shall thereupon offer an amendment, and then I shall have something to say about it, perhaps, if I think it necessary.

Mr. McCOMAS. Mr. President, as a member of the committee, in response to the inquiry of the Senator from Kentucky, which was whether any member of the committee thought it likely or possible that the committee could agree on any report upon this proposition, I wish to express the opinion that there is far more likely to be an agreement by the committee upon a proposition to be reported to the Senate than there is likely to be any outcome of discussion in the Senate at this time.

I think the Senator from Texas [Mr. BAILEY] has clearly outlined the situation. A number of Senators are opposed to any change. A number desire a change, so that the people may elect Senators, not making sure what people, or whether some or all of the people may elect Senators. Another body of Senators feel that if a change is to be made and the people are to elect Senators, the election should be made by all the people, and that that can only be made certain when the registration, conduct of elections, and certification of the result, by the people in their elections, are made plain and secure.

It seems to me, without disclosing the vote in the committee, that there is such a narrowness of difference that in further efforts there may be some conclusion, and that conclusion may be brought to the Senate far quicker than the Senate itself could arrive at any conclusion. As has been said by the Senator from Ohio and the Senator from Texas, precisely the same question that is involved in the committee will arise here. The same attitude may bring the same result. It is agreed on both sides of the Chamber that there has been diligence in endeavoring to dispose of the joint resolution of the House. I apprehend that the chairman of the committee and other members of the committee will agree with me that there is far more likelihood of a conclusion in favor of one view or of another coming from the committee, if it be not discharged, than there is likelihood that the Senate can do as well as the committee has thus far done.

It may be said that the committee has not succeeded in doing anything. The Senate will perhaps be further from doing anything, and it had better come in some shape from the committee. Therefore I shall vote not to discharge the committee, but with the expectation that the committee may bring some conclusion for the consideration of the Senate, I shall vote that it shall proceed as committees do and should with the consideration of the joint resolution now pending before it.

Mr. MASON. Will the Senator from Maryland allow me to ask him a question?

Mr. McCOMAS. Certainly.

Mr. MASON. Do I understand the Senator to say that he is a member of the committee?

Mr. McCOMAS. Yes, sir.

Mr. MASON. How long has the committee had the joint resolution under consideration?

Mr. McCOMAS. It has been under consideration for weeks.

Mr. BERRY. Six months, if the Senator will permit me.

Mr. MASON. The suggestion which the Senator from Maryland now makes is that the committee be permitted further to consider it.

Mr. McCOMAS. I think the Senate, if it considers the proposition as it will appear here, will probably consider it a very long time. I think the most likely way to have it disposed of is to let the committee, which by a narrow margin may bring a result, bring it to the Senate.

Mr. VEST. Mr. President, I shall not detain the Senate for any length of time on this question. I am as anxious as the Senator from Kentucky [Mr. BLACKBURN] can possibly be to have a square vote upon the issue as presented by the House joint resolution.

I am opposed to the amendment of the Senator from New York and opposed to the joint resolution as it comes from the House. I have been a member of the Democratic party, if I may be permitted to make a personal remark, for nearly fifty years. If I have ever refused to vote for a candidate of that party, from the highest to the lowest office, I do not now remember it. The two last conventions of the Democratic party have declared in favor of the election of United States Senators by the people.

I am so unfortunate as to be unable to agree with those conventions upon that question. I deny the right of any convention, State or national, to control my action as a Senator of the United States. I do not believe that the evils of which complaint is now made will be remedied or removed by a change in the form of electing Senators to this body. I do not believe you can purify the fountain by changing the form of the stream that comes from it. When the time comes in this country that the people must be protected from their own corruption, their own ignorance, their own imbecility, it is a publication to the entire world that the theory of our Government is a failure and that the people are not capable of self-government.

We are told that the object of the joint resolution is to remove the facility with which corruption may be used in the election of Senators. Mr. President, my observation and experience teach me that where corruption can be used corrupt men will always find a way to use it. What will be the result if the joint resolution is adopted as it comes from the House? Every intelligent man in this country knows that the candidates for United States Senators in the respective States will be nominated by conventions, and every intelligent man knows how easily conventions will be influenced by improper means to make nominations which the party represented in the convention will deem it their duty to support.

We are told that to-day multimillionaires can buy legislatures. Who pretends to say that they can not, especially in the large cities, buy the votes, by hundreds and thousands, of the men who will by direct vote elect United States Senators? Who pretends to say that this body of United States Senators, 90 in number, is not equal in integrity, in intelligence, in all the great qualities of a representative capacity to the governors of the respective States? Who does not know that the governors consider it a promotion to come from their executive office to this body? Are the governors more honest, more intelligent, more fit to represent the people than the Senate as assembled here? Who says it?

Mr. President, those governors are elected by direct vote of the people. And yet we are told that if we change the form of election we get rid of the impurity at the very source of all legislative power. Sir, it reminds me—I am a Western man and use Western illustrations—of the countryman who on a hot day was carrying himself and a bag of corn to the country mill. He saw that his horse was laboring under the heat and burden imposed upon him, and in order to relieve the animal he got off, took the bag of corn upon his own shoulder, got back upon the horse, and congratulated himself that he had found a remedy. [Laughter.] Who believes that if you change the form of election you get rid of the great motive power, the people, who, if corrupt themselves, will surely make that fact manifest in the result of any election?

But, Mr. President, above all this, I am opposed, irrevocably opposed, to this change in our constitutional law because it destroys what I consider one of the most valuable features of the Federal Constitution, adopted in 1789.

A compromise was made in the Constitutional Convention upon this, as upon every other question. The smaller States insisted upon the election of two Senators by every State without regard to numerical population. The larger States insisted that the power to inaugurate revenue bills should be in the House of Representatives. A compromise was effected by which the smaller States received two Senators, and the Senate represents the State-rights feature of the Constitution. The House of Representatives represents the popular feature. Upon this compromise that great instrument, the Constitution of the United States, was made.

What do you propose to do now? Instead of two legislative bodies, one representing the people at large, the other representing the conservative and deliberate judgment of Senators not holding office for two years, but holding it for six years, and who are assumed to represent the States in their sovereign capacity, we are to have one great House of Representatives, two bodies sitting separately, but both in reality what the popular branch of the Congress is to-day.

What do you invite by such a change? You invite immediately the suggestion on the part of the larger States that if enumeration according to the people is to be adopted it shall apply in the Senate as well as in the House. More than this, you invite contested elections as we see them now at the other end of the Capitol. You will find every Senator's place here, if that place becomes important for political success, dependent upon a contest in any or every township. The whole form of the Government is changed and the basis upon which the Constitution was

adopted is given up under the claim that if the people were permitted to elect directly the election would be more pure than under the present system.

Now, Mr. President, I will simply say that all this issue is a plan adopted by adroit politicians, in my opinion, who desire to make the impression upon the people that they are better and purer and more competent to choose Senators than the men whom they may elect through a general assembly or legislature of the State.

I should like for some Senator to tell me how the people of a county or an election district can know better the qualifications for the high office of a United States Senator of a multimillionaire whom they have never seen, and whose name is put before them by a convention they never attended, than they can pass upon the qualifications of a member of the legislature.

How can they better know as to the qualification of such a candidate than one of their own neighbors, with whom they have lived for years, with whose antecedents they are familiar, and whom they know to be honest, intelligent, and acquainted with their interests? But we are told that the question of the election of the multimillionaire with his millions of dollars, utterly unknown to the people, is to be passed upon by them in preference to this neighbor, whom they have known for half a century.

I repeat, Mr. President, if the fountain is impure the stream will be impure. You can not evade this issue by the form of the election.

I could go into many more arguments against this terrible innovation. I belong, possibly, to a past school in public life. I believe the Constitution should be approached anxiously, carefully, and every aspect of every change should be duly and fairly considered. I believe the men who made the Constitution—in which supreme power exists nowhere except with the people—prescribed the form to be adopted when that great instrument was to be amended, in order to avoid this desire on the part of the demagogues to achieve their own purposes by flattering the people.

I ask the Secretary to read some extracts I have made from the debates in the Convention of 1787, giving the reasons for this clause in the Constitution. I have here the opinion of James Madison, who represented one school, and of Alexander Hamilton, who represented the other.

It has been said by leading members of the Democratic party, to which I belong, that Mr. Jefferson favored the election of Senators by the people. I claim to be familiar with his writings, and he seldom spoke. There are expressions in some of his letters to his intimate friends, wherein he desired an extreme popular or democratic government, but Mr. Jefferson nowhere at any time declared that Senators of the United States should be elected by the people and not by the legislatures.

I will ask the Secretary to read what I send to the desk, and I shall not detain the Senator any longer.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Mr. Madison says:

"It is unnecessary to dilate upon the appointment of Senators by the State legislatures. Among the various modes which might have been devised for constituting this branch of the Government that which has been proposed by the convention is probably the most congenial to public opinion. It is recommended by the double advantage of favoring a select appointment and of giving to the State governments such agency in the formation of the Federal Government as must secure the authority of the former and may form a convenient link between the two systems."

Madison further says:

"In a republican government the legislative authority necessarily predominates. The remedy is to divide the legislature into different branches and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and common dependence on society will admit."

Mr. Hamilton says:

"So far as the mode of formation may expose the union to the possibility of injury from the State legislatures, it is an evil, but it is an evil which can not be avoided without excluding the States in their political capacities wholly from a place in the organization of the National Government. If it had been done, it would doubtless have been interpreted into an entire dereliction of the Federal principle, and would certainly have deprived the State governments of that absolute safeguard which they will enjoy under this provision."

Mr. VEST. Mr. President, I simply want to make one statement in explanation, to be added to my remarks. I said the last two Democratic national conventions had indorsed the election of United States Senators by the people directly. My friend from Texas [Mr. BAILEY], who was a member of the committee on resolutions at Chicago——

Mr. BAILEY. No; I was not a member.

Mr. VEST. I thought you were. At any rate, he was a member of the convention, like myself. I was under the impression that the platform at Chicago included this statement, but he tells me I am mistaken, and therefore I withdraw that.

I wish to make one other statement. A friend suggests to me that 2 o'clock is about to approach and the vote can not be taken, while if I had not spoken it could have been taken. I sincerely hope that the Senate will take it, and I shall make a motion to postpone the regular order in order that the vote may be taken upon discharging the committee from the further consideration of the joint resolution.

Mr. BERRY. We will take the vote right now.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maryland [Mr. WELLINGTON], to discharge the Committee on Privileges and Elections from the further consideration of the joint resolution.

Mr. BERRY. On that question let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "yea."

Mr. CULBERSON (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. If he were present, I should vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. MITCHELL], but knowing his views on this question, I take the liberty of voting. I vote "yea."

Mr. HANNA (when his name was called). I have a general pair with the senior Senator from Utah [Mr. RAWLINS]. I transfer my pair to the junior Senator from New Jersey [Mr. DRYDEN], and vote. I vote "nay."

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "yea."

Mr. HOAR (when his name was called). I have a general pair with the Senator from Alabama [Mr. PETTUS]; but as he agrees with me on this subject, my pair has been transferred, and I vote "nay."

Mr. KEARNS (when his name was called). I am paired with the junior Senator from Montana [Mr. GIBSON]. I transfer my pair to the Senator from Nevada [Mr. JONES], and vote "nay."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], and withhold my vote. If he were present, I should vote "yea" and he would vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote on this question. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CLAPP (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. SIMMONS]; but as he would vote as I do on this question, I am at liberty to vote. I understand that the junior Senator from North Carolina is paired with his colleague [Mr. PRITCHARD] on this question.

Mr. SPOONER. My colleague [Mr. QUARLES] is absent in the discharge of public duties as a member of one of the Senate committees.

Mr. TURNER. I wish to inquire if the senior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. TURNER. I have a general pair with that Senator. As he is not present, I withhold my vote. If he were present, I should vote "yea."

Mr. CLARK of Montana (after having voted in the affirmative). I am paired with the junior Senator from Indiana [Mr. BEVERIDGE]. As he is not present, I withdraw my vote.

Mr. DANIEL. I am paired with the junior Senator from South Dakota [Mr. HANSBROUGH]. If he were present, I should vote "yea."

The result was announced—yeas 21, nays 35; as follows:

YEAS—21.

Bailey,	Cockrell,	McLaurin, Miss.	Taliaferro,
Bate,	Dubois,	Martin,	Teller,
Berry,	Foraker,	Mason,	Tillman.
Blackburn,	Foster, La.	Nelson,	
Carmack,	Heitfeld,	Patterson,	
Clapp,	Jones, Ark.	Perkins,	

NAYS—35.

Aldrich,	Dillingham,	Hanna,	Millard,
Allison,	Dolliver,	Hawley,	Platt, Conn.
Bard,	Elkins,	Hoar,	Platt, N. Y.
Burnham,	Fairbanks,	Kean,	Scott,
Burrows,	Foster, Wash.	Kearns,	Spooner,
Burton,	Frye,	Kittredge,	Stewart,
Cullom,	Gallinger,	McComas,	Vest,
Deboe,	Gamble,	McCumber,	Wetmore.
Dietrich,	Hale,	McMillan,	

NOT VOTING—32.

Bacon,	Dryden,	Mallory,	Quarles,
Beveridge,	Gibson,	Mitchell,	Quay,
Clark, Mont.	Hansbrough,	Money,	Rawlins,
Clark, Wyo.	Harris,	Morgan,	Simmons,
Clay,	Jones, Nev.	Penrose,	Simon,
Culberson,	Lodge,	Pettus,	Turner,
Daniel,	McEnery,	Pritchard,	Warren,
Depew,	McLaurin, S. C.	Proctor,	Wellington.

So Mr. WELLINGTON'S motion was rejected.

CUBAN RECEIPTS AND EXPENDITURES.

Mr. CULBERSON. I offer a resolution of inquiry and ask for its present consideration.

The PRESIDENT pro tempore. If there be no objection, the resolution will be read to the Senate.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a full, itemized statement of all moneys collected and disbursed by the authorities of the United States in Cuba from the military occupation thereof until May 20, 1902.

Mr. PLATT of Connecticut. I ask that the resolution may be again read.

The Secretary again read the resolution.

Mr. PLATT of Connecticut. When was it introduced?

The PRESIDENT pro tempore. It was just introduced with the request that it be considered now.

Mr. PLATT of Connecticut. I think it had better lie over one day, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the resolution goes over.

Mr. PLATT of Connecticut. I should like to state the reason. A portion of these expenses, up to a certain date, have been reported to the committee. I am under the impression that from that date up to the present time they could be sent here by the Secretary of War without any great delay, but it would make a very voluminous document, covering several volumes, and whether it can be done now and how much time would be required I do not know. I should like to inquire about it during the day.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business,

Mr. FAIRBANKS. Mr. President——

Mr. STEWART. Will the Senator from Indiana yield to me that I may make a request?

Mr. FAIRBANKS. I will yield for morning business.

Mr. STEWART. I ask unanimous consent that the motion to reconsider the vote by which the Choctaw treaty bill was passed be taken up immediately after the morning business to-morrow morning.

Mr. NELSON. Mr. President——

Mr. STEWART. It will take but a moment.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the motion to reconsider the vote by which the Choctaw treaty bill was passed may be taken up immediately after the morning business to-morrow morning.

Mr. NELSON. I object to that. That time is given to the London dock clause bill.

Mr. STEWART. Is all the time going to be taken up by that bill?

Mr. NELSON. No; not all the time. I have given away this week to the naval appropriation bill, and I gave way to the matter which occupied the Senate this morning. I am entitled to have the time to-morrow morning.

Mr. STEWART. I do not understand that a unanimous-consent agreement extends clear through the whole session.

The PRESIDENT pro tempore. Objection is made.

Mr. STEWART. I will inquire if the unanimous-consent agreement for the consideration of a bill can extend indefinitely during the whole session?

The PRESIDENT pro tempore. It did extend indefinitely in the case proposed by the Senator from Minnesota until the final disposition of the bill, not to conflict with almost everything else, however.

Mr. STEWART. It ought not to conflict with necessary business, such as treaties and the like, and formal business of the morning hour.

Mr. NELSON. I think the bill will be disposed of to-morrow.

Mr. STEWART. I hope so. I think I shall move to lay it on the table if it is not disposed of.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURROWS. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. WARREN, Mr. PROCTOR, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

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

A bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company; and

A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

ISTHMIAN CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. FAIRBANKS. Mr. President, we face a great undertaking, which completed will vitally affect the commerce of the United States and of the world. A new highway is to be established, through which a mighty commerce will pass during the centuries before us. It is an axiom of trade that commerce follows lines of least resistance, and when the narrow barrier dividing the great oceans is cut commerce will pass through it in constantly increasing volume between the Atlantic and Pacific ports of the United States and our territory in the seas, and between the Atlantic and Pacific ports of our neighbors in North and South America, and between the ports of the other countries of the world.

Years of discussion and futile effort to unite the two oceans lie back of us. Perhaps I should not say futile, as what has been so long attempted has served to accentuate the necessity of the work and point the way at last to its accomplishment. The task thus far has baffled statesmanship, defied individual and corporate enterprise, and challenged the wealth and power of governments. For nearly four centuries an isthmian canal has been the dream of statesmen and the hope of commerce. For quite seventy-five years the attention of the United States has been directed to the subject more or less sharply and with more or less frequency. But not until now, at the morning of the new century, has a government been able and strong enough and willing to speak the decisive word and to resolutely set about the hitherto almost impossible task.

More than fifty years ago the Clayton-Bulwer treaty was entered into between the United States and Great Britain, whereby the joint control of an isthmian canal was established. The State Department and the records of Congress bear abundant testimony that this treaty defeated its own purpose and brought friction between the two great English-speaking powers. The treaty contained no terms by which it could be terminated by either Government. Whether changed conditions and alleged breaches of some of the conditions by either party worked its abrogation has long been a debatable question. I have been of those who believed that the treaty was not abrogated, but was a subsisting convention, and that it should be respected as such until modified or abrogated, or superseded by a new treaty.

President McKinley, through his accomplished Secretary of State, John Hay, undertook to secure a modification or supersession of the treaty, and it is to their credit that we have confirmed and exchanged a treaty under which one of the most notable undertakings in the history of the world is to be accomplished. The Hay-Pauncefote treaty is a great achievement—a conspicuous tribute to our national self-restraint, our national honor, and to American diplomacy.

Under it we may construct, maintain, and operate an isthmian canal under the distinct authority of the United States. Its neutralization invites the commerce of the world, and all countries are concerned in its perpetual preservation. There will stand against our record now no taint or suggestion of national bad faith, and this work, which shall carry the commerce of the world long after the pyramids are resolved into dust, will proclaim both the honor and good faith of the United States.

It looked for a time as though the demands of trade were so acute and impetuous that they would sweep away the Clayton-Bulwer treaty by ex parte action; but while we were anxious to build the canal, we were more anxious to preserve inviolate our national good faith, and to not build it upon a foundation of broken covenants or upon ex parte renunciation.

The United States does not underrate the magnitude of the work. Her resources are entirely adequate. She asks no aid of

any power—and is ready to carry the enterprise to its consummation, and hold it perpetually for the commerce of the world, and upon terms of absolute equality.

For many years this enterprise has been sanctioned by the judgment of the American people, except possibly a few of those who felt that the commerce between our Atlantic and Pacific ports might be diverted from the transcontinental rails and to their prejudice. I am disposed to believe that such opposition has been unduly exaggerated, for those who have been charged with such a narrow view must, upon maturer reflection, have perceived compensating benefits in the more rapid and larger upbuilding and increase in wealth and power of our seaboard cities and the country back of them.

The approval of the project by the people has found expression for years in the platforms of the various political parties, and no party has desired or dared to make an issue upon the subject. Influential commercial bodies and the press have spoken forcibly and with remarkable unanimity in its favor.

Granted the necessity and the wisdom of the construction of an Isthmian canal, it becomes essential that the most available route should be determined.

Congress, appreciating the magnitude of the undertaking and feeling that it was insufficiently advised as to the most feasible route and its probable cost, authorized the President, by the river and harbor bill approved March 3, 1899, as follows:

SEC. 3. That the President of the United States of America be, and he is hereby, authorized and empowered to make full and complete investigation of the Isthmus of Panama with a view to the construction of a canal by the United States across the same to connect the Atlantic and Pacific oceans; that the President is authorized to make investigation of any and all practicable routes for a canal across said Isthmus of Panama, and particularly to investigate the two routes known, respectively, as the Nicaragua route and the Panama route, with a view to determining the most practicable and feasible route for such canal, together with the proximate and probable cost of constructing a canal at each of two or more of said routes; and the President is further authorized to investigate and ascertain what rights, privileges, and franchises, if any, may be held and owned by any corporations, associations, or individuals, and what work, if any, has been done by such corporations, associations, or individuals in the construction of a canal at either or any of said routes, and particularly at the so-called Nicaraguan and Panama routes, respectively; and likewise to ascertain the cost of purchasing all of the rights, privileges, and franchises held and owned by any such corporations, associations, and individuals in any and all of such routes, particularly the said Nicaraguan route and the said Panama route, and likewise to ascertain the probable or proximate cost of constructing a suitable harbor at each of the termini of said canal, with the probable annual cost of maintenance of said harbors, respectively. And generally the President is authorized to make such full and complete investigation as to determine the most feasible and practicable route across said Isthmus for a canal, together with the cost of constructing the same and placing the same under the control, management, and ownership of the United States.

He was authorized to employ the necessary persons to accomplish the purpose in view, and a million dollars was appropriated and put at his disposal.

Mr. MORGAN. Would the Senator object to reading the last clause of that act?

Mr. FAIRBANKS. Not at all. I will read it entire. I have just read section 3.

SEC. 4. To enable the President to make the investigations and ascertainments herein provided for, he is hereby authorized to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary to make such investigation, and to fix the compensation of any and all of such engineers and other persons.

SEC. 5. For the purpose of defraying the expenses necessary to be incurred in making the investigations herein provided for, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, or so much thereof as may be necessary, to be disbursed by order of the President.

SEC. 6. That the President is hereby requested to report to Congress the results of such investigations, together with his recommendations in the premises.

Does that cover what the Senator desires?

Mr. MORGAN. Yes.

Mr. FAIRBANKS. Mr. President, the scope of the inquiry was properly made broad and comprehensive, and the several matters to be investigated and reported upon were distinctly and specifically stated, and were such as were imperatively necessary to enable the Congress to arrive at a rational and satisfactory conclusion. They were such as the Congress should be fully advised about before it should take up for consideration and final action a subject of such magnitude and far-reaching importance as the one which now engages our attention.

Prior to this action of the Congress our minds had largely been confined to the Nicaraguan route. It seemed to be generally accepted as a fact that in the construction of an Isthmian canal that route was the one to be adopted. Public opinion had long been focused upon it. This was not due to any careful study of the comparative merits of the respective routes, but rather to the fact that the Nicaraguan route had been exploited by American companies, while the Panama route had been under the control of the French. Political conventions of all parties for many years had favored the Nicaraguan route, but that the people had any preference, except upon lines of superior availability, there can be no doubt.

The Republican national convention of 1896 declared in favor of the Nicaraguan route. Subsequently the Isthmian Canal Commission was created, and it seemed advisable that the vital subject of location should be more carefully considered, so the Republican national convention of 1900 declared in favor of the construction of an isthmian canal, but not in favor of any specific route. It was regarded as unwise, in view of the vast importance of the undertaking and of our partial information, to commit the Government blindly to any fixed line. It was deemed the part of conservative wisdom to leave entirely open the subject of permanent location until all available or ascertainable facts were secured and weighed by those having expert and scientific knowledge; for it is obvious that the subject is one peculiarly within the province of those who have given to the construction of great undertakings critical study, and who from long practical experience are able to weigh the merits and demerits, the advantages and disadvantages of the various routes. In fact, but few have given to the subject that intelligent and careful attention which its importance justifies.

The Congress had no pet scheme to advance; it was not to be governed by any purely sentimental considerations. It wanted to know but one thing, and that was which route, all things considered, was the most feasible and practicable. It was provided, therefore, that the Commission should not be limited in its investigation, but should give its attention to all routes worthy of consideration.

The President, agreeably to the provisions of the law, appointed a Commission, known as the Walker Commission, composed of men well fitted by education and experience to examine exhaustively the subject in its historic, scientific, economic, and practical features.

The Commission possessed in an especial degree the public confidence. It would have been difficult if not impossible to select men better fitted in all respects for the important work. They had but one end to accomplish, and that was to discharge freely, frankly, and fearlessly the high and important trust committed to them. They knew that their report would probably be the basis of Congressional action, and that their work sooner or later would be put to the test.

Let us see for a moment who were the Commissioners: J. G. Walker, rear-admiral of the United States Navy, was the president of the Commission; Samuel Pasco was long a conspicuous and honorable member of the United States Senate, a man learned in the law; Lieut. Col. Oswald H. Ernst and Col. Peter C. Hains came from the Army; Messrs. George S. Morrison, Alfred Noble, William H. Burr, and Lewis M. Haupt were selected from the list of eminent civil engineers; Emory R. Johnson, professor of transportation and commerce of the University of Pennsylvania, was added because of his conspicuous attainments. Four members of the Commission, Messrs. Walker, Hains, Noble, and Haupt, had served on a previous Commission created by the Congress.

The Commission critically examined the leading canals of the world; it conducted and caused to be conducted, through competent engineers, careful investigations into the local physical conditions along the several proposed routes, and we can not assume that it has failed to conscientiously, thoroughly, and intelligently discharge its important functions. It was engaged in its delicate and important work nearly two and one-half years.

The result of its investigations and deliberations is before the Senate in the form of two reports, very minute and comprehensive upon all aspects of the subject. We have before us in brief compass the complete history of all attempts to construct an isthmian canal, and an undivided opinion as to the most feasible route to be chosen, with an estimate of its probable cost.

The Commission, in its first report, after considering and weighing the respective merits of the various routes that have engaged attention from time to time, dismisses as impracticable all except the Panama and Nicaragua routes, and concludes that in view of the price fixed by the Panama Canal Company for the sale of its property, that "the most practicable and feasible route 'for an isthmian canal, to be' under the control, management, and ownership of the United States, is that known as the Nicaragua route."

The Commission discussed elaborately and with great detail the history of interoceanic projects and communications; the dimensions and unit prices; other possible routes; the Panama route; the Nicaragua route; earthquakes, volcanoes, climate, health; rights, privileges, and franchises; industrial and commercial value of the canal; military value and cost of maintenance and operation. Their report embraces 263 printed pages and is before us. No fact or feature essential for our consideration has been omitted. In concluding its report the Commission directs attention to the superior advantages of the Panama route, clearly showing that while it reported in favor of the Nicaragua route, its strong preference was the Panama route so far as purely physical conditions were concerned.

There are certain physical advantages—

Said the Commission—

such as a shorter canal line, a more complete knowledge of the country through which it passes, and lower cost of maintenance and operation in favor of the Panama route, but the price fixed by the Panama Canal Company for a sale of its property and franchises is so unreasonable that its acceptance can not be recommended by this Commission.

This indicates most conclusively that the suggestion which has been made that the second report of the Commission in favor of the Panama route is an afterthought, or that the Commission has without proper consideration abandoned the Nicaraguan route for another, is not well founded.

The report was made to the President November 16, 1901. It appears from it that the Commission had solicited of the New Panama Canal Company a price at which the canal could be purchased. The sum named was equivalent to $109,141,500 and was deemed exorbitant. The Commission estimated the value of the property of the company which might be utilized by the United States at only $40,000,000. After the submission of the report the Canal Company offered to sell its rights, property, and unfinished work to the United States for the sum of $40,000,000, the value put upon it by our own Commission.

This materially changed the aspect of affairs. The Commission was reconvened and resumed consideration of the subject in view of the new offer, and subsequently, on January 18, 1902, reported in favor of the construction of an isthmian canal on the Panama route.

The Commmission frankly and fully stated the reasons which had moved it to depart from the conclusions of its former report. These reasons, it seems to me, assuming the facts stated to be true, abundantly justify the Commission in its final conclusion. The second report is precisely the result which would have been reached in the first report if the canal company originally had not put upon its property an unreasonable price.

The advantage of the two canal routes—

Says the Commission—

have been restated according to the findings of the former report. There has been no change in the views of the Commission with reference to any of these conclusions then reached, but the new proposition submitted by the New Panama Canal Company makes a reduction of nearly $70,000,000 in the cost of a canal across the Isthmus of Panama, according to the estimates contained in the former report, and with this reduction a canal can be there constructed for more than $5,500,000 less than through Nicaragua. The unreasonable sum asked for the property and rights of the New Panama Canal Company when the Commission reached its former conclusion overbalanced the advantages of that route, but now that the estimates by the two routes have been nearly equalized the Commission can form its judgment by weighing the advantages of each and determining which is the more practicable and feasible.

There is, however, one important matter which can not enter into its determination, but which may in the end control the action of the United States. Reference is made to the disposition of the governments whose territory is necessary for the construction and operation of an isthmian canal. It must be assumed by the Commission that Colombia will exercise the same fairness and liberality if the Panama route is determined upon that have been expected of Nicaragua and Costa Rica should the Nicaragua route be preferred.

After considering—

These words are of uncommon weight and of controlling influence—

the changed conditions that now exist and all the facts and circumstances upon which its present judgment must be based, the Commission is of the opinion that "the most practicable and feasible route" for an isthmian canal, to be "under the control, management, and ownership of the United States," is that known as the Panama route.

It will thus be observed that the Commission has acted with entire consistency, and the reasons which led it to reconsider and change its recommendation of route are absolutely sound and controlling.

I know of no better light by which we can be guided than the information and opinion of the Commission charged with the grave and solemn responsibility of informing the Congress upon the subject. I was of those who, prior to the authorization of the Commission, felt the absolute inadequacy of the information at hand, and gladly supported the appropriation of $1,000,000 for the creation of it and the ascertainment of the information which has been laid before us.

My predilections and opinions, founded upon fragmentary and unsatisfactory information, were entirely in favor of the Nicaragua route. But if weight is to be given to the opinion of our own impartial commissioners, men of experience and capacity, we must discard the Nicaragua and select the Panama route.

The Commission has given us in much detail the obstacles to be overcome and the relative advantages of the respective routes, together with the relative cost of construction and cost of operation.

The estimated cost of construction of the Nicaragua route is $189,864,062.

The cost of the Panama route is estimated at (including $40,000,000 price of property to be acquired from Panama Canal Company) $184,222,358.

If we had but to consider the relative cost of construction of the two canals thus shown there would be a saving upon the Panama route of substantially $5,500,000. It is suggested that this sum is so small compared with the vast amount involved in the work that it is hardly worthy of consideration. It is perhaps true that it should not be allowed to weigh against mere considerations of feasibility in construction, operation, and maintenance, but inasmuch as it is a saving upon a route deemed by the Commission to be the most practicable and feasible, it is entirely proper to set down to the credit of that route a saving of five and a half millions of dollars.

It will be observed that the Commission has disclosed a very important fact, one which should be distinctly borne in mind, and that is that it will cost $1,300,000 less per annum to operate the Panama than to operate the Nicaragua route. This sum, capitalized on the basis of the interest upon the national bonds, equivalent to 2 per cent, amounts to $65,000,000. Add to this the amount saved in construction and we have a total sum to the credit of the Panama route of $70,500,000.

The all-important question, as I have hitherto said, is to select the proper route, and this must be determined upon no considerations of mere sentiment or favoritism. It is obvious that few among us possess that personal knowledge, that technical skill, to decide unaided this vital question. Who upon this floor is familiar with the physical characteristics of the country, or has personal knowledge of the several contemplated routes? Or who knows the various essential features to be taken into account in the location and consideration of so important a work?

I frankly confess that I have no knowledge whatever upon the subject, except as I have gathered it from the reports of those who have investigated it in all of its bearings and aspects. I go to those who have been upon the ground and applied all of the tests known to science, or which have been suggested by experience, to enable them to form an opinion as to what can be accomplished, and at what cost, and I must accept their best judgment. To blindly disregard such opinion would, it seems to me, be unwise and dangerous in a degree.

It is a fortunate circumstance that we have before us the unanimous report of the Commission. The nine commissioners speak but one voice, and that is in favor of the Panama route. Whose opinion is entitled to more weight than theirs?

The advantages of the Panama route as stated by the Commission were submitted to the Senate a few days ago by the distinguished Senator from Ohio [Mr. HANNA], but I may be pardoned for restating them in this connection as they are summarized in the report of the minority:

1. It is 134.57 miles shorter than the Nicaragua from sea to sea (being 49.09 miles by Panama as against 183.66 miles by Nicaragua).

2. It has less curvature, both in degrees and miles, being but 22.85 miles of curvature as against 49.29 on the Nicaragua, and but 771 degrees for Panama as against 2,339 degrees for Nicaragua.

3. The actual time of transit is less, being but twelve hours of steaming by Panama, as against a minimum of thirty-three hours of steaming by Nicaragua; that is, of one day of daylight as against three days of daylight (for the canal must be navigated by day exclusively at first, and, to a great extent, always, especially by large ships, which chiefly will use it. The Commission's plan does not provide facilities for navigation by night.)

4. The locks are fewer in number, being but five on the Panama to eight on the Nicaragua.

5. The harbors are better, those at the termini of the Panama being good and already used by the commerce of the world, while at the termini of the Nicaragua there are no harbors whatever.

6. The Panama route traverses a beaten track in civilization, having been in use by the commerce of the world for four centuries, while the Nicaragua route passes through an unsettled and undeveloped wilderness.

7. There already exists on the Panama route a railroad perfect in every respect and equipped in a modern manner, closely following the line of the canal, and thus greatly facilitating the construction of the canal, as well as furnishing a source of revenue, and included in the offer of the Panama company.

8. The annual cost of maintenance and operation of the Panama Canal would be $1,300,000 less than that of the Nicaragua (which sum capitalized is the equivalent of $65,000,000).

9. All engineering and practical questions involved in the construction of the Panama are satisfactorily settled and assured, all the physical conditions are known, and the estimates of the cost reliable, while the Nicaragua involves unknown and uncertain factors in construction and unknown difficulties to be encountered, which greatly increase the risks of construction and render uncertain the maximum cost of completion.

In addition to these facts stated by the Commission are the two following, not referred to by them, but which have become of controlling importance, viz:

10. It is recognized that a sea-level canal is the ideal. The Panama Canal may be either constructed as a sea-level canal or may be subsequently converted into one. On the other hand, no sea-level canal will ever be possible on the Nicaragua route.

11. No volcanoes exist on the line of the Panama Canal nor in its neighborhood. On the other hand, the Nicaragua route traverses an almost continually volcanic tract, which has been during the last three-quarters of a century probably the most violently eruptive in the Western Hemisphere. The active volcanoes, Zapatera and Ometepe, rise actually from the waters of Lake Nicaragua.

12. At Panama earthquakes are few and unimportant, while the Nicaragua route passes over a line of well-known crustal weakness. Only five disturbances of any sort were recorded at Panama during 1901, all very slight, while similar official records at San Jose de Costa Rica, near the route of the Nicaragua Canal, show, for the same period, 50 shocks, a number of which were severe.

13. As a practical matter the masters of vessels prefer the Panama route for safety, convenience, and shortness of transit, for its less curvature and risks, and for the lower insurance rate by that route.

Mr. HARRIS. Will the Senator kindly state from what he has been reading?

Mr. FAIRBANKS. I have been reading from the report of the minority of the committee, on pages 10 and 11.

I have said that the reports of the Commission were unanimous. They were, in fact, signed by each member, but since their submission one of the Commissioners appeared before the committee and dissented from the conclusions of the Commission. I quote from his testimony.

Mr. HAUPT. * * * As the question before this committee is largely one of the selection of two routes, I beg leave to say that while conceding to the wishes of the majority and signing a report in order to make it unanimous, and so, if possible, to secure legislation at this session, I still feel and did then that there were certain economic, physical, engineering, sanitary, and commercial advantages inherent to the Nicaragua route which gave it a decided preference over the Panama route.

This extraordinary admission should eliminate Mr. Haupt from further consideration in connection with the subject of the canal. The Congress wished for the frank and unbiased opinion of the commissioners, but by the admission of this officer he deliberately signed a report stating essential facts and conclusions to be true which, according to his present testimony, were not true and well founded. By his admission he is a discredited witness. Which shall we accept? The opinion he solemnly expressed in the report of the Commission, or the opposite conclusion which he submitted to the Committee on Interoceanic Canals? We shall not pause to consider whether he was right when acting with the Commission, or when he testified before the committee. We have not time to reconcile his conflicting views. His opinions and testimony should be dismissed as unworthy of credence.

It is asserted, with much apparent confidence, that it is impossible for the United States to secure an absolute, clear title to the property of the New Panama Canal Company, and that if we acquired the property we would take it subject to innumerable demands of stockholders and creditors, and that we would find ourselves involved in vast and inextricable confusion and legal difficulties.

From such examination as I have been able to make, I do not think that the contention is well founded and believe that the United States will take the property, if it shall purchase it, free and clear of all demands of stockholders and creditors, and that it will not rest under any legal, equitable, or moral obligation to pay one dollar beyond the $40,000,000, the price asked by the Canal Company.

It will profit little to go into the long, legal history and all the details of the original Panama Canal Company, and of the company now owning the property. Reference to a few salient features will suffice. The Compagnie Universelle du Canal Interocéanique, known as the "old company," was incorporated under the laws of France and undertook the construction of the Panama Canal. It obtained and held proper concessions from the Government of Colombia. The company was organized and the work of construction was begun by Ferdinand de Lesseps, who was then at the zenith of his power, and the civilized world looked forward with confidence to the early consummation of the great and long-delayed undertaking. But the enterprise was fated, the corporation became insolvent, and by the close of 1888 proceedings were taken in a French court having jurisdiction for its dissolution. The court, upon proper hearing, by a decree passed February 4, 1889, "found the company to be insolvent, pronounced its dissolution, and appointed" a liquidator, an officer of the court corresponding to a receiver in the courts of the United States. The liquidator became the custodian of all the property of the insolvent company. The old enterprise was dead and the court was obliged to administer upon the assets of the company. It was the duty of the liquidator to marshal and distribute the assets among the creditors and stockholders of the corporation under the authority and direction of the court. The court appointing the liquidator invested him "with the broadest powers, especially to grant or contribute to any new company all or part of the corporate assets."

Under the concession from the Government of Colombia the old company, because of its insolvency and inability to complete the canal, was sure to forfeit valuable concessions. Substantially all of the building materials, works, improvements, and other assets of the canal company would be forfeited and lost, unless some arrangement could be made with a new company to take up and prosecute the unfinished work.

The liquidator secured an extension of its contract with the Colombian Government in 1890 for a period of ten years.

It was provided in the original extension that the concessionary should transfer the plant of the company in liquidation to a new company, which should undertake to complete the canal. It was further provided that the new company should be organized with sufficient capital for the purpose and should resume the work not later than February 28, 1893. This condition not having been fulfilled, a further extension was secured until October 31, 1894.

The payments exacted by Colombia for the extensions were duly and properly made by the new company.

Before the new company was organized the Parliament of France passed a special act to control the closing up of the affairs of the old company. The act was passed July 1, 1893.

It specially provided that the transfer or contribution of the corporate assets by the liquidator should be subject to confirmation in open court.

A new company was organized in 1894 and the assets of the old company were duly transferred to it by the liquidator. Opportunity was given the intervenors to interpose objections, objections were made and overruled, and the decree of the court ratifying the action of the liquidator was made final. Under the sale to the new company, it was provided, among other things, that the liquidator should receive 60 per cent of the net profits of the new company.

It was well understood that the only hope of saving anything to the creditors was by reorganizing the enterprise and inducing the investment of new capital. If work which had been stopped was not resumed and prosecuted, all that had been done would be forfeited and would become utterly valueless.

Will it be maintained that the court which had the power to direct the liquidator to make the contract under which existing property might be saved for the cestui qui trust has no power to authorize a modification of it when such property was again in peril, so that what remained might still be preserved? No one fails to see that the new enterprise is a failure, and unless a sale is effected the liquidator will realize little or nothing upon the reserved profit of 60 per cent.

The French court has taken action in the matter of the proposed sale upon a petition duly exhibited by the liquidator. This officer asked leave of the court to make an agreement with the new company concerning—

First. The determination of the price and the conditions to be proposed to the eventual purchaser.

Second. The division of the proceeds of the sale should such sale be effected.

After due consideration the court, August 2, 1901, decreed that the liquidator might enter into a contract with the new company, as desired.

Acting under this specific authority, the liquidator on December 4, 1901, entered into a contract with the new company whereby it was expressly agreed that "the price and terms of sale should be left to the new company and that the division of the proceeds between that company and the receiver (liquidator) should be left to arbitrators named in the new contract."

Thereupon the new company made its offer of sale to the United States.

The proceedings are entirely regular, and will be recognized by the bar as in perfect harmony with the practice that maintains in the courts of the United States.

The power to sell is sanctioned in the most unequivocal terms. The only matters unsettled are the distribution of the proceeds of sale between the liquidator and the new company, and after that is determined the distribution of the proceeds between the creditors of the old company for whose benefit the court administers the fund. But as to these matters we do not have the remotest possible concern. We will hold the property free of all French claims and the creditors will participate in the distribution of the funds derived from the sale, agreeably to the law in the French courts.

It seems to me that the views of the minority with respect to the power of the new company to convey to the United States a good title are perfectly sound and consistent with the practice of the French and American courts.

The position of the majority is certainly not well founded. It seems to me that they have taken an entirely erroneous view of the subject. Among other objections which they urge with confidence is the following:

Whatever peculiar decisions the French courts might make to throttle the bondholders and stockholders of the old company, as stated in the deposition of M. Lampre, even if those courts should hold that the rights of these 500,000 people are exterminated by the decrees of the French courts, we could not close the doors of our courts against such litigants. When they appeal to our courts for their rights as against the United States as the holder of the property, we have already declared, through the judgments of our Supreme Court, and of our State courts, in many adjudged cases—

I wish the honorable majority of the committee had favored the Senate with one of those adjudged cases—just one—

that they could compel us to pay the bonds of the old company, with 5 per cent interest from the date of issue, and also the interest due on the stock subscriptions for at least ninety-nine years, or else surrender the property to them or to the company, it not having any lawful authority to sell to the United States. There appears to be no possible escape from this dilemma through any legal proceeding.

Upon what theory will dissatisfied bondholders and stockholders of the old company obtain admission to our courts after the French courts have duly adjudged their rights? "We could not close the doors of our courts against such litigants," say the majority. Why? Are the French courts powerless to pass final decrees and give litigants repose? Is it the rule of our courts to take

jurisdiction of foreign litigants and their causes after they have proceeded to final decrees in foreign courts?

The question has been asked whether the liquidator can enter into a contract with the new company for a sale to the United States which would radically change the contract of sale to the new company.

I am clearly of the opinion that he can do so. He could not do so without the authority of the court having jurisdiction of the parties interested in the estate of the old company. That court authorized the liquidator to make the contract with the new company, and by a proper decree or order it may authorize him to consent to a modification of the contract or to a sale of the property of the new company, if that be deemed at all necessary, on the terms and in the manner now proposed. The liquidator is but the arm of the court. The court may clearly direct him, in the exercise of its broad equitable discretion, to consent to change the contract with the new company, accept his share of the proceeds of the sale to the United States, and distribute it to the parties before the court as their rights and equities may appear. This is in accordance with the universal practice. There is nothing novel or extraordinary about it; it is in consonance with the principles and practice of courts of equity everywhere.

Under the concessions of the Colombian Government to the French companies the New Panama Canal Company can not sell to the United States without the consent of that Government. Such consent has been obtained from that Government, and it stands ready to grant the necessary concessions to the United States to enable it to construct and forever maintain and operate the canal. Our right to construct the canal will not be derived from the new canal company, but must come from a treaty direct with the Colombian Government.

The Republic of Colombia offers to give to the United States all necessary jurisdiction over the canal and territory requisite for its construction and operation. The United States to pay to it a reasonable annual compensation, to be fixed by the two Governments every hundred years, except the amount for the first term is to be fixed at the end of fourteen years. The sum of $7,000,000 shall be paid by the United States upon ratification of a treaty, but is to be accounted for in subsequently fixing the annual compensation.

The above is proposed by the Republic of Colombia as the basis of a treaty and is subject to the further consideration and action of the two Governments. It is evidence of the disposition of the Republic of Colombia to grant to the United States necessary concessions and there is no doubt that a fair treaty will be effected between the two Governments.

We are not obliged to determine the wisdom or policy of the construction of an interoceanic canal. That has been determined by the people, and we are left to execute their wishes.

The canal, it is believed, will have a vital, beneficial effect upon the commerce of the United States. All sections of the country will share, in greater or less degree, in the benefits arising from the completion of this great highway.

The Isthmian Canal Commission has pointed out the advantages to accrue to our commerce so fully and well that I beg to direct the attention of the Senate thereto.

The canal will assist a wide range of industries, agricultural, mineral, lumbering, and manufacturing, and will promote the progress of all sections of the country. The expenses and delays at present incurred in the commercial intercourse of the Central, Southern, and Eastern States with the Pacific markets of our own and foreign countries, and in the trade of our Pacific States with Europe, impose a serious limitation upon the progress of American industries. Cheaper and more expeditious access to Pacific markets will benefit not only the Northeastern States by giving them cheaper raw materials and larger markets for their varied manufactures, and the Southern States by increasing their exports of cotton, cotton goods, forest products, iron and steel manufactures, and fertilizers, but also the Central West. The Central States are now manufacturing extensively for the foreign and domestic trade; the Isthmian waterway will give them a larger business with the Pacific coast and enhance their ability to meet European competition in western South America, Australasia, and the Orient.

The natural resources of the Pacific Coast States are such that their industries require an extensive commerce. Manufacturing activity is confined to a relatively narrow range, and large quantities of manufactured articles must be secured from the eastern part of the United States and from foreign countries. The major share of the exports, which consist mainly of food stuffs of various classes and of forest products, is now sent to Europe, the annual cargo tonnage of the maritime commerce with that continent amounting under the present unfavorable conditions of shipment to about a million and a half tons. The domestic and foreign trade of the Pacific Coast States is burdened with especially heavy transportation costs, whether the shipments be made by water or by rail. The cost of rail transportation is such that the tonnage of bulky commodities moved across the country for sale in American and European countries is now and must remain comparatively small. Cheaper transportation by an all-water route for the North Atlantic trade of the Pacific Coast States will be of great assistance to the development of that section.

The canal will have an especially direct and important effect upon the market for American coal. Vessels engaged in our own or European commerce through the canal will find it to their advantage to purchase American fuel on our Atlantic or Gulf seaboards, or in West Indian and Central American stations. The larger commerce which the canal will cause to move across the North Pacific may increase the demand for the product of the Puget Sound mines. The low cost at which coal can be placed at tide water on the Gulf and Atlantic seaboards, and the fact that there will be a considerable movement of vessels in ballast or with part cargoes westward through the canal, makes it probable that the coal required for industrial purposes on the west coast of South and Central America, and for commercial uses in those regions, and to some extent in the coaling stations of the Pacific, will be supplied from the mines in the southern and eastern sections of the United States. The demands at home for the coal of all the mining centers of the United States will be enlarged by the canal in proportion to its effect upon the development of American industries.

The effect of the canal upon the railroads in the Eastern and Southern sections of the United States will be favorable. The lines in the central West will feel the competition in rates somewhat more than will the Eastern and Southern roads, but the only business that can be diverted from them is the low-class transcontinental traffic, and this will be fully compensated for by the larger traffic due to the canal's effect upon the development and diversification of the manufacturing and other industries of the section they serve. The railways connecting the Mississippi Valley with the Pacific ports are the roads with which the canal's competition will be strongest, and the rates on a large share of their through business will be regulated by the water route. The through or trans-Cordilleran business originating or terminating at Pacific ports and subject to diversion to the canal is not a heavy tonnage. It constitutes only a small part of their total traffic, and during recent years has contributed less than the growth of their local business to the increase in their total tonnage.

Although over half the American tonnage now engaged in coastwise and foreign commerce consists of sailing vessels, steamers are taking their place so rapidly that probably only a small portion of the tonnage under the flag of the United States will consist of sailing vessels at the time of the completion of the isthmian waterway. Moreover, the canal will enlarge the demand for steamers, and hasten their substitution for sailing vessels. The Nicaragua route could be taken by the latter more advantageously than could one across Panama, but it is doubtful whether either route could be profitably used by sailing vessels in competition with steamers in any regular line of trade. There will always be a demand for sailing vessels for a part of our coastwise traffic, and for opening up foreign commerce with regions whose initial trade is small or of irregular volume. The canal will not eliminate them from ocean commerce, but will restrict the field of their employment.

The canal will effect large results in developing the industries and commerce of Pacific countries and increasing their trade. Those countries possess abundant natural resources, produce large quantities of food products and raw materials indispensable to the people of the United States and Europe, and export many manufactured articles not obtainable elsewhere. Although the people of most Pacific nations other than Australia and New Zealand have small purchasing power per capita, their numbers are so great that their total imports can reach a large sum. The commerce of the Pacific at the present time is of great importance to the United States and Europe and is rapidly increasing. Our commerce with Pacific countries is growing at a larger rate per cent per annum than is our trade with Europe, and the isthmian canal will enable the United States to control a greater share of the Pacific trade than could otherwise be obtained. The canal will be especially beneficial to the trade of the United States with western South America, where Europe now controls most of the foreign commerce. The new route will give a decided advantage as regards distance over Europe in the commerce of that section.

Our ability to manufacture for the markets of the trans-Pacific countries s evidenced by our steadily increasing sales to them in spite of the present high cost of transportation. The canal will place Europe and the United States on a basis of equality in distance for the trade of the Orient and Australasia. At the present time the advantages are greatly with Europe.

The honorable Senator from Oregon [Mr. MITCHELL], and I regret he is not in his seat, in a speech of rare power adverts to the colossal frauds which have been perpetrated in connection with the Panama Canal enterprise, and is of the opinion that it is not good national policy to take up the work where it is left off by the canal company. The distinguished Senator is not too severe in condemning the frauds which have heretofore surrounded the Panama enterprise. They are perhaps without a parallel. They do not, however, concern us, nor should they deter us from the use of a valuable route which nature has partially prepared for the purpose of commerce.

We have nothing but words of censure for those who have hitherto betrayed their trust and brought a noble undertaking into worldwide disfavor. But we take the property free from any taint. The title of the United States will be derived in an entirely legal and proper way. It will not come from those upon whom rests any stain or blemish.

Because those who initiated the Panama enterprise brought it into disrepute, shall the way to the construction of a canal at Panama be forever closed?

The honorable Senator further criticised some American gentlemen for representing the Panama Canal Company in the United States, including among the number ex-Secretary of the Navy Col. Richard W. Thompson, of Indiana. I can not believe that the Senator would attribute to the late Colonel Thompson the willful commission of any act which was in derogation of the high office he held, or which a gentleman of sensitive honor might not properly do. Colonel Thompson left the Cabinet of President Hayes to become managing agent of the American branch of the Panama Canal Company. At that time the company had not fallen into disfavor. What act Colonel Thompson did while connected with the company which would fairly subject him to criticism I have never heard mentioned. If there was such act, it has not been, so far as I am advised, made public.

Mr. President, Col. Richard W. Thompson was a distinguished and honorable citizen of the State of Indiana. He was a man of the utmost rectitude of character; he possessed in an eminent degree the respect and admiration of all parties and of all classes. There was no man within the limits of the State more beloved than he. When he died, but a few years ago, at the advanced age of nearly 92 years, he bequeathed nothing but the rich heritage of

an honorable name. No stain whatever rested upon it. I believe that the most critical search of the records of the American branch of the canal company during the few years he was associated with it will disclose no act of his which could justly be made the basis of a charge that he had in the remotest possible degree betrayed his trust.

The pending bill appropriates so much money as may be needed to secure the necessary territory belonging to Costa Rica and Nicaragua for canal purposes, and in addition the sum of $10,000,000 for carrying forward the work of construction. The Spooner amendment appropriates such sum as may be requisite to acquire the necessary rights from the Republic of Colombia ($7,000,000 must be paid upon the ratification of a treaty; this amount is subject to change), and also $10,000,000 for forwarding construction, and in addition $40,000,000 for the purchase of the property of the Panama Canal Company. These various sums, amounting to $57,000,000, are to be paid from the Treasury.

According to the Commission, the cost of acquiring and constructing the Panama Canal, not including the cost of obtaining new rights and concessions from the Republic of Colombia, will be $184,222,358. The amount remaining to be expended upon the route after the appropriation of the $57,000,000 contemplated by the Spooner amendment will be, in round numbers, $134,000,000.

Shall that sum be paid from the Treasury from time to time as the work progresses, or shall its payment be made in whole or part from the proceeds of bonds maturing in the future?

I do not believe that the current receipts of the Treasury should bear the entire burden of the cost of the canal. The canal is to be built not only for the present but for future generations. The larger part of the burden should be equitably distributed over a period of years and be gradually liquidated out of the income of the canal, if that should prove to be adequate, and if the income should be insufficient, then it can be discharged by future taxation.

I am a firm believer that it is the wisest governmental policy to avoid incurring obligations which can not be met from the current income; in short, it is a good policy for the Government to pay as it goes. But here is an unusual undertaking; an extraordinary draft is to be made upon the Treasury. It should not be allowed to postpone the many improvements necessary to accommodate the public business and to impose a burden which would make necessary and imperative a considerable annual increase in current taxes. The cost of the work should be distributed over a reasonable number of years by the issue of bonds, so that it may be lightly borne.

We do not, of course, increase the burden upon the people by an issue of bonds for this purpose. The credit of the Government is so high that it can borrow the money at a low rate of interest and leave the money which otherwise would be required in the pockets of the people, at least for the time being. If the canal shall yield in tolls such sums as those who are competent to judge have estimated, a fund may be created for the gradual retirement of the bonds issued for construction without becoming a burden upon the taxpayers of the country, either now or in the future.

Should we pursue the policy of paying from the Treasury as the work of construction proceeds, the present taxpayers would bear the entire burden. They would not, in the nature of the case, be reimbursed from the revenues to be derived from the commerce of all nations when the great work is completed.

May we not, in equity and good conscience, defer payment of a part of the cost of construction by an issue of low interest-bearing bonds from time to time, as may be necessary, and then pay the bonds as they shall mature, in whole or in part, from the tribute which will flow from the commerce of the world when the canal is completed?

I would rather see the canal paid for out of the Treasury as the work progresses and without issuing a solitary bond therefor, but there are so many urgent and proper demands upon the Treasury that I fear it could not be done without imposing an undue burden upon it. Our expanding commerce requires larger appropriations for the improvement and protection of rivers and harbors; our Navy makes increasingly large drafts upon the revenues; the pension roll must be faithfully and punctually discharged—the extension of the rural free-delivery service is no longer an experiment—it has become an obvious and urgent necessity; the erection of public buildings is demanded in the prompt and proper discharge of the public business, and is necessary to avoid large expenditures in the way of rent for inadequate service.

These and many other familiar and necessary demands are pressing upon the current revenues of the Government, and will continue to do so during the progress of the construction of the canal and thereafter. So that it is the part of conservatism that we should make ample provision for the prosecution of the great isthmian enterprise, which is to benefit the future as well as ourselves, without forcing the Government to the alternative of increasing the tax rate or of abridging the work to which I have alluded.

I do not believe in a policy of putting undue burdens upon posterity, but believe for the reasons indicated that we may fairly provide that a just and equitable portion of the cost of the present work shall be paid in the future.

"There are considerations," as the Commission says, "more important than revenue." It may be deemed wise, in the exercise of a broad policy, to reduce the tolls so that they will cover merely the cost of operation and maintenance. If this should be done, the redemption of the bonds would be provided for from the Treasury as readily as payments could be made from that source during the progress of construction.

Provision may be made now for an adequate issue of bonds to prosecute this great national undertaking; or we may provide therefor in the future by appropriate legislation.

Mr. President, yesterday during the very able speech of the senior Senator from Washington (Mr. TURNER) a colloquy occurred, and, as it assumes to state the position of the opposition to the Panama route in a concrete way, I beg to read it:

Mr. CLAY. I beg to interrupt the Senator from Washington to say that if I catch his idea it is this: The old Panama Company was composed of seven or eight hundred thousand stockholders.

Mr. MORGAN. Stockholders and bondholders.

Mr. CLAY. Stockholders and bondholders. They had a charter from the French Government, as I understand the Senator. The old company, after having expended about $200,000,000, completed about one-fifth of the canal, and then the old company failed in business. The new company became the purchaser of the rights, privileges, and franchises of the old company. As I understand the Senator, they agreed in a contract to carry out the terms of the charter of the old company, and not only to complete the canal, but after it was completed they agreed then to pay to the stockholders and bondholders of the old company 60 per cent of their net profits.

I understand that the new company agreed to be bound—in fact, they were bound and are bound—by the terms and conditions of the charter granted to the old company. Now, I understand the Senator's position to be simply this: That if we buy the rights, privileges, and franchises of the new company we are bound to carry out its contract with the old canal company.

Mr. TURNER. The statement of the Senator from Georgia is substantially correct.

Mr. CLAY. In reading the report (and I have read both reports with a great deal of interest) I understand that the charter granted to the old Panama Company provided that all of the machinery used in the construction of the canal should be purchased in France, and all of the raw material used in the construction of the canal should be purchased in France. My understanding is that the new canal company accepted the same terms and conditions in regard to the construction of the canal.

Mr. MORGAN. That was the condition imposed upon the old canal company and the new canal company by an act of the Parliament of France when they were permitted to enter into what was called the "lottery bond scheme."

Mr. CLAY. Then, I will ask the Senator if it is not true that if we buy the charter and all other rights and privilegs of the new canal company the stockholders in the old canal company, saying that the new company owes them certain rights and that they took this property in trust for the purpose of carrying out those rights, and if we accept their privileges and franchises, knowing these facts, would not the Government of the United States be bound in equity to carry out all the terms of the contract with the old company?

Mr. MORGAN. It would be not only bound in equity, but bound in law. However, I will not undertake to explain that, because I am satisfied the Senator from Washington will go over the whole ground.

Mr. CLAY. I beg the Senator's pardon.

Mr. TURNER. I think the Senator from Georgia is entirely correct in his statements.

Mr. President, this seems to me to be an entire misconception of the legal questions involved, an entire misconception of the responsibilities we would assume by the purchase of the property of the new canal company.

The honorable Senators assume that the new company purchased the charter of the old company. It did not. It purchased the property of that company, but obtained its charter under the incorporation laws of France. The United States will purchase no charter. It needs none. It will buy simply and solely the property belonging to the new company, owned and controlled by it under a charter. Nor will the United States be obliged, if it purchase the property of the new canal company, to purchase from France the materials hereafter used in the construction of the canal.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. FAIRBANKS. With pleasure.

Mr. GALLINGER. The Senator from Oregon [Mr. MITCHELL] in his very able argument made use of this language, which attracted my attention at the time:

Here again let me call your attention to a difficulty right at this point. The New Panama Canal Company, which succeeded to the rights of the old Panama Canal Company, rest in part for what they have to sell upon French legislation, and French legislation was to the effect that if that company constructed that canal all the raw materials used in its construction must be of French origin. Query: We become the successors in interests of the New Panama Canal Company, as the New Panama Canal Company became the successors in interest of the old company. If we go on and construct that canal, must we follow this legislation? We are bound by it, are we not? Etc.

I should like to ask the Senator, as a distinguished lawyer, what his view is on that point. It struck me as being a most extraordinary proposition when it was uttered, and if it were true it would be a very troublesome factor in determining my mind on the question that is before the Senate.

Mr. FAIRBANKS. I must dissent from the proposition of the

able and distinguished Senator. I make this statement subject, of course, to correction, but as I understand it a lottery scheme was authorized by act of the French Parliament, under which the old enterprise was to obtain aid. Am I not correct in that?

Mr. KITTREDGE. Yes.

Mr. FAIRBANKS. The act to which I refer is dated June 8, 1888. By it the old company was authorized to issue lottery bonds, and as a condition it was provided that—

All material necessary for the completion of the works shall be manufactured in France.

And that—

The raw material must be of French origin.

The new company is absolutely distinct from the old one. It can not exercise the power to issue lottery bonds. The purchase of French supplies was a condition imposed for the exercise of the lottery privilege.

Mr. GALLINGER. Manufactured and raw.

Mr. FAIRBANKS. Both manufactured and raw; but that was an obligation which does not run with the property. When the old company went into liquidation and its property was transferred under a decree of the court, it passed free of all conditions and obligations of that character which might have theretofore existed against the company.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. FAIRBANKS. With pleasure.

Mr. CLAY. A liquidator in France corresponds to a receiver here, as I understand it.

Mr. FAIRBANKS. Yes; I understand so.

Mr. CLAY. If the property was sold at a receiver's sale by a decree of the court, without any conditions, then the purchaser would get it without any conditions and the old company would have no rights at all. I concede that. But if the property was sold by the old company, and the new company in purchasing the property agreed to carry out certain conditions, to build the canal within ten years, and after it was completed to pay the stockholders and the bondholders of the old company a certain per cent of its net profits, the old company then would have certain rights and privileges, and by reason of the sale it would not lose all of its rights and privileges. Then if we purchased these rights and privileges from the new company, would not the stockholders and bondholders of the old company in equity have some claim against our Government?

Mr. FAIRBANKS. The Senator's question is not pertinent to the particular subject I had under consideration, but I will stop and answer him now. There were conditions at the time of the sale. They were imposed by the court administering the estate of the insolvent company. Is not that true?

Mr. CLAY. My understanding——

Mr. FAIRBANKS. Well, is not that true? The conditions were imposed by a court administering the insolvent company's estate.

Mr. CLAY. I will state to the Senator that I did not so understand from the statement of the Senator from Washington [Mr. TURNER]. If the Senator from Washington was correct, I can not see how the decree passing the title could have any effect whatever. In order to divest the stockholders and bondholders of the old company of their rights and privileges they must have been heard either in person or by counsel. I have never heard of a court that could make a decree divesting any party of his property or of title to his property unless he was heard and made a party in court.

Mr. FAIRBANKS. If the Senator will examine the record, I think he will come to the conclusion I have reached, that all the parties were represented before the court—bondholders and stockholders and miscellaneous creditors. Is it to be supposed for a moment that the court undertook to sell the old property in order that the new company might be organized and put upon its feet and accomplish the purpose which the old one had failed to accomplish, and that it transferred that property subject to all of the obligations of the bondholders and stockholders and miscellaneous creditors to the extent of hundreds of millions of dollars? Is it conceivable that new capital, so essential, would have come in and invested in the new company if the property was burdened with the obligations of the old?

Mr. CLAY. I will simply state to the Senator that the Senator from Washington, in reading a copy of the decree of the court, stated distinctly that the bondholders and stockholders were not parties to those proceedings, and that they were neither represented by counsel nor had they any representative whatever, and they had no notice of the decree. I know nothing about it except what the Senator from Washington stated in his remarks.

Mr. FAIRBANKS. On the contrary, the parties had notice. Notice was given. The Senator will recollect that there was a special act to aid in winding up the affairs of the old company passed July 1, 1893. It was provided by that act, among other things, that ten days' notice at least should be given of decrees tending to alienate any assets of the company. The Senator will find upon an examination of the record that parties did intervene and interpose objections, and they were heard by the court, and the objections were overruled.

Mr. SPOONER. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Indiana yield?

Mr. FAIRBANKS. With very great pleasure.

Mr. SPOONER. If the Senator will look at that act he will find that it provided for the conveyance of the property.

Mr. FAIRBANKS. I am much obliged to the Senator for the suggestion. The act expressly provided for the conveyance of the property.

The Panama enterprise was a subject in which the French people were interested. It had been a failure; the property was covered with innumerable bonds, obligations, and charges, and it was necessary that all parties should be brought into court and that the property should be sold clear of all incumbrances and obligations. In no other way could new capital be secured.

What are the rights of the old bondholders and stockholders in the new company to which the honorable Senator from Georgia refers? They are represented by the liquidator. What is he entitled to as the representative of the creditors of the old company? He is entitled to 60 per cent of the net profits of the new enterprise. How did he become entitled to the 60 per cent? Through an agreement entered into by the liquidator and the new corporation, under the clear and specific authority of the court. The point I make to my honorable friend is that the court, still having jurisdiction of the parties litigant and of the liquidator, and having authorized the latter to make the original contract, it can now empower him to modify, annul, or set it aside.

If the Senator, at his convenience, will kindly turn to page 156 of the hearings before the Committee on Interoceanic Canals, Document No. 253, part 1, he will find the decree of the court, and on page 163 of the same document he will find the order of the court confirming the sale.

Recurring to the statement made upon this floor to the effect that the lottery scheme, with its burdens, passed to the new company, I wish to call attention to the testimony of Mr. Lampre, an eminent member of the French bar. On page 49 of the first volume of the hearings before the committee the following occurs:

M. LAMPRE. * * * In 1888 the old company was authorized by the Parliament in France to issue lottery bonds, which it did for the amount of 72,000,000 francs. But the issue was not all taken, you see. Part of it was left in the old company's treasury, because it was not subscribed.

The CHAIRMAN. Is that scheme in existence yet?

M. LAMPRE. Yes; it is in existence.

The CHAIRMAN. The lottery scheme?

M. LAMPRE. Yes, sir.

The CHAIRMAN. It is still in existence?

M. LAMPRE. Oh, yes; a special corporation.

The CHAIRMAN. And the new company has the benefit of it?

M. LAMPRE. No, sir; the new company has nothing to do with it.

The CHAIRMAN. Why has not the new company the benefit of that scheme?

M. LAMPRE. Because it was not transferred to the new company. It was left outside of the transfer.

The CHAIRMAN. It was not transferred?

M. LAMPRE. No, sir.

The honorable Senator from Kansas [Mr. HARRIS], in the course of his very interesting and able speech expressed his unwillingness to question the motives of those who did not favor the Nicaraguan route. To those who know the honorable Senator, this statement was wholly unnecessary, for no one would impute to him an impeachment of the motives of those who might differ with him upon any question before the Senate.

It is unnecessary, it seems to me, that the question of personal motive should be raised, for there certainly is no difference whatever among us with respect to the ultimate object to be attained. The suggestion is made that those who oppose the construction of an isthmian canal are in favor of the Panama route, believing that its consideration will operate at least to further delay the enterprise.

Mr. President, there may be those who oppose any canal and who favor the Panama route for the reason indicated, but that suggestion certainly does not apply to those upon this floor who appear in advocacy of the Panama line. I can not believe for one moment that that motive inspired the Isthmian Canal Commission to recommend the adoption of the Panama route.

I have no doubt that the Commissioners were and are sincerely desirous of seeing an isthmian canal constructed by the United States at an early date, and that they recommended the Panama route because they believed as scientists, as men of large experience, as patriotic Americans, that the adoption of their recommendation would accomplish in the best possible manner the result we have in view.

Mr. President, I am opposed, for the reasons indicated, to the pending bill, and I am in favor of the amendment proposed by the honorable Senator from Wisconsin [Mr. SPOONER]. It seems to me it is well guarded, it is eminently wise and conservative;

and if it be adopted, it will have the result of securing to the United States an isthmian canal.

Senators have raised the question as to our ability to secure an unembarrassed title to the property of the new canal company. I do not believe their contention is well founded, but if I am in error in that view, and if those who believe with me are likewise mistaken, the Spooner amendment safeguards our interests.

Let me in a few words refer to that amendment. The first section provides that the President may acquire on behalf of the United States the property of the New Panama Canal Company at a cost not exceeding $40,000,000.

Section 2 provides that the President may acquire from the Republic of Colombia control of property and rights adequate for the construction and maintenance of the canal and appropriates a sum sufficient to effect this purpose.

Section 3 provides that when the President shall have obtained a satisfactory title to the property of the New Panama Canal Company and has secured the necessary property from the Republic of Colombia, he is authorized to pay the sum necessary to secure the canal property and the requisite concessions from Colombia. Not until the question of title, both from the canal company and from the Republic of Colombia, has been carefully determined does the United States part with a solitary dollar from the Treasury. After satisfactory title has been acquired the Secretary of War is directed to proceed with the work of constructing the canal.

It is further provided by section 4 that if the President shall be unable to secure a satisfactory title to the property of the canal company, and the control of proper concessions from the Republic of Colombia, then he is directed to go forward and secure concesssions along the Nicaragua route, and in the same manner construct a canal upon that route.

I differ with the honorable Senator from Kansas [Mr. HARRIS], that this amendment is intended to defeat the construction of an isthmian canal. It is intended in a frank, straightforward, and intelligent way to secure a canal. The amendment is broad and liberal in its scope and purpose. It is founded upon the undivided judgment of a commission of eminent scientists and experts, patriotic citizens of the Republic.

I have great confidence in the opinion of the distinguished Senator from Alabama [Mr. MORGAN]. There is no one for whom I have higher respect and admiration, and I wish now, as a member of the Senate, to express to him my gratitude for the long years of faithful and efficient work he has given to the cause of an isthmian canal. But, sir, when the question is between following his judgment as to the advisability, the practicability, and the feasibility of the route to be selected or following the judgment of the Isthmian Canal Commission, formed after two and a half years of patient and devoted examination and work, I must beg to follow the opinion of the Commission.

I believe the American people will justify us in that conclusion, no matter what may be the fate of the enterprise in the future. I do believe that after we have spent a million dollars and waited two and a half years for their report it would be utterly inexcusable if we should set their report aside as not worth the paper upon which it is written. That report is here. It means something. It is, sir, in my judgment, the only rational and safe predicate for the action of Congress upon this important subject.

Mr. PERKINS. Will the Senator from Indiana allow me?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from California?

Mr. FAIRBANKS. Certainly.

Mr. PERKINS. I have listened with much interest and instruction to my friend from Indiana. I should like to hear him upon the legal phase of the concession of the Colombian Government to the Panama Canal Company and its successors. He is a lawyer, and a very able lawyer, one of the strongest in the nation. Does he believe that this concession is such that it is for all time a valid one; that we would have egress to the canal from the Pacific and also from the Atlantic, or are the harbors reserved on both the Pacific and the Atlantic?

Mr. FAIRBANKS. I will state the situation with respect to the Republic of Colombia, as I understand it. There is a protocol between the two Governments which is to form the basis of an ultimate treaty. It is all tentative. The terms that are finally to be adopted are the subject of further negotiation.

Mr. MORGAN. I desire to ask the Senator from Indiana a question.

Mr. FAIRBANKS. May I answer the Senator from California first?

Mr. MORGAN. Merely on the question of the protocol. Does the Senator contend that there is a protocol between the United States and Colombia?

Mr. FAIRBANKS. I understand it is equivalent to that. It is a communication from the Republic of Colombia.

Mr. MORGAN. It is a mere draft of a convention, not signed by either party.

Mr. FAIRBANKS. Well, I said it was tentative. I used the word "protocol." It might not have been entirely accurate; I rather think it was not; but I did say that it was intended as the basis of a future treaty.

Mr. MORGAN. That is right.

Mr. FAIRBANKS. I am accurate in that.

Mr. MORGAN. That is right.

Mr. FAIRBANKS. It is the substance we are after, rather than the form. I take that tentative suggestion as an assurance on the part of the Republic of Colombia of her willingness to enter into a suitable convention with the United States granting to this Government proper concessions for the construction of the canal.

Mr. HANNA. And the transfer of the franchises of the canal by Colombia.

Mr. FAIRBANKS. I thank the Senator from Ohio for the suggestion. The Republic of Colombia consents to a modification of its concession to the New Panama Canal Company and authorizes the transfer of the property of that company to the United States.

Mr. PERKINS. As I understand it, there is no perpetual concession, but only one extending for a period of one hundred years, and after fourteen years the same is to be the subject of negotiation; while, as to the Nicaragua Canal route, Nicaragua and Costa Rica have granted perpetual concessions to the Government of the United States.

Mr. FAIRBANKS. But the Senator will understand that this proposed concession of the Republic of Colombia for one hundred years is renewable again at its expiration for another like term, and so on indefinitely.

Mr. PERKINS. I do not wish to embarrass the Senator by questions, but I have asked the question in perfect good faith, because I look upon that, from a layman's standpoint, as one of the vital questions to be considered in connection with both of these routes.

Mr. FAIRBANKS. The Senator gratifies me; he does not embarrass me. We are all seeking to learn the facts, and the facts must speak for themselves. I repeat what I said before, that what Colombia has proposed to do is reasonable assurance that we may hope to be able to secure from that Republic a satisfactory concession.

Mr. President, I shall not further tax the indulgence of the Senate. I have given in a somewhat hurried way the reasons which induce me to favor the construction of an isthmian canal upon the Panama route. The hour of doubt and debate has passed; the time to speak the potential word is here. It is my hope that we may soon enter upon the construction of a highway of vital interest to the commerce of the United States and the world, and which when completed will be one of the most beneficent and notable achievements of the new century.

Mr. MORGAN. As the Senator from Indiana has closed his remarks, I desire to take the floor.

Mr. STEWART. I ask the Senator from Alabama to yield to me for a few moments to allow me to dispose of a motion which has been made to reconsider Senate bill 4848.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nevada?

Mr. MORGAN. I do, provided it be without prejudice to the pending bill.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. STEWART. I desire to call up the motion to reconsider the votes by which the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, was read the third time and passed.

After the bill was passed, I moved its reconsideration to give the Senator from Texas [Mr. BAILEY] an opportunity to offer an amendment. I now desire that he shall have the opportunity to offer his amendment, and if the Senate considers his amendment of sufficient importance to reconsider the vote by which the bill was passed, let it be reconsidered; otherwise, not. I want to have action on his amendment taken in connection with the motion to reconsider.

The PRESIDENT pro tempore. It will be impossible to do that under parliamentary law. The bill will not be open to amendment until it is before the Senate, and it can not be before the Senate until the vote has been reconsidered by which the bill was passed.

Mr. STEWART. I suppose the amendment might be discussed without actually reconsidering the vote by which the bill was passed.

Mr. BAILEY. I suggest to the Senator from Nevada that it is only a question of a moment to reconsider the vote by which the bill was passed. That can be done, and it will take no more time to do that than it would to follow the course suggested by the Senator.

I want to be frank with the Senator from Nevada. The amendment which I offered, and which was printed, is not the only amendment that I desire to offer, nor the only one which I should have offered had I been in the Senate when the bill was under consideration.

Mr. STEWART. I shall then oppose any motion to reconsider. I ask that the motion to reconsider be overruled and that the Senator be allowed to make any statement he desires in regard to his amendment, but I do not propose to open the bill to general amendment, which will lead to further delay.

Mr. BAILEY. Not for general amendment. There are a few amendments only. One relates to the judgments, and the other relates to that provision in the treaty which requires citizens of one class of towns to pay exactly twice as much for the lots they buy as citizens in another class of towns.

Mr. STEWART. The Senator is mistaken about that.

Mr. BAILEY. If I can not make that clear to the Senator——

Mr. STEWART. I can make a statement which will relieve the Senator's mind.

Mr. BAILEY. Possibly the committee has taken some action on that.

Mr. STEWART. There are two classes of towns, and a different rule applies to each.

Mr. BAILEY. Then, by unanimous consent, possibly we can eliminate that provision.

Mr. STEWART. I am opposed to the reconsideration of the bill, but the Senator can make his showing on the question of reconsideration, and I will reply to it if I feel called upon to do so. I think he will be satisfied that the bill ought not to be reconsidered when he hears my explanation, for I expect to satisfy him.

Mr. BAILEY. The Senator from Nevada and myself agreed about these matters originally, and I see no reason why we should have separated in the meantime. He had the same view that I had about the judgments and the other points. I am prepared to proceed.

Mr. STEWART. If you prefer me to go ahead, I will do so.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. The question is on the motion to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEWART. I will give the Senator from Texas all the advantage of making a fair statement of the case.

Mr. FORAKER. I should be very much obliged to the Senator, and I have no doubt other Senators would, from the inquiries that are passing around here, if he would tell us what the bill is about.

Mr. STEWART. That is what I am about to do.

Mr. FORAKER. And what the question is?

Mr. STEWART. That is what I am about to do.

Mr. JONES of Arkansas. The question is on the motion to reconsider the vote by which the bill to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians was passed.

Mr. STEWART. By the act of 1896—I think that was the date of the act—the Commissioners to the Five Civilized Tribes were authorized to admit to citizenship and make enrollments of certain Indians.

Mr. JONES of Arkansas. The Senator knows so many facts about this thing that I think he misapprehends the question that was asked regarding this matter. I think he ought to explain to the Senate that a few days ago the Senate passed a bill to ratify an agreement made with the Choctaw and Chickasaw Indians about certain matters in their nation, and that after the passage of the bill by the Senate the Senator was told that the Senator from Texas [Mr. BAILEY] had an amendment of which he had given notice and which he intended to offer to the bill when it was pending, and to give the Senator from Texas an opportunity to offer that amendment. The Senator from Nevada filed a motion to reconsider the vote by which the bill was passed. Now the question is whether the Senate will reconsider.

Mr. STEWART. I inquired of the members of the Commission to the Five Civilized Tribes and got a statement of the matter in issue, which I will send to the desk to be read. It will explain the matter as well as anybody can explain it.

The PRESIDENT pro tempore. The letter will be read, in the absence of objection.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Washington, D. C., June 10, 1902.

SIR: In answer to your inquiry with regard to applications for citizenship in the Choctaw and Chickasaw tribes, and also in other tribes, I have to say:

An act of June 10, 1896, authorized the Dawes Commission to admit to citizenship and to make enrollments in addition to the enrollments made by the tribes themselves. The applications were required to be made within three months from the date of the passage of the act, and the Commission was required to decide all the cases within ninety days after the applications were made. Applications were made in the several tribes by between twenty and thirty thousand people. It was impossible for the Commission to examine with due care such a vast number of applications in the brief period of ninety days.

An appeal was allowed from the decision of the Commission to the United States court in the Indian Territory. There were two courts sitting, one for the Choctaw and one for the Chickasaw Nation. The law required that the appeal should be taken in sixty days from the date of the decision of the Commission. There were in the Choctaw and Chicasaw nations several hundred cases, including about 4,000 claims. The value of the land claimed by them, at present estimated worth, would reach over $20,000,000. The vast number of cases overwhelmed these two court, and the judges were forced to have many of them investigated by referees.

Each of the nations had one counsel, which made due preparation of the appeals an impossibility. Most of the lawyers living in these nations were engaged for the applicants, consequently they were really disqualified for acting impartially as referees; but there were few other lawyers from whom to select referees, therefore the cases were reported by lawyers who themselves had similar causes before the court. The cases were so numerous that the judges were compelled in most instances to rely on the reports of the referees, and were unable to give them such personal attention as their merits required.

These facts have inspired the Indians with distrust, and it must be admitted that such conditions do not commend themselves to the judgment of fair-minded men. The Indians, in fact, are very much dissatisfied, and contend that they were deprived of an opportunity to secure fair hearings in these important matters.

To require the Indians to prove specific acts of fraud or perjury in such a mass of cases which were rushed through in the manner described would deprive them of any fair opportunity to assert their rights. There must have been many cases decided upon inadequate testimony. In fact several hundred names were improperly interpolated into the judgment of the courts, which matter the Commission investigated and reported to the judges, whereupon the courts eliminated them. If the Indians are not allowed to have cases retried where they are able to show affirmatively that the plaintiffs were not entitled to enrollment, they will never be satisfied that justice has been done.

Very respectfully,

TAMS BIXBY.

Hon. WILLIAM M. STEWART,
Chairman Committee on Indian Affairs, United States Senate.

Mr. STEWART. Mr. President, these judgments obtained in the hurried manner in which they were in overloaded courts have been a matter of comment for a long time. The commissioners of the Five Civilized Tribes have at various times been before the committee, and various reasons have been set forth by the chairman of the Commission and others stating that there was no fair judicial determination of these cases.

It will be remembered that the people seeking to be enrolled are all white people. It would be very difficult, I am told, to distinguish them from other white people, but they claim to have Indian blood in their veins. You will see that it affects a vast portion of the property of the tribes. The Indians would not make any treaty until this could be rectified in some way. They finally made a treaty, and in that treaty they put two test questions. The Indians contended that, inasmuch as each tribe had to contribute land jointly, both tribes ought to have been served with notice. They make that test question. Another question that they put up is that the hearing before the court should have been on the papers which were submitted to the Commission. In the treaty, as it came to the committee, if those questions were decided against them they were out of court. The committee have, with the aid of the Assistant Attorney-General, modified those test questions, so that when the cases have been tried and decided, if decided against the claimant, the claimant may still go on with his case. So neither of the test questions will throw him out of court.

The original treaty provided for the cases being tried before certain judges who had not participated in the judgment against the claimants. The judges are overcrowded down there, and if again tried by them it would be a repetition of what has already occurred, and the claimants do not think that they can get justice in that way. So, after a great deal of consultation with the Department, and to make it satisfactory, so that a fair trial could be had, the committee have provided for a court, to last a year or more, to determine these cases, that court to consist of three judges. That will give an opportunity for a judicial determination.

In the amendment of the committee inserting section 32 of the bill it is provided that—

Said citizenship court shall also, upon the final ratification of this agreement, have jurisdiction of suits to annul and vacate judgments of the courts in Indian Territory rendered under said act of Congress of June 10, 1896, admitting persons to citizenship or to enrollment as citizens in either of said nations where, in a bill of complaint filed by the two nations jointly or by one of them acting separately and making the other a party defendant, it is charged and made to appear that any such judgment, for any reason other than those hereinbefore specified, as a basis for said test suit, does injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto, but no such suit can be instituted after the expiration of ninety days after the final decision in the test suit hereinbefore authorized.

So that it is a little more than a new trial. It must be made to appear that injustice has been done.

The amendment of the Senator from Texas is altogether too large. The words he proposes to strike out are these:

for any reason other than those hereinbefore specified, as a basis for said test suit, does injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto.

And in lieu of those words to insert:

was procured by perjury or fraud on the part of the applicant, his witnesses, or attorneys.

Each tribe had an attorney. They could not look after these cases personally, and they were thrown in, as it were——

Mr. BAILEY. The Senator from Nevada does not desire the Senate to understand that the court was compelled to dispose of these cases within sixty days?

Mr. STEWART. No.

Mr. BAILEY. Only the appeals were to be heard. Does the Senator not know that nearly all of these cases when they came to the court were actually tried?

Mr. STEWART. They were almost all of them tried by referees. The court would not have been able to try 4,000 claims in such a limited time. The most of them were tried by referees. Mr. Bixby and other members of the Commission have been before the committee, and stated that the cases were tried by referees. The peculiarity of these referees was that they were all, or nearly all, attorneys in the Territory.

Mr. BAILEY. If the Senator from Nevada knew those attorneys as well as I do, he would not make that reflection on them.

Mr. STEWART. I do not make any charge against them. There were two attorneys, one for each tribe, and the balance of the attorneys were doing business for the Indians, and of course they were engaged in their own cases. There was such a similarity in all the cases that I doubt if any attorney who was engaged for an applicant was fit to be an impartial referee in any other case.

It was necessary for the applicant to show that he was an Indian and had a right to claim the tribal relation.

Mr. BAILEY. That he had Indian blood.

Mr. STEWART. That he had Indian blood and was also entitled to admission under the arrangement. I understand that some of them might have Indian blood, but they would not necessarily belong to the tribes. Is that not so?

Mr. JONES of Arkansas. Certainly.

Mr. STEWART. In order to be admitted he must not only have Indian blood, but he must belong to the tribe. He must have tribal relations. Such cases are very difficult to try. The idea of disposing of 4,000 cases in a very short time is ridiculous, and they were all to be taken up within sixty days, and only two lawyers to take them up. It was a physical impossibility to try 4,000 cases in sixty days.

As the commissioners say, they discovered afterwards that some 200 names had been unjustly included, and when the commissioners called the attention of the court to it they were eliminated. Nobody will contend under the circumstances that there has been a fair and judicial determination. This has created great dissatisfaction, inasmuch as the people who are claiming are mostly white, and you can hardly pick out one who looks like an Indian. They are bright men, competent men, and able to take care of themselves. The Indians now claim that on this state of facts, showing that these men were unjustly put upon the record, they ought to have the matter tried before a fair court. That is all there is of this question. It has been before the committee for a long time; it has been before the joint committee of the two Houses, and has been referred back and forth to the Department. The Department has been consulted almost every day about it for the last month or two.

At first blush I did not like the harshness of their original treatment. I did not like the idea of the cases being decided on this technical question. I did not think they should be thrown out of court without provision for allowing them a hearing. I did not think they ought to be relegated to any special judges who are overcrowded.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. STEWART. Yes.

Mr. SPOONER. How long ago were these judgments rendered?

Mr. STEWART. They were rendered about two or three years ago, I think.

Mr. BAILEY. Some four years ago.

Mr. PLATT of Connecticut. Practically two years ago.

Mr. BAILEY. The original act was passed in 1896, requiring them to go before the Dawes Commission in sixty days, and requiring an appeal to be taken within another sixty days. We do not complain now of the insufficient time, but that only allowed four months.

Mr. STEWART. There have been applications for a new trial before the Committee on Indian Affairs at every session. It is contended that there was not a fair trial. The cases have all been investigated, but the circumstances were such that they could not have been investigated fully and fairly. I think the committee has been very careful to protect the rights of these parties by giving them an impartial court to be appointed for that special purpose, consisting of three men, and if on technical grounds they have been thrown out, they can go on with their cases. It cuts nobody off, but it says if the Indian can allege and can make it appear that injustice has been done in admitting persons to citizenship under those judgments, they may have another hearing. That is all there is of it.

Mr. SPOONER. May I ask the Senator a question?

Mr. STEWART. Yes.

Mr. SPOONER. Does it require an act of Congress to entitle the tribe to file a bill alleging fraud or injury to an estate?

Mr. STEWART. Of course they can file it, but it will require authority to do it.

Mr. SPOONER. They could file a bill, could they not, under the authority of Congress?

Mr. STEWART. I do not think they could go into the courts without the authority of Congress. We undertook to settle this question by the Dawes Commission. I do not think the Indians can secure redress in any other way than that pointed out. They are our wards. They are not standing on an equal footing with us, and can not do as they please. They are under the control of the Dawes Commission. The only redress they can have is to make it appear that injustice has been done—not merely allege it, but substantiate it by proof. That is the situation, and the amendment of the Senator from Texas would require them to prove fraud and perjury. There might have been no witnesses at all.

Mr. SPOONER. Will the Senator permit me?

Mr. STEWART. Certainly.

Mr. SPOONER. Of course these were judgments?

Mr. STEWART. Well.

Mr. SPOONER. The appeal from the decision of the Dawes Commission to a court was provided for by law.

Mr. STEWART. Yes; to a court.

Mr. SPOONER. And that resulted in a judgment one way or the other.

Mr. STEWART. A judgment?

Mr. SPOONER. A judgment of the court.

Mr. STEWART. An opinion of the court—hardly a judgment the way they were piled in. It would hardly rise to the dignity of a judgment.

Mr. SPOONER. A finding of fact.

Mr. STEWART. A finding of fact.

Mr. SPOONER. A judgment which this bill recognizes as a judgment.

Mr. BAILEY. This bill calls them judgments.

Mr. STEWART. You may call them judgments, but they are practically ex parte judgments.

Mr. SPOONER. The bill so far recognizes them as judgments as to authorize legislation setting them aside.

Mr. STEWART. Yes.

Mr. SPOONER. If they are judgments, and if the Senator is right in his theory that there is no court and no cause of action, I can understand why they should be given a right to file a bill to set aside these judgments upon the ground of fraud—perjury, of course, would be fraud—or perhaps on the ground of mistake. You go beyond that, and include the word "injustice."

Mr. STEWART. Yes.

Mr. SPOONER. What injustice could be done to the tribe except the injustice that resulted from adjudging one to be a citizen and entitled to enrollment who in fact was not?

Mr. STEWART. And they have to show that, too.

Mr. SPOONER. Is that what you mean by injustice?

Mr. STEWART. Yes, sir. That is what it says—by enrolling those who were not entitled to enrollment. That is the injustice.

Mr. SPOONER. It is granting a new trial, then, by act of Congress?

Mr. STEWART. Yes, sir. Suppose it is. This is dealing with the Indians. We are dealing with them as our wards. This is a mode of determining who are members of the tribe. It was begun, but failed to accomplish it. They have not had the chance to have a hearing. The idea of requiring them to bring up 4,000 cases, involving 4,000 questions——

Mr. BAILEY. If the Senator desires to be correct, there are not 4,000 cases.

Mr. STEWART. No; about 1,500.

Mr. BAILEY. One of these cases has a hundred or more persons whose testimony was identical. They were establishing a family ancestry, and the decision of one decided many. There were several hundred cases, as stated here.

Mr. STEWART. There were 1,500 or more cases.

Mr. BAILEY. Here is the letter of the chairman, and it says several hundred cases, involving 4,000 claims.

Mr. PLATT of Connecticut. Mr. President, I should like if I can to make a concise statement of the situation in the Choctaw and Chickasaw nations with reference to these citizenship cases. Of course the title to their lands has been a common title. We are now and have been for some years endeavoring to divide the land among the citizens of the Choctaw and Chickasaw nations. Each has common interests in the lands belonging to both of them. It is not necessary to go into that.

There are, outside of the parties who have been admitted by

the court in the way in which the Senator from Nevada has mentioned, 18,000 acknowledged Choctaw citizens and 6,000 acknowledged Chickasaw citizens. The cases in dispute are 2,800 in the Choctaw Nation and a thousand in the Chickasaw Nation. There is to be divided, if the division is confined to the 18,000 Choctaws and the 6,000 Chickasaw citizens, an average of about 400 acres each. So, as the letter of the chairman of the Commission says, if the rights of the persons who have been declared citizens are acknowledged, they come in for their share of the division, and the land which they would get in the aggregate is estimated as being worth about $20,000,000. It is a large stake to play for. The 18,000 Choctaws and the 6,000 Chickasaw citizens are persons who have lived in the nations. They are understood to be the real Choctaw and Chickasaw citizens.

When it appeared that there was to be a division of lands, a great many new claimants came in. They came in from outside of the nation—from Texas, and from Arkansas, and from surrounding States everywhere—and claimed that they were entitled to Choctaw citizenship; that they were descended from some remote ancestor, and that although, as the chairman says, they were mostly white, they had Indian blood in their veins, and that entitled them under the laws of the two nations to citizenship. They had never claimed citizenship before. Generally speaking they had not resided in the Territory or affiliated with the Indians who constituted those two tribes.

I do not know that I ought to mention a circumstance which I heard of two or three years ago. I do not know whether it is true or not, but it illustrates the flimsiness of a good many of these claims. I was assured that a white man cut a small spot in his hand, pricked a little blood from an Indian's vein, and dropped it into his vein in the presence of two witnesses, who then swore that the man had Indian blood in his veins and they knew it, and that he was thus admitted as a citizen. I do not know whether or not it is a true story.

Mr. BAILEY. Will the Senator from Connecticut permit me?

Mr. PLATT of Connecticut. Certainly.

Mr. BAILEY. Then if that case happened, would not the judgment be set aside under the amendment I have proposed?

Mr. PLATT of Connecticut. Of course it would. I do not know that it is true. I have been led to believe it is. I merely speak of it to illustrate how anxious people were to become Choctaw and Chickasaw citizens when they were playing for stakes, each one of them amounting to three or four thousand dollars.

Now, the facts about these cases as I understand them are these: Originally the Dawes Commission, of which Mr. Bixby is the chairman, under the law was to determine applications for citizenship. All of 4,000 persons, or now 3,800, eliminating 200 whose names were written into the rolls fraudulently, were rejected by the Commission. The Commission admitted many, but rejected 3,800. They appealed from the Commission to the court in the Indian Territory in the two districts. Of course, it was for the interest of the Indian tribes to resist those cases.

It is true, as the chairman said, that pretty much all the attorneys in the two nations had been employed in citizenship cases, and either had citizenship cases pending at the time or had had citizenship cases. So the Indians were reduced in their selection of attorneys to a very few attorneys. Each tribe had an attorney. It was utterly impossible for the attorneys whom the Indians could employ to try those cases thoroughly, and, besides all that, these attorneys advised the Indians that the act was unconstitutional, and for that reason very little defense was made in the court against the admission of these 3,800 people. The Indians thought the act was unconstitutional; and thereupon we passed a law, if I am not mistaken, submitting the question whether the act was unconstitutional or not to some court, and it finally reached the Supreme Court of the United States, and was declared to be constitutional. But it had its effect to prevent the tribes from making such a defense as they might otherwise have made in opposition to the admission of these persons as citizens.

Then, so far as the trials did progress, it was utterly impossible, with the counsel whom they could secure, even if they had not been advised that the act was unconstitutional, to try those cases as they ought to have been tried. They were referred to masters or examiners to take testimony and make report. In many instances those examiners were persons who, having a particular case before them, were employed on behalf of other persons claiming citizenship to get their admission. The result was that all these 3,800 cases were reversed by the examiners, and their report, when it came to the court, was accepted practically without question.

Mr. BAILEY. I will say to the Senator from Connecticut that to my personal knowledge that statement is not accurate.

Mr. PLATT of Connecticut. In what respect?

Mr. BAILEY. To my personal knowledge there were referees' reports rejected, and in many cases there were trials before the judge.

Mr. PLATT of Connecticut. Oh, there were exceptions.

Mr. BAILEY. No; I beg to say that I live within 40 miles of where one of those courts held its sessions, and I have knowledge that it is of some value in a case of this kind.

Mr. PLATT of Connecticut. I can only state what has come to my attention.

Mr. BAILEY. And what has come to the Senator from Connecticut, I will say with all respect to those gentlemen, has come from agents and attorneys of the Indian tribes.

Mr. PLATT of Connecticut. The Indian tribes have an immense stake in this matter.

Mr. BAILEY. But still——

Mr. PLATT of Connecticut. It is not often that we try in the Senate in this offhand way a case involving $20,000,000, as this does.

My information is that while some of the examiners' reports may have been objected to and there may have been trials of some of the cases, generally speaking they passed as matter of course. At any rate the judgments were obtained reversing the decision of the commission and admitting those persons to citizenship.

Immediately there was a protest made, and the Senator from Arkansas thought at that time that the protest had such weight that Congress ought to declare those judgments void. I remember very distinctly that that was his contention at the time. It was two years ago when I first began to hear of it. There were some technical questions as to whether or not the judgments were correct on the ground that notice ought to have been given to both nations when it was given to only one, and that the cases ought to have been tried in a different way from that in which they were by the court.

On the whole, Mr. President, although they are judgments and although my first idea was that Congress ought not to interfere with a judgment, I found here a case where there was no remedy that I knew of, no opportunity for the Indians to contest these cases any further, with a weight of protest and statement which would convince and does convince anyone who listens to it that there has been injustice done to these nations in the decisions.

Then came the question, What were we to do? It was suggested, as the Senator from Texas suggests, that we would give a new trial, or constitute a court, or give some court authority to review those cases where the Indians could prove fraud or perjury. But the circumstances under which those cases were tried would make that a very inadequate remedy; and when I came to consider that the people of these nations were our wards, that they were not as well versed in their rights as citizens of the United States who had been brought up to understand our laws would be, I felt that no harm could be done the claimants by having a retrial of these cases.

I think, Mr. President, if we should not grant it and then these parties should, under the judgments obtained in this way, come in and share lands with these other persons who have always been connected with the tribes, to the extent of $20,000,000 in value, we should always feel that we had not done justice to the Indians of those two tribes.

I do not know that I need to go any further in this matter. If you say simply that there are to be retrials in cases in which the Indians can prove absolute fraud or perjury, you are not going to reach this evil, if it is an evil. The cases will be very few, probably, in which that can be done.

I agree, as the Senator from Wisconsin suggests, that the rule of law is that a judgment is not to be interfered with, or there is not to be a retrial, except in cases of fraud, perjury, or mistake, or for newly discovered evidence, or for some of those things which are understood among white people and our own citizens to be ground for a retrial. But as to these Indians, who were advised that the law was unconstitutional, who manifestly did not make any proper defense against these applications of white people, so far as color is concerned, to come and share with them their rights in the lands and in the tribal funds and in all their possessions, it seems to me we should adopt a somewhat different rule from that which we adopt with reference to our own citizens who have grown up with an understanding of their legal rights and the methods of obtaining them. I think the case has such an obvious injustice as it now stands that we ought to see that justice is done.

Mr. BAILEY obtained the floor.

Mr. MORGAN. If the Senators concerned in this matter will indulge me for a few moments, for my personal convenience I wish to put into the RECORD some papers relating to the canal matter, and then I will yield the floor and they can go on. It will take only a few moments.

Mr. BAILEY. Of course I would not interfere with the convenience of the Senator from Alabama, but the Senator from Nevada is anxious to dispose of this matter and I shall take but a moment or two.

Mr. MORGAN. Will there then be a vote?
Mr. BAILEY. Yes, sir; so far as I am concerned.
Mr. MORGAN. Take a vote this time of the day?
Mr. BAILEY. I think there will be a vote.
Mr. MORGAN. There is not a quorum here. I wish to introduce some papers into the RECORD. The Senator had better let me go on for just a few moments.
Mr. BAILEY. The only trouble about it is that two Senators who have opposed my amendment have presented their views, and if the Senator from Alabama goes on about the canal bill we certainly will not be able to get a vote this afternoon, because there being no vote on that and no vote expected on this, Senators naturally absent themselves. I will agree with the Senator from Alabama to stay here until he does get in the papers.
Mr. MORGAN. I have no power to compel Senators to stay here, and I have no such disposition. I yielded to the Senator from Nevada. I had a right to hold the floor.
Mr. BAILEY. The trouble is that the Senator from Alabama allowed both the Senator from Nevada and the Senator from Connecticut to proceed.
Mr. MORGAN. I will not be amenable to any criticism whatever on the subject. I am trying to do what is fair between gentlemen. The Senator from Nevada told me his matter would take a very few minutes, and here almost an hour has gone.
Mr. BAILEY. I shall take less time than was occupied by the two Senators on the other side.
Mr. President, the question is simply this: There exists in the courts of the Indian Territory something more than 3,000 judgments entitling the plaintiffs in those cases to certain rights as members of the Indian tribes. Those judgments were obtained in the regular and due course of a law which Congress passed authorizing those people to apply first to a commission, which was a tribunal created by Congress, and the tribe or the applicant, if dissatisfied with that judgment, to appeal to the regularly constituted court of the United States for the Indian Territory.
The Senator from Connecticut and the Senator from Nevada would both impress the Senate with the idea that there was a great rush, a great hurry, and consequently a great injustice. All that the Senate needs to do to inform itself that they are misinformed is to compare their statements. The Senator from Nevada and the Senator from Connecticut would both have the Senate believe that everybody who applied was adjudged entitled to citizenship; and yet the statement read by the Senator from Nevada from the chairman of the Dawes Commission asserts that over 20,000 people made applications, while the Senator from Connecticut declares 3,800 of them were successful. I undertake to say that 3,800 out of 20,000 is a small proportion of successful plaintiffs in any kind of litigation.
But after complaining at the haste, he left the Senate to believe, as I should have believed it myself had I not known better, and I therefore questioned the Senator from Nevada, that all these cases had to be appealed in a great hurry and therefore were improperly decided. I call upon the Senator from Nevada to say if there is anywhere anything in this record or in the contention of these Indian tribes that they were defeated on account of an insufficient time for appeal. There is no such contention, but on the contrary their appeals carried their cases properly to the court and they were tried by two distinguished judges.
To declare that those judges awarded judgment and sacrificed the rights of those Indians without a due regard for the law and the facts is an imputation that I have never yet put upon a court and never will without a better reason than has been advanced in this case.
With one of the judges in that Territory I had the honor to serve in the House of Representatives, and I happen to know that he stood for his convictions under circumstances that made others waver. I do not believe that either Judge Townsend, whom I do know, or Judge Clayton, whom I do not know, would have permitted a wholesale injustice against the Indians, and yet the only possible pretense upon which Congress can be asked to grant a new trial in these cases is that those judges were ignorant or were not upright. Is there any message here from the judges that they could not fairly try and decide every case? Not a line.
Let me tell the Senate that when this treaty was first negotiated—negotiated by the Dawes Commission, too—they had a provision in it that no judge in the Indian Territory who had ever decided a case against one of these tribes should be competent to sit in the trial of these cases, thus branding with Congressional suspicion a judge who had felt called upon by his conscience, upon the law and the facts, to decide a case against the Indian.
The Senator from Nevada says the Indians are dissatisfied and distrustful about these judgments. The Indians are always so about everything and everybody. I live near enough to them not to take the extreme view of our honored President, who in his life of Benton says the country has treated them too well, nor yet the idea of my friend, the Senator from Connecticut, who thinks the country has treated them too ill. The truth in this instance as in all others lies between the two extremes. The Indian is neither as bad as some people think he is nor as good as I have heard sentimental people portray him.
The statement that all these cases were tried by referees is also a mistake. Many of them were tried by the judges themselves. The Senator from Connecticut said—and I am familiar with that case—that in one case reported by the referee somebody interlined a number of names. That is true; but it is also true that the court itself, when it came to pass upon it, struck them out, thus showing that in this case, at least, the judge was neither negligent nor overworked. I feel sure that all through this litigation the rights of the Indians have been as well safeguarded as the rights of any other litigants in those courts.
The statement has been made that the Indians thought the law was unconstitutional, and therefore did not attempt to defend these suits. If we accept that as a good ground for a new trial, we will establish a rule of law.
These people contended that the original act was unconstitutional, and they importuned Congress until we gave them authority to institute an appeal. It was tried in the Supreme Court of the United States and decided against them. They then went back to the Territory with full knowledge that the law had been held constitutional by the highest court of the land. They had excellent attorneys. One of the attorneys was a lawyer good enough to be selected by President McKinley as a district attorney for the southern district of the Indian Territory.
Now, Mr. President, that there were frauds committed I have no doubt, and I will be the last man here or elsewhere to attempt to shield a fraudulent judgment against those Indian tribes. But that these Senators are not after the fraudulent judgments alone is made manifest by the fact that they refuse to accept an amendment which authorizes the court to vacate judgments procured by fraud or perjury.
I will tell the Senate what is behind it. There were two judges, as has been stated here, for these respective tribes—Judge Clayton, whose principal session of court was held at South McAlister, in the Choctaw Nation, and Judge Townsend, whose principal session of court was held at Ardmore, in the Chickasaw Nation. It so happened that Judge Townsend took one view of the law and Judge Clayton another view. This agreement originally disqualified both of these judges to try any of these proceedings to annul a judgment, because both of them had decided cases against the Indian tribes, and it is a matter not of suspicion, but conviction, with the Indians that whoever decides a case against them decides it dishonestly.
Mr. PLATT of Connecticut. Was not that provision in consonance with the provisions we make in a great many instances in regard to an appellate court or a court of review, where we provide that a judge who has heard the case below shall not sit in the appeal?
Mr. BAILEY. Of course he would not sit in the particular case which he decided, but it does not disqualify him to sit in another case which he did not decide.
Mr. PLATT of Connecticut. Well, if the cases were practically of the same nature would it not?
Mr. BAILEY. These cases are not practically of the same nature. It is true that many of them involve the same questions, but each case stands upon its own testimony; and while one case might be fully sustained by the testimony the very next one might completely fail.
Mr. STEWART. The committee eliminated all that and provided for an impartial course of procedure. The committee took the matter into consideration and made careful provision as to the agreement, excluding judges, etc.
Mr. BAILEY. That, Mr. President, is true. Judge Townsend, who tried, we will say, half these cases, held to one view of the law. Judge Clayton, who tried the other half, held to a different view. It so happened that many of the cases which were decided in favor of the applicants by Judge Clayton were decided adversely to the applicants by Judge Townsend, and other cases decided adversely to the applicants before Judge Clayton were decided favorably before Judge Townsend. Thus it happens, as it always will when you have two courts trying the same question without any final appeal to a court that can harmonize their conflicting opinions, there were two rules under which these people were adjudicated.
Now, if you establish the one court, consisting, as this bill provides, of three judges, there will be but one rule; and what will happen? If that court adopts the view of Judge Townsend, it must then exclude all of the people admitted upon the opposite view of Judge Clayton, or if it adopts the view of Judge Clayton it must then exclude all of the men admitted under the opposite view of Judge Townsend. The result is that under any view adopted by this new court it must hold that at least half of these applicants are not entitled, as a matter of law, to their judgments.

But mark you, Mr. President, although that court holds that the men who were admitted by Judge Townsend were not entitled, it can not then admit the men who ought to have been admitted by him, under the new court's view of the law; and I declare that this is the very purpose of the vague and indefinite proposition that a judgment rendered by a court of the United States shall be set aside upon a ground that would not be considered on a hearing for a new trial in any court in Christendom. Neither the Senator from Nevada nor the Senator from Connecticut nor any other Senator on this floor will venture to assert that there is a court in the civilized world that would entertain a motion to set aside its judgment upon the vague and indefinite ground that it had done somebody an injustice.

Mr. President, I am willing to go further than cases of fraud. If these gentlemen are seeking to destroy the judgments where there was no trial, I will agree to an amendment authorizing the court to set them aside upon a sufficient showing. Will the Senator from Nevada agree to that?

Mr. STEWART. I could not make an agreement. The language there is the result of the consideration of the joint committee who put it into the bill. The language was thought to be entirely adequate. It provides that they must show that injustice has been perpetrated in admitting persons who are not entitled to be admitted. They have to make that showing because there was no trial or because there was fraud. No matter how it happened, they must show that injustice was done in admitting persons who ought not to have been admitted. I think that, having been tried by the judges who differed from each other as widely as they did, the judgment has not the solemnity that the judgment of a court would have. If one judge decided one way and another another way, it is high time that we should have some tribunal which can reconcile the matter and set it right.

Mr. BAILEY. Did not Congress provide that tribunal at the time? Why require an American citizen to incur the labor and expense of prosecuting his rights before the courts which Congress had established and then say that Congress did not do its duty then and require them to undergo that expense and labor again?

Let me tell the Senator from Nevada that both the judges who tried these cases have been reappointed to their respective positions, and will he ask the Senate to believe—without seeking to introduce any partisanship into this question, will he ask his own side to believe that judges who have been appointed by the one President would have been reappointed by his successor when they had robbed these people of what Mr. Bixby says is $20,000,000 worth of property, and what the Senator from Connecticut says is $7,000,000 worth of property?

Mr. PLATT of Connecticut. I said twenty.

Mr. BAILEY. I understood the Senator to say seven. I will venture to say that $7,000,000 would be a very large estimate.

Mr. PLATT of Connecticut. I took the statement as read as I came into the Senate, I think, from the Secretary of the Interior.

Mr. BAILEY. No, it is not from the Secretary of the Interior, but from Mr. Bixby.

Mr. PLATT of Connecticut. From Bixby, then.

Mr. STEWART. The number of acres is given and it can be figured out.

Mr. BAILEY. Yes, and if it was not for the white people who have gone into that Territory that land would not be worth 50 cents an acre. They have given it the value it possesses. They have gone there in good faith under the law of Congress passed six years ago. They have procured their judgments, and have improved their allotments, and it would be a shameful outrage now to set those judgments—some of them five years old—aside and take the improvements made under the sanction of a judgment of a United States court upon the vague and indefinite allegation that somebody had suffered some sort of an injustice.

Mr. MORGAN. May I have the indulgence of the Senator from Texas for a moment?

Mr. BAILEY. Certainly.

INTEROCEANIC CANAL.

Mr. MORGAN. I wish to state that it has been agreed by the Senators who are engaged on opposite sides of the canal bill that at 2 o'clock on Thursday of next week the bill and amendments shall be taken up and voted on without debate. I ask unanimous consent that that agreement may be made.

The PRESIDING OFFICER (Mr. NELSON in the chair). Senators, you have heard the request made by the Senator from Alabama.

Mr. SPOONER. That means amendments now pending and which may be offered afterwards?

Mr. MORGAN. Yes, sir.

Mr. CULBERSON. I ask that the Chair shall state the suggestion of the Senator from Alabama.

The PRESIDING OFFICER. As the Chair understands the request, it is to this effect: That a vote shall be taken one week from to-morrow at 2 o'clock in the afternoon on the bill commonly called the Nicaragua Canal bill and the pending amendments and all amendments that may be offered at that time.

Mr. MORGAN. Yes.

Mr. KEAN. Without further debate?

Mr. MORGAN. Without debate.

The PRESIDING OFFICER. Without further debate after 2 o'clock. Is there objection?

Mr. PLATT of Connecticut. There is one thing that perhaps ought to be understood, and that is whether it cuts off an opportunity to vote on any amendment which may be pending between now and Thursday a week, or whether all the amendments have to lie until that time before they are voted on. That question always comes up in these unanimous-consent agreements.

Mr. MORGAN. I know it does.

Mr. PLATT of Connecticut. That should be fully understood.

Mr. MORGAN. I would not take a vote on any amendment in the absence of the Senator from Ohio [Mr. HANNA], who is going away on a matter of personal interest to himself. I would have no objection to taking a vote sooner than that time on any amendment that might be offered, except that the amendments offered, with the exception of the one proposed by the Senator from Georgia, are so radical that they mean the adoption of one canal route or the other, particularly the amendment accredited to the Senator from Wisconsin [Mr. SPOONER] reported by the minority of the committee. The amendment of the Senator from Georgia relates only to the agency through which the canal shall be constructed, and I would be willing to take a vote upon that at any time which might be agreeable to the Senator from Ohio, but on the others I would not be willing to vote before 2 o'clock on Thursday because of his absence.

Mr. SPOONER. That is right; but I shall want to offer some amendments to that amendment, not changing the nature of it at all, but perfecting it.

Mr. MORGAN. Of course. The only thing is that we shall commence voting at 2 o'clock and vote on, without debate.

The PRESIDING OFFICER. It is further understood that a vote on all the amendments except one, the amendment of the Senator from Georgia and amendments to that amendment, may be taken at any time prior——

Mr. ALDRICH. It is the other way.

Mr. FRYE. Mr. President, lately in all these unanimous-consent agreements there have been no votes upon amendments between the time when the consent was given and the time which arrived for action. In my judgment it is a great deal better that there should be no votes on any amendments until 2 o'clock on Thursday, if that is the time agreed upon.

Mr. MORGAN. Then I will so frame my proposition.

Mr. SPOONER. That is right.

Mr. MORGAN I will frame my proposition in that way, that there shall be no vote until Thursday at 2 o'clock, and that at that hour the bill and all the amendments shall be taken up and thereafter voted upon without debate.

The PRESIDING OFFICER. The request of the Senator from Alabama, then, is that the final vote shall be taken upon the bill and pending amendments, and all amendments which may be offered, at 2 o'clock on Thursday, a week from to-morrow.

Mr. MORGAN. Beginning at 2 o'clock.

The PRESIDING OFFICER. Beginning at 2 o'clock.

Mr. SPOONER. The amendments are limited to 2 o'clock. I suppose the agreement includes those offered after 2 o'clock and at any time until the final vote.

Mr. MORGAN. Of course; all amendments, either those pending or those that may be offered.

Mr. SPOONER. Until the bill is finally disposed of?

Mr. MORGAN. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The Senate resumed the consideration of the motion of Mr. STEWART to reconsider the votes by which the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, was passed.

Mr. CULLOM. I should like very much to have a brief executive session any time within a half hour, if I can get it. I am compelled to leave the Senate before 6 o'clock.

Mr. BAILEY. Of course I desire to accommodate the Senator from Illinois. There is one more phase of this particular question that I desire to discuss. I am inclined to think that even as it stands it is plain enough, and I will consent to take the vote at once. I should like to have an understanding with the Senator from Nevada that if we should vote in the affirmative, then he agrees that the amendment I have offered may be adopted without further objection, and if we vote in the negative, that of course concludes the whole matter.

The PRESIDENT pro tempore. Does the Chair understand the Senator to assent to a vote now?

Mr. BAILEY. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada [Mr. STEWART] to reconsider the votes by which Senate bill 4848 was ordered to a third reading and passed.

Mr. JONES of Arkansas. Mr. President, I wish to take one minute.

Mr. BAILEY. Very well, Mr. President. I will yield to the Senator from Arkansas. It may be that I will desire to say something further.

Mr. JONES of Arkansas. I want to state to the Senate the way this proposition appeals to me.

The Chickasaws and Choctaws were each interested in the land of either nation. Suits were brought for citizenship against one nation or the other, and the other nation was not made a party to it. The Indians have always complained that both nations should have been parties to each of those suits, and that for that reason those judgments ought to be set aside or they ought to have a rehearing on that question. They have contended for that for a long while.

When this agreement came up to be made between the Choctaws and the Chickasaws and the Government to get rid of certain controverted questions between them and the Government, among other things they insisted that they should have an opportunity to have that question passed on by a court. There was another question of procedure in which they thought there ought to be some change. Now, this provision goes into the bill:

For any reason other than those hereinbefore specified—

The ones I have just referred to, where it—

as a basis for said test suit, does injustice to either of said nations by according citizenship or enrollment to any person or persons not justly entitled thereto, etc.

The Senator from Texas proposes to strike out those words because it permits either one of these tribes to go before this newly constituted court, and show that injustice has been done in this case or that case or the other, toward these people when citizenship was accorded to any particular man. He proposes to limit these words to cases where they can show that injustice was done by perjury or fraud.

Now, I believe that the appeal ought to be wider than perjury and fraud alone. If these people can go into this court that is to be newly constituted, and can show to the satisfaction of the court that injustice has been done in any particular case, I believe that there should be a reexamination of that case. That is all it means.

The difference between the proposition of the Senator from Texas and the one the committee proposes, and the one I believe is right, is that we propose that this examination shall not be confined to cases where there have been perjury and fraud alone, but where substantial injustice has been done to these people from other causes and they have made it to appear and the court is satisfied of that fact. That is all there is to it.

Mr. BURTON. May I ask the Senator a question before he sits down?

Mr. JONES of Arkansas. Certainly.

Mr. BURTON. I desire to know if the committee is a unit on this proposition.

Mr. JONES of Arkansas. I understood so.

Mr. STEWART. The joint committee is a unit.

Mr. JONES of Arkansas. The joint committee agreed to it.

Mr. STEWART. The joint committee is a unit.

Mr. PLATT of Connecticut. The joint committee of the House——

Mr. JONES of Arkansas. The joint committee agreed to it.

Mr. BAILEY. If Senators are going into the action of the committee, I wish to state that the Senator from Nevada agreed with me that these judgments ought not to be opened in this general and indefinite way, and I positively know that Mr. STEPHENS of Texas did not agree that they ought to have been opened in this way. When the statement is made that the joint committee was unanimous, I have his statement that it is an outrage to authorize judgments to be vacated upon any such vague and indefinite ground.

Mr. STEWART. My first impression was like that of the Senator from Texas, but after investigating it I have come to the conclusion that the report of the committee is right.

Mr. BAILEY. The Senator, of course, understands that I would not go into the question of the committee except for the question of the Senator from Kansas [Mr. BURTON]. The Senator from Kansas knows as well as anybody on this floor that the Indians are pretty well able to take care of themselves, for he was their attorney for quite a while.

Mr. STEWART. The committee acted in modifying the agreement with a view of reaching substantial justice. Having two parties and having it go upon the record—those technical questions under the agreement if decided against the applicant would be final.

Mr. BAILEY. I think the committee's action there is all right.

Mr. STEWART. We worked that out, so that in case of a technical question decided against them they can have a hearing in the court right along.

Then, as to the other trouble, that we should confine the cases to perjury and fraud, there may be other irregularities, but they must be made to appear to the court. It is to be a court of three, and the language is not only that they must allege, but they must make it appear to the court, that injustice has been done in admitting them to citizenship. I think that is a safe provision, and I do not think the results will be very different, because if they make it appear that injustice has been done they must show something substantial, although it might not be actually fraud. Even though it be no fraud it may be such a miscarriage of justice that, under the circumstances, a court would feel bound to intervene. I think there may be many cases of that kind here from the history I get of it.

Mr. BAILEY. Mr. President, the Senator from Nevada reveals the whole trouble in the very last and the apparently unimportant statement he makes, and that is how "he gets it." His whole information comes from the Indians' representatives, some of whom are good people and some of whom are not. I want to be entirely candid with the Senate. One of my neighbors is an attorney in many of these cases. He is as good a man as I ever knew, and as honest a man as any of us. I get most of my information from him, who is interested as an attorney, the same as these gentlemen get theirs from the attorneys of the Indian tribes.

Mr. STEWART. And they are just as reliable.

Mr. BAILEY. I know some Indian attorneys are gentlemen whom I would rely on, but this neighbor's word I would take the same as I would take my own, because I know he is a man of honor, and he tells me most of these cases have been fairly tried.

Now, the appeal I wish to make to the Senate is this: Will you set the precedent of staining the character of your judges? Will you destroy the sanctity of judgments without first making the direct charge that they were procured by fraud? I undertake to say that never before in the American Congress from the foundation of this Government and never before in any other enlightened country was application made to the legislative department for a new trial upon such vague and indefinite grounds as these. These gentlemen are not more anxious to protect the Indians against fraud than I am, and I have proposed an amendment which is ample for that purpose. I will go further, and I will agree to set aside judgments rendered by masters who were attorneys in related cases.

I have made every kind of proposition to these gentlemen. Their whole contention in the beginning was that there had been wholesale fraud and perjury committed. I am opposed to a legislated new trial, but I am willing to waive my general objections to that in favor of the Indians, and I will agree to vest the court in the Indian Territory with the power to set aside every judgment that was procured by fraud or perjury.

Mr. STEWART. You see how vague and indeterminate would be the attempt to prove perjury. Some of these men swear that they are not guilty of perjury. They come in with stories about pedigrees. Most of them are ancient tales that they tell; but you could not convict them of perjury, even if they had been guilty of swearing falsely. It would be an impossibility to convict them of perjury in a case where the pedigree of 4,000 people was involved, all claiming to have Indian blood. It would be entirely useless to attempt to do so, although their statements would be a fraud in the legitimate sense of the term.

The commissioners and officers of the Government have been before the committee session after session, and have given it as their opinion that many of these judgments—the great mass of them—were wrong; that many of the men in whose favor they were rendered were white men, never having been connected with the tribe. That was the opinion of the Commission; and the Commission decided against pretty much all of them on the ground that they were white men and did not belong to the tribe, but the court reversed that decision.

There seems to be a hardship in the matter, but I believe the committee has arrived at about the proper conclusion. Not only has the committee determined it, but the Department has been consulted about a dozen times about it. We went down there with this proposition, and the solicitor of the Department looked it over and thought that under it substantial justice could be obtained.

Mr. BURTON. Mr. President, the Senator from Texas [Mr. BAILEY], in referring to myself, as I have been an attorney at one time for one of these tribes, might leave the impression that I was an attorney at the time these cases were being tried.

Mr. BAILEY. I did not intend to create any such impression.

Mr. BURTON. I want to say that these judgments would not

have been rendered if I had been an attorney in these cases. I was an attorney afterwards. About 2,000,000 acres of land were involved in these cases. I have been surprised at some things the Senator from Texas has said; and that is a kind of quasi testimony here that some of these judgments were rendered regularly. I can not testify as having been present. I was not present when any of the hearings were had. I happened to be counsel for the Chickasaw Nation after these cases were over; I have been down there a good deal, and if there was anybody in that country, white or black or red or any other color, who believed these judgments were valid and just I could not find him.

Mr. BAILEY. The Senator from Kansas was down there as an attorney, and he was not looking for that kind of testimony, as a matter of course.

I thank the Senator from Kansas—if it will not interrupt him—for saying that he was the attorney after these judgments were rendered, because that confirms my statement that they are four or five years old. The Senator has been in the Senate for now more than two years, and of course he has not been an attorney for Indians during that time.

Mr. BURTON. The Senator is mistaken about how long I have been in the Senate. I have been in the Senate since a year ago last March. I have not been an attorney for the Chickasaw Nation since I have been in the Senate.

Mr. BAILEY. Of course not.

Mr. BURTON. But I was the attorney for a short time before that of the Chickasaw Nation.

I want to say just a word in regard to these judgments. As I understand, the counsel for the Indians had assumed that the act was unconstitutional, and advised them in such a way as that practically no trials were had. That is my information.

Mr. BAILEY. I will agree to an amendment authorizing them to open the judgments where there was no trial.

Mr. BURTON. But, Mr. President, it might be very difficult to determine what was a trial. As I said, I understand the bill to propose that substantially these cases shall be heard de novo by a court to be constituted by the treaty.

Mr. STEWART. Where they can show that injustice has been done in admitting persons who are not members of the tribe.

Mr. BURTON. That puts the burden upon the Indian to show that injustice has been done. There were instances where one who was claimed to be an Indian was an Irishman, as I am credibly advised, and others where he was a negro or a citizen who had lived there for years and had paid taxes as an Indian, but had never claimed to be an Indian, as in several cases they were pointed out to me when I was there.

I want to say, in addition to that, that these cases were never heard in such a way, as far as I am advised, to the end that judgment should be rendered, as in ordinary cases at law. If the Indians are required to show that injustice has been done, certainly under all the circumstances this bill ought to pass as it has been reported.

I am perfectly safe in making the statement, so far as the Chickasaw people are concerned, that the dominating influence down there, beginning with Governor Johnson and embracing all the leading Indians, is not to shut out anybody who is a Chickasaw Indian. There is no disposition to do that at all. I have never found in my relations with the Chickasaw Indians a single bit of effort at any time in that direction, and they know better than anybody else who are Chickasaw Indians.

I can not speak so well for the Choctaws, because I do not happen to be acquainted with the governor of the Choctaws. Certainly under the circumstances in which these cases come to us, having first been thrown out by the Dawes Commission—and I will say right here that the Dawes Commission understand the people of the Territory and the relation of the Indians to the white men better than anyone else down there——

Mr. BAILEY. Will it interrupt the Senator if I ask him a question?

Mr. BURTON. Not at all.

Mr. BAILEY. Assuming that the Dawes Commission and the judges are equally honest, equally able, which is the more apt to have rendered a proper decision, the body that tried 20,000 cases in ninety days or the body that tried several hundred cases in two or three years? The Dawes Commission, according to the statement of the chairman, had over 20,000 cases before it, which it had to decide in ninety days, and it decided them by the wholesale. The court had several years in which to try several hundred cases. Assuming that they were equally honest and equally wise, which would be the more apt to render a proper decision?

Mr. HOAR. If I may make one suggestion right there, I wish to say that Henry L. Dawes, of the Commission, is a citizen of my State. Mr. Henry L. Dawes was in this Senate and in the House of Representatives for thirty-six years, and studied the Indian problem during all that time.

Mr. BAILEY. But he did not study Indian genealogy.

Mr. HOAR. He is an honest and a wise man, and I would rather have his judgment on any such question than that of any other single man I know of.

Mr. BAILEY. Rather than that of any court with the testimony before it. I want to say to the Senator from Massachusetts that while he exceeds me in admiration for ex-Senator Dawes, he does not exceed me in respect for him. I believe he is just as honest a man as the Senator from Massachusetts thinks he is; but no honest man could decide 20,000 cases in ninety days, and no commission composed of honest men could do so. The Commission pursued the only course open to them. They could not consider them all, and they rejected them all, leaving them to be decided by the courts.

Mr. BURTON. No one can state, I had almost said a fallacy, or even a truth for that matter, as strongly as my friend from Texas. The facts are that Arkansas and Texas just emptied themselves into the Indian Territory, and it did not take very long to throw most of their cases out.

The members of the Dawes Commission who gave consideration to these cases are just as honest—and I had almost said as able—as our great friend Dawes from Massachusetts. They understand better than anybody else the nature of these fraudulent applications, and they knew good and well that the applicants were not Chickasaw Indians.

The Chickasaw Indians know who are Chickasaw Indians; and they got at the truth of this matter. I do insist that no harm can come to these litigants if they are Chickasaw Indians. They will have no trouble, and no Chickasaw Indian will have any trouble in establishing his claim to his share of this land. If the matter is left where it is now, you have got to prove fraud or perjury; a great many of these cases will fail; and, in my opinion, a very great wrong will be done, provided it goes through in that shape. But I am as well satisfied as I am that I am standing on this floor that if this amendment does go on the bill that treaty will never be ratified by the Choctaws and Chickasaws.

Mr. PLATT of Connecticut. Mr. President——

Mr. CULLOM. If the Senator will allow me, I wish to say that I desire an executive session this evening. I shall be obliged to leave the Chamber in a little while, and if this discussion is to go on at length——

Mr. STEWART. It will not go on long now.

Mr. CULLOM. I should like to have an executive session.

Mr. PLATT of Connecticut. I only wish to make one observation, which I failed to make when I made a statement of this case.

You would suppose that the Choctaw and Chickasaw nations were the persons who were entitled to determine who were entitled to citizenship among them. That would be the natural supposition, but the United States has assumed it and put it in the first place in the hands of the Commission, and in the second place, if an appeal was granted, put it in its own court.

The Choctaw Nation and the Chickasaw Nation have courts, and if this question had been left there they would have decided it for themselves; but now that we take it away from them, take it away from their own courts, they insist that a great injustice has been done. It seems to me we can make no mistake in allowing them to have a review of the case.

The PRESIDENT pro tempore. The question is, Will the Senate agree to reconsider the vote by which the bill was passed?

Mr. BAILEY. One moment, Mr. President. In order to meet every possible suggestion, I am going, if the bill is reconsidered, to substitute the words "false swearing" for "perjury," and add "mistake;" so that if an Indian has lost judgment by any kind of false swearing, or by even an honest mistake, it will give him a new trial.

The PRESIDENT pro tempore. The question is, Shall the vote by which the bill was passed be reconsidered?

Mr. BAILEY. I do not believe that my duty will allow me to suffer this question to be decided without a roll call; and the trouble about that is that it cuts off the Senator from Illinois.

Mr. CULLOM. I suggest to the Senator, if he desires a roll call, that the further consideration of the subject be postponed until to-morrow.

Mr. BAILEY. I am willing.

Mr. STEWART. I would not object to that if we could have an assurance that the matter could be concluded to-morrow.

Mr. BAILEY. I could call for the yeas and nays and then ask unanimous consent that the matter go over until to-morrow.

The yeas and nays were ordered.

Mr. BAILEY. Now, Mr. President, I ask that the matter go over until to-morrow.

Mr. STEWART. I should like to have some understanding that if it is to go over until to-morrow it shall then be disposed of.

Mr. BAILEY. The roll call having been ordered, it will be the first thing in the morning.

Mr. PLATT of Connecticut. The question will still be open to debate. I do not see why there should be such intense haste about deciding a matter which, as I said, involves $20,000,000, as stated

in the letter which was read here, or even $10,000,000. It seems to me it is worthy of thorough discussion.

Mr. STEWART. Very well; let it go over.

EXECUTIVE SESSION.

Mr. CULLOM. I move 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 eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 12, 1902, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 11, 1902.

CONSULS.

Frank W. Mahin, of Iowa, now consul at Reichenberg, Austria, to be consul of the United States at Nottingham, England.

Silas C. McFarland, of Iowa, now consul at Nottingham, England, to be consul of the United States at Reichenberg, Austria.

COLLECTOR OF CUSTOMS.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland.

SURVEYORS OF CUSTOMS.

James C. Ford, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee.

Robert A. Ravenscroft, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland.

NAVAL OFFICER OF CUSTOMS.

William T. Malster, of Maryland, to be naval officer of customs in the District of Baltimore, in the State of Maryland.

UNITED STATES ATTORNEY.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland.

APPRAISER OF MERCHANDISE.

C. Ross Mace, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

COLLECTOR OF INTERNAL REVENUE.

Phillips Lee Goldsborough, of Maryland, to be collector of internal revenue for the district of Maryland.

MARSHALS.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland.

William L. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri.

POSTMASTERS.

George E. Sapp, to be postmaster at Pecos, in the county of Reeves and State of Texas.

Addison H. Frizzell, to be postmaster at Groveton, in the county of Coos and State of New Hampshire.

W. S. Waite, to be postmaster at Eastman, in the county of Dodge and State of Georgia.

John Beaty, to be postmaster at Waxahachie, in the county of Ellis and State of Texas.

George G. Clifford, to be postmaster at San Antonio, in the county of Bexar and State of Texas.

Gomer S. Williams, to be postmaster at Cisco, in the county of Eastland and State of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 11, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

FUR-BEARING ANIMALS IN ALASKA.

Mr. MCCALL. Mr. Speaker, I ask unanimous consent to file the views of the minority upon the bill H. R. 13387, being the bill relating to fur-bearing animals in Alaska.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to file the views of the minority on the bill the title of which the Clerk will report.

Mr. MCCALL. And I ask that we may have leave to file this at any time to-day.

The SPEAKER. The gentleman couples with his request that he be permitted to file these views during this day.

The Clerk read as follows:

A bill (H. R. 13387) relating to fur-bearing animals in Alaska.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. HAY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAY. To call up a resolution of inquiry which has become privileged.

The SPEAKER. Is it a privileged resolution?

Mr. HAY. Yes, sir; a resolution of inquiry.

The SPEAKER. The Chair is of opinion, however, that the special order will now shut off such a resolution. The Chair has held back requests for unanimous consent and other requests this morning, in order that the committee in charge of the floor may hold it. The rule requires that this be in order immediately after the reading of the Journal on each day. The Chair, therefore, feels compelled under the rule to recognize the gentleman from Michigan.

Mr. CORLISS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. Under this rule the House resolves itself into Committee of the Whole House on the state of the Union without motion. Therefore the House will resolve itself into Committee of the Whole House on the state of the Union, in pursuance of the rule.

PACIFIC CABLE.

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

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

The Clerk read as follows:

A bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce.

Mr. CORLISS. Mr. Chairman, I would like to inquire just how much time I consumed on yesterday? I understand, one hour.

The CHAIRMAN. Sixty minutes.

Mr. CORLISS. Mr. Chairman, I think I demonstrated yesterday from the evidence of experts that only one cable from our country to Manila at the present time was necessary, because there are two other cables in existence that can be utilized in case of an emergency. I conclusively established the fact, from expert testimony and from parties who are competent to make a bid, that a cable can be built, including cable ships—two of them, and only one is necessary—for less than $10,000,000; and I simply want to call the attention of members to the further fact that Great Britain is building a cable through the Pacific as long as ours will be and the contract is only $8,900,000.

I have conclusively shown from the testimony of experts that this cable can be operated for about $350,000 per annum, not taking into consideration the interest on the capital. Now, you gentlemen do not want to conceive that we are going to have a great army of men employed by the Government through this. There are only five stations embraced within this project. Three experts can operate it twenty-four hours at each station. Fifty men employed will supply the necessary service to operate these five stations. So that it does not require a large number of Government employees. It is a peculiar utility; one that the Government can take hold of without detriment to any other interest in our country.

It does not infringe upon the right or the interest of any American capitalist. Unless the Government undertakes this work—and mark what I say—unless the Government undertakes this work you can not secure the erection of a cable plant upon the California shore, which is as necessary as a battle ship—as necessary as a navy-yard—more so, because there are navy-yards that can, in case of necessity, repair battle ships, but there is no cable plant upon the Pacific coast that can repair a cable during war.

There are no cable ships owned by our Government at the present time that can repair a cable in case it is cut in war or in peace. During the Spanish war our Government was humiliated to the necessity of asking a cable ship that happened fortunately in our waters to go down to Key West and lay a cable from Key West to Dry Tortugas, 60 miles. An English cable ship, at an expense of $70,000, laid 60 miles of cable for our Government. Could you do that if you were at war with Great Britain?

Now, one word with reference to the cable between Hongkong and Manila, and the members here ought to think of that question. I hold in my hand the Washington Post of June 2, in which it is stated, upon the authority of the Commercial Cable Company, that the only cable between Hongkong and Manila had been broken. Do you know that not a word or a message can be sent to our people in the islands of the Philippines, that it is absolutely in darkness so far as cable communication is concerned, and has been since the 1st day of June?

The fact that the Commercial Cab le Company makes this an nouncement shows to you, as it shows to me, that they are the

people in this country in touch with that great corporation. God Almighty, for some cause, has severed that cable as an example to the representatives of our people, showing to them the dangers of interruption of cable communication. Are you aware that the War Department has ordered battle ships to be used as dispatch boats to carry messages from Hongkong to Manila? Of course, we sit here and do not mind anything about it, and yet that costs nearly $2,000 a day. These dispatch boats are running between Hongkong and Manila to carry messages between the officers and soldiers and their friends at home because we have no communication with Manila.

I speak of it for this reason. The Eastern Cable Company have had that cable for many years. They have had exclusive control of the communication from our Government, and, as stated by Mr. Squiers, they have received, on the basis of 40 cents a word, which they charge from Hongkong to Manila, $72,000 a year for the use of that little strand, amounting to $288,000 in four years; and yet they leave this Government in a condition so that the breakage of simply one strand leaves us with no communication with that archipelago with 10,000,000 people upon it.

If they are looking out for the interests of our Government, do not you think they would have placed their cable line in a condition so that they would have fortified against this very accident? I submit whether our Government can afford to be subjected to the control and neglect of such a monopoly.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied one hour and seven minutes.

Mr. CORLISS. At the end of eight minutes more I would like to be notified.

Mr. Chairman, there is this bugbear of government ownership here, and it speaks out on all occasions. I do not blame members for appealing against Government ownership. It is natural, and I am not in favor of the Government going into the ownership of railroads and telegraph lines generally. This is an entirely different thing. It is an absolute necessity. I have in my possession a letter which I will ask the gentleman from Pennsylvania to read, a letter he has from the man who at one time was seeking to get this right—that is Mr. Scrymser. He has constructed 12,000 miles of cable, extending from our country to foreign countries. He desired to construct this cable line, and for some years sought the right to do so.

The Senate passed a bill carrying a specific subsidy to that concern to build this cable line, but the House refused to consider it. Subsequently, in the Fifty-sixth Congress, the Senate passed the Government-ownership bill, providing for the Government to lay a cable from California to Hawaii, and the gentleman from Illinois [Mr. CANNON] was the instrument through which that was defeated in this House. It has caused a loss of more money than the whole cable would have cost. It has cost our Government to send communications to Hawaii by ship more than that cable would have cost, during the Fifty-sixth Congress, had that amendment to the sundry civil bill been permitted to pass this House.

Will you stand here and continue, just because you include something for the Government to do, to hold back the progress of this nation? I want to call your attention to some things that you have done in other bills. At this very session gentlemen on this side of the House voted to put in the river and harbor bill an appropriation authorizing the Government to go into the dredging business, because up in Cleveland they had organized a combination to raise the price of dredging to the Government, and you authorized the Secretary of War to build a dredging machine and go into that business. Do you call that paternalism? You have done another thing.

This very session you have authorized the Government to build its battle ships in the Government navy-yards, and you did so even over the ruling of the chairman of the Committee of the Whole. Do you call that paternalism? Far more than that. There are other matters of the same character that you have authorized the Government officers to take hold of. For instance, you ordered the Secretary of the Navy, in case he could not secure armor plate, to build a factory for the construction of armor plate. My God, gentlemen, if those things are necessary to break down combinations—if such things are necessary to give the Government the right to avail itself of public utilities at a reasonable price, how much more important this measure is to the American people!

I say to you that there is no interest, no capital, no company or organization in our country that will lay this cable except the United States Government, barring the Eastern Cable Company and its American ally.

And now one word and I will conclude. These parties say that they have gone on and made a contract for a cable; that they are going on to do the work. They are acting without authority of law, without regulation of the Government. They asked the President for the necessary authority, and he refused to give it to them, and submitted the question to Congress.

But now I say to you that I have within twenty-four hours received the information that not a solitary foot of the cable proposed to be laid by Mr. Mackay's company from California to Hawaii has yet been made. That information comes to me from a source that is reliable, and I defy Mr. Mackay or any other person to say one foot of that cable has yet been made. This information comes from a man connected with the company that has the contract to make the cable, and his reason for saying that it has not been made is this, that his company has contracts for cables amounting to over 30,000 miles, and therefore they have not reached this cable. They can not make it quicker for our Government than our own plant can.

Is there any need of our turning this matter over to those parties? Is there any haste in it? Are we going to leave the people forever in darkness out there, subject to the dictation of this corporation? God forbid! If the Government be given control of this enterprise, we shall advance our interests in trade, in military power, in national influence, and shall break down monopoly. Turn the enterprise over to these other parties and you block the wheels of progress. I submit for your information a letter from Captain Squier with reference to the Manila-Hongkong cable:

WASHINGTON, D. C., *June 6, 1902.*

Hon. JOHN B. CORLISS,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge your letter of the 4th instant asking for additional information relative to the proposed trans-Pacific cable, namely, "What, in your judgment, is the effect of the present interruption of cable communication between Manila and Hongkong upon our interests in the Philippine Islands and what means may be taken to guard against this danger in the future?"

The Philippine Archipelago is connected to the telegraph system of the world by a single line from Manila to Hongkong, at present interrupted, entirely isolating this archipelago except by commercial steamers or Government dispatch boats.

Ever since the American occupation of the Philippines it has been a matter of deep solicitude to the Chief Signal Officer of the Army and War Department, to protect at the earliest moment, our communications to this archipelago by the laying of at least one additional connection as soon as possible, to prevent total interruption.

The Philippine Archipelago is the only example in the world to-day of a country possessing over eight millions of people, which has not its telegraphic cable communications protected by at least one duplicate line.

Even the British colony of New Zealand has double cable connections to Australia, and before the year is out will have these connections further secured by a third line from Australia to Vancouver, in connection with the British Government trans-Pacific cable.

The only reason why other cables have not been laid connecting the Philippine Islands with the Asiatic coast is the existence of an exclusive concession granted by the Crown of Spain to the Eastern Extension, Australasia and China Telegraph Company, which will not ultimately expire until the 8th of May, 1940, which is held by that corporation to prevent any other corporation or government from landing a cable in the Philippine Islands.

In answer to the first part of your question as to the effect of the present interruption of cable communications between Manila and Hongkong, it appears that the laying of at least one additional cable connecting the Philippine Islands to the Asiatic coast is at the present moment a military and administrative necessity of such weight and possible value as to override all other considerations of any nature, and that such a cable line should be laid at once by this Government.

The possible harm to our interests in the Philippines resulting from telegraphic isolation can not be measured by any ordinary standards.

The quickest dispatch boats require two days to reach Hongkong.

Besides the great damage to our interests from a military, administrative, and political standpoint, from being cut off from the United States, it is of course possible that in case of any extraordinary calamity happening in the Philippines, such as the recent Martinique disaster, a great conflagration in Manila, a severe cholera epidemic, the loss of a troop transport, or a great typhoon, such as the Porto Rico hurricane, the loss and suffering from a humanitarian standpoint might easily prove terrible and, indeed, a national reproach.

The amount of money involved in laying such a cable, therefore, seems of no reasonable consideration.

The second part of your question is:

"What means may be taken to guard against this danger in the future?"

1. Due to existing concessions, the United States Government itself is the only party besides the Eastern Extension, Australasia and China Telegraph Company which can lay such a cable from the Philippine Islands to the Asiatic coast.

2. Since the original concession granted by Spain included not only the Philippine Islands, but other Spanish islands in the Pacific Ocean, such as the Marshall Islands and the island of Guam, and since Spain has disposed of these islands in part to different parties, it must be ultimately a matter for the courts to decide as to what damage may be sustained.

3. The German Government, by the purchase from Spain of the Marshall Islands, which are included in the concession referred to, stands practically in the same position in respect to the connection of these islands to the Asiatic coast under the concession as the United States does in so connecting the Philippine Islands.

4. That the Government of Germany does not acknowledge the force of this exclusive concession with respect to the Marshall Islands is indicated by the terms of an agreement signed at Berlin July 24, 1901, between the German and Dutch Governments, whereby government cables are to be laid connecting the Palaos Islands and Marshall Islands with Shanghai, China, as well as with the Dutch East Indies.

5. That the Government of France does not recognize the force of certain exclusive concessions from the Chinese Government to this same cable corporation for the coast of China is indicated by the fact that recently the French Government has landed a Government cable on Chapel Island, off the city of Amoy, connecting her colonial possessions at Saigon, and later intends to continue such French Government cables to Shanghai, connecting with the Siberian lines under Russian control.

6. Japan has granted an exclusive concession to the Great Northern Telegraph Company, a Danish corporation and an ally of the Eastern Extension Cable Company, which will expire on December 27, 1902, yet which practically extends for a period of ten years thereafter through a special provision contained therein which prevents the Japanese Government itself or any other Government or corporation other than the Great Northern Telegraph

Company from connecting Japan to the Philippine Islands by a submarine cable.

Since Germany has recently entered into an agreement to lay a Government cable from the Marshall Islands so as to connect with Shanghai and France has recently laid a Government cable connecting Saigon to Amoy, it would seem reasonable to presume that this Government can also land a cable on the Chinese coast.

An American Government cable should be laid from the northern part of the island of Luzon—such as at or near Aparri, which now has practically duplicate Government land lines direct to Manila—to Amoy or Shanghai, China.

The distance from Aparri to Amoy is approximately 450 miles, and the distance from Aparri to Shanghai is approximately 800 miles.

Shanghai, at the mouth of the great Yangtze River, is the New York of China. It is and will be the commercial center. A cable from northern Luzon direct to the small island of Gutzlaff, at the mouth of the Yangtze River, would give the Philippine Islands direct telegraphic communication with the present telegraph center of the Far East.

At this point there are duplicate lines to Japan and duplicate or triplicate lines by two routes to Europe. At Shanghai the Northern Telegraph lines via Siberia and the Eastern Company's lines via the Mediterranean and India meet, and these cables land on this small island.

It would appear, therefore, that although the line will be considerably longer, it would be better to lay the line direct to Shanghai for political and commercial reasons, just as the island of Haiti is connected by cable to New York City instead of to the coast of Florida, which would be much shorter.

A cable landing at Amoy on Kulangso Island, now a foreign concession, instead of at Shanghai, would give the strategic advantage of the exclusively controlled communication between our eastern military and naval base at Manila with our proposed coaling station at Amoy by a shorter route, but it would not so directly reach Japan nor give direct telegraph communication with the direct commercial city of China.

Either one of these lines of cable can be laid by this Government at much less expense and saving of time than by any private corporation, since the Government now has in the Philippine waters the cable ship *Burnside*, fully equipped.

The *Burnside* has laid over 1,200 miles of Government cable connecting the different islands of the Philippine group, and has a trained staff which maintains these lines. It would be practically no extra expense to the Government to lay the cable to China, nor any additional expense to maintain it after it is laid, as the *Burnside* is required in Philippine waters to take care of the present interisland system.

This cable can be made at the rate of 200 miles per month by American manufacturers, who have furnished all of the 1,300 miles of cable now in use in the Philippines.

As indicating the necessity for a Government-controlled cable, it is remarked that although the present single cable line has been already interrupted for five days, and General Chaffee has at his command at Manila a fully equipped American Government cable ship capable of repairing this cable as quickly and efficiently as any cable ship in the world, yet because the cable is private property he is powerless to repair it, and the United States Government must wait till the company's repair ship, viz, the *Sharad Osborne*, stationed at Singapore, can be spared for the repair.

Since this same ship also has the care of the company's private cables west of Singapore to India, if she happens to be engaged on distant work at the time of interruption of the Manila line the United States Government has to wait upon private interests until she can be spared.

An analysis of the testimony submitted to the committees of Congress during the past few years having the trans-Pacific cable in charge clearly shows that this same span of cable connecting the Philippine Islands to China and Japan has been, is now, and will remain the pivotal link in the whole enterprise.

It is about the exclusive concessions supposed to control this link and which opens the door to the East that the whole discussion of an American trans-Pacific cable has really revolved.

It is the most important link in the trans-Pacific chain, and since it can be laid by this Government in six months with no additional facilities not now possessed its value as an insurance against further total isolation of the Philippines would be realized in the very near future and during the period of two or more years which the construction of the longer spans across the Pacific will necessarily require.

Very truly, yours,

GEORGE O. SQUIER,
Captain, Signal Corps, United States Army.

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

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5094. An act for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

H. R. 8129. An act to amend sections 4076, 4078, and 4075 of the Revised Statutes;

H. R. 11591. An act for relief of Stanley & Patterson, and to authorize a pay director of the United States Navy to issue a duplicate check; and

H. R. 11657. An act allowing the construction of a dam across the St. Lawrence River.

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

H. R. 14046. An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

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

S. 5882. An act granting an increase of pension to Merzellah Merrill; and

S. 6030. An act authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

PACIFIC CABLE.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Alabama [Mr. RICHARDSON] one hour, and more if he needs it; but if he should not consume the hour I reserve whatever may remain.

Mr. RICHARDSON of Alabama. Mr. Chairman, I shall endeavor to consume as small a portion of the time allotted to me as may be consistent with my duty as a member of the Interstate and Foreign Commerce Committee of this House, that reported this bill.

This bill comes before this Committee of the Whole under very peculiar and quite extraordinary circumstances. I dare say that the able speech made by the distinguished chairman of the Committee on Appropriations of this House [Mr. CANNON] was noted yesterday, and its significance was apparent to every gentleman on the floor of the House who listened to it. The statement of the gentleman from Illinois was to the effect that the apparent excess of appropriations at this session of Congress, exclusive of the sinking fund now in the Treasury, was over the estimated revenues for 1903 $51,925,128, and he pointed to various projects and bills now pending before the House that would readily consume that amount.

One of those references was to this bill, which will really and in fact, by the time the Government gets through with this matter, should it undertake the construction of the Pacific cable, reach quite the sum of $20,000,000. I notice in the public prints this morning that another distinguished gentleman on the Committee on Appropriations of this House, the gentleman from Arkansas [Mr. MCRAE], said that up to date we had expended in this Congress $750,000,000. Now, I say, these are peculiar circumstances and surroundings in connection with the bill now under consideration.

My distinguished friend from Michigan [Mr. CORLISS] has said to me in the past, in the discussion of this matter, "How is it possible that you can go for renomination before an Alabama constituency supporting such a monopoly as this commercial cable." I now in reply ask him this question: "How can you go before your Michigan constituency, in view of the small excess in the Treasury and in view of the immense amount of money expended in this Republican Congress (unparalleled in the history of any Congress that has sat no longer than this has) and argue in favor of an additional appropriation for such an enterprise, to be charged up against the Government, when a private company is willing to assume all the responsibility and incur all the expense and risk?" Let him answer that before his Michigan constituency. He will find himself seriously embarrassed.

There is another peculiar state of circumstances to which I wish to direct attention. We are in the midst, Mr. Chairman, of wonderful development, progress, and improvement—physical, governmental, scientific, and otherwise.

If it had been said to any gentleman on this floor twenty-five years ago that one of us could step into the adjoining cloakroom and easily talk with a man 1,000 miles away by telephone, and even identify and recognize his voice, scarcely anyone would have believed it; yet it is a fact; and I say the peculiar circumstances bearing upon a proper and thoughtful consideration of this matter that will necessarily and properly attract the attention of any gentleman who has given this question that full attention which he should, are the extracts that I have put myself to the trouble of collating in order to submit for the consideration of this House. They are in relation to this wonderful wireless telegraph system which Marconi has discovered and is now daily improving. I say that there is no man here to-day who is prepared to say to what extent that system will be a success. I read these extracts as taken from the Century Magazine; some of them as I believe are prepared by Marconi himself.

A certain commercial application of my system has already been achieved. In all seventy ships carry permanent installations, and there are over twenty land stations in Great Britain and on the continent of Europe, besides several in this country. To what further extent the system may be commercially applied is not easy to foretell. My recent successful experiments between Poldhu and St. John's, however, give great hopes of a regular trans-Atlantic wireless telegraph service in the not too distant future.

The grand scientific truth being demonstrated, Mr. Marconi now proposes to perfect the system so that it may be made applicable to commercial uses. It only requires increased power at Poldhu to transmit signals to St. John's. Following upon that, additions to the same force will permit the electric energy to be projected to the uttermost ends of the earth. Mr. Marconi hopes within a few months to be able to transact commercial telegraph business across the Atlantic. * * * Cecil Rhodes and he have already discussed "Marconigraphy" as a means of bringing together the vast distances of the South African Continent.

The system has been found of great service for naval purposes. It is installed on board 37 British war ships. In the late naval maneuvers its efficiency was demonstrated beyond question. Signals were transmitted from ship to ship over a distance of 160 miles. * * * The Italian Navy adopted it at the very first, and the Russian Navy has just announced its determination to follow the same course.

* * * * * * *

Mr. Marconi also believes that his system may become a formidable competitor against the ocean cables. * * * A trans-Atlantic cable represents an initial outlay of at least $3,000,000, besides the cost of its maintenance. A Marconi station can be built for $60,000. Three of these, bringing the two worlds into contact, will cost only $180,000, while their maintenance should be insignificant. * * * Though the first Atlantic cable was laid forty-three years ago, there are now 14 laid along the Atlantic bed, and in the whole world 1,769 telegraph cables, with a total length of almost 189,000 nautical miles, enough to girdle the earth seven times. The total value of the cables can not be easily commuted, but it is known that British capitalists have $100,000,000 invested in cable stock. * * * Cable stocks declined shortly after Marconi's success was announced, and the Anglo-American Telegraph Company restrained him from operating in Newfoundland.

The New York Commercial of Monday, April 7, stated that J. Pierpont Morgan and other financiers closely identified with him were interested in the new Wireless Telegraph Company of America. The company was incorporated under the laws of New Jersey under a capital stock of $6,150,000. Its American rights included the whole of the United States, Cuba, Porto Rico, the Danish West Indies, Alaska, Aleutian Islands, Philippine Islands, Hawaiian Islands, and all waters belonging thereto. Stations are reported to be building at Cape Cod, Cape Breton, and Tampa. Others are to be built on the Pacific coast. By means of these communications will be opened with the Orient and Russia.

In speaking of the new company, Mr. Marconi said:

The parent company is in London. It has sold no stock. It has simply sold the American rights. The two companies will work in harmony. The original London company will carry the controlling interest and cooperate in all matters with the American company. I am to receive $250,000 and 55 per cent of the stock of the new company.

Now, the question that I propound as a business proposition to this Committee of the Whole is, with the lights before us, with the pregnant probabilities that may result from these scientific investigations, are we prepared to say that we can justify ourselves by insisting that our Government under these doubtful and suggestive circumstances should own, build, and operate a cable line at a cost of fifteen or twenty millions of dollars in cash, every cent of which will become utterly useless and fruitless if Marconi's system is a success? Is it not more in accordance with common sense and fidelity to the interests of the great masses of the people whom we represent on this floor to say "No; we will not do that, but we will let this private company that has made a contract and is competent and ready, take that risk?" We can easily then defend ourselves and protect the interests of the people whom we represent. I ask you if in the ordinary affairs and transactions of life that would not be the governing principle with you. If it is, it should control our judgment in this case. Now, I will ask the Clerk to read the extracts which I send to the desk.

The Clerk read as follows:

SEC. 5263. Any telegraph company now organized or which may hereafter be organized under the laws of any State shall have the right to construct, maintain, and operate lines of telegraph * * * over, under, or across the navigable streams or waters of the United States.

SEC. 5266. Telegrams between the several departments of the Government and their officers and agents in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster-General shall annually fix.

SEC. 5267. The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under * * * this title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

SEC. 5268. Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by law.

Mr. RICHARDSON of Alabama. Mr. Chairman, I called attention to that post-roads act of 1866 because it is the law that governs in this case, and all the conditions and requirements that are enunciated in those statutes have been fully and literally complied with by the company proposing to build this cable. I now ask that the Clerk will read the following contract.

The Clerk read as follows:

This indenture, made this 8th day of February, in the year 1902, between the United States of America (hereinafter designated the "United States Government"), acting through the Secretary of the Treasury, of the first part, and the Commercial Pacific Cable Company, a corporation of the State of New York (hereinafter designated "said company"), of the second part, witnesseth:

That said United States Government has hereby let and rented to said company, and the said company has hereby hired and taken from the said United States Government, an office in the general post-office building at Honolulu, in the Hawaiian Islands, such office to be located in such part of the building and to be of such size as the Secretary of the Treasury may hereafter prescribe, and in consideration of the same, it/said Commercial Pacific Cable Company, hereby covenants and agrees that it will well and truly perform and comply with the following covenants and agreements with the United States of America, to wit: Said company hereby covenants and agrees—

1. To charge not exceeding 50 cents per word for the transmission of messages between San Francisco and Honolulu, and to reduce such rate to 35 cents per word within two years after the proposed cable between San Francisco and Honolulu is in operation. To charge not exceeding $1 per word for the transmission of messages between San Francisco and Manila. To charge not exceeding $1 per word for the transmission of messages between San Francisco and China. To be content to accept from the United States Government half rates for the transmission of governmental messages.

2. To complete and put in operation its submarine cable from the State of California to the Hawaiian Islands on or before January 1, 1903, and to extend and put in operation its said cable from the Hawaiian Islands to the Philippine Islands on or before January 1, 1905, it being understood that unavoidable delays due to the necessity of taking soundings and to failure of contractors to comply with their contracts shall be sufficient excuse for delay on the part of said company, provided said contracts call for the manufacture and laying of said cable to the Philippine Islands on or before January 1, 1905, excepting delays by reason of said soundings, which soundings said company hereby agrees to make within a reasonable time, if the soundings already made by the Navy of the United States are not made accessible to said company.

3. To land said cable on American soil only, it being understood, however, that in case the depth of the ocean around the island of Guam be too great to allow a cable landing on that island, the landing may be elsewhere.

4. To sell the said cable line and the property and effects of said company to said United States Government at any time at an appraised value to be ascertained by five competent disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the said company, and one by the four so previously selected.

5. To transmit over its said cable telegrams between the several Departments of the Government and their officers and agents at such rates as the Postmaster-General shall annually fix.

6. To give priority to said govermental telegrams over all other business.

7. Not to receive from any foreign government exclusive privileges which would prevent the establishment and operation of a cable of an American company in the jurisdiction of such foreign government.

8. Not to consolidate or amalgamate with any other line or combine therewith for the purpose of regulating rates, except to make through rates.

9. To give to the Government of the United States similar privileges to those which by law, regulation, or agreement may be granted by the company to any other government.

10. To allow the citizens of the United States to stand on an equal footing with those of any other country in the transmission of messages over the company's lines.

11. To give precedence to messages in the following order: (*a*) Government messages; (*b*) service messages; (*c*) general telegraphic messages.

12. To keep the line open for business daily while in working order, and subject to the foregoing order of precedence. All senders of messages shall be entitled to have them transmitted in the order in which they are received.

13. If and whenever in the opinion of the Secretary of State an emergency shall have arisen in which it is expedient for the public service that the United States Government shall have control over the transmission of messages by the company's cable, it shall be lawful for the Secretary of State, by warrant under his hand, to direct and cause the company's cable and plant, or any part thereof, to be taken possession of in the name and on behalf of the United States Government, and to be used for the United States Government's service, and subject thereto for such ordinary service as to the said Secretary of State may seem fit, and in that event any person authorized by the said Secretary of State may enter upon the offices and plant of the company, or any of them, and take possession thereof, and use the same as aforesaid.

The Secretary of State may, when he considers such an emergency as aforesaid to have arisen, instead of taking possession of the offices, cable, and plant of the company, or any of them, direct and authorize such persons as he may think fit to assume the control of the transmission of messages by the company's cable, either wholly or partly, and in such manner as he may direct; and such persons may enter upon the company's premises accordingly, or the Secretary of State may direct the company to submit to him or any person authorized by him all telegrams tendered for transmission or arriving by the company's cable, or any class or classes of such telegrams, and to stop or delay the transmission of any telegrams, or deliver the same to him or his agent, and generally to obey all such directions with reference to the transmission of telegrams as the Secretary of State may prescribe, and the company shall obey and conform to all such directions.

In any such case as aforesaid, if the company show that during the exercise of any of the powers aforesaid their receipts from the cable, with respect to which the said powers have been exercised, have been less than their receipts from the same source during a corresponding period on the average of the last three years, the United States Government shall pay to the company as compensation for any loss of profit sustained by the company by reason of the exercise by the Secretary of State of any of the powers hereby reserved, such sum as may be settled between the Secretary of State and the company by agreement, or, in case of difference, may be determined by arbitration, provided always that no such compensation as aforesaid shall be paid; if and so far as the powers hereby reserved to the Secretary of State are exercised for the purpose of preventing direct communication with any of the United States Government's enemies, and save with the consent of the Secretary of State, no such compensation shall be paid; if and so far as the powers aforesaid are exercised for the purpose of preventing indirect or supposed communication with any of the United States Government's enemies or of protecting the interests of the United States Government under the apprehension of impending war.

In estimating such compensation as in the last subclause provided, the arbitrator shall take into account all the circumstances of the case, including not only any such loss as aforesaid, but also any additional profit accruing to the company (whether from the use of the cable so taken possession of or controlled or from any other cables used by them) from the emergency which gave rise to the exercise of the powers aforesaid. And as regards the cable with respect to which the said powers have been exercised the receipts of the company during a period corresponding to that of the exercise of the said powers on the average of the last three years shall be deemed to be the receipts which the company would have taken during the period of the exercise of the said powers had the powers not been exercised.

And said company hereby covenants and agrees that it will vacate the said office at any time upon notice from the Treasury Department, and that in the meantime and until said notice said Commercial Pacific Cable Company will keep the same in good order and repair, without expense or cost to the Secretary of the Treasury.

And said company hereby covenants to and with the United States of America that the United States of America may enforce the above obligations, and each and all of them, by summary action of the Army or Navy or by a bill of injunction to be filed in any court of competent jurisdiction, or by a suit for damages, or by any of said remedies, as the United States of America may deem best.

In witness whereof said Commercial Pacific Cable Company has caused these presents to be executed by its vice president and its seal to be attached by its secretary, and the Secretary of the Treasury has hereunto signed his name the day and year first above written.

[SEAL.] COMMERCIAL PACIFIC CABLE COMPANY,
By GEO. G. WARD, *Vice-President.*

Attest: ALBERT BECK, *Secretary.*

Mr. RICHARDSON of Alabama. Mr. Chairman, I have had read the post-roads act and the contract, the reading of which has just been concluded, to establish clearly and distinctly the foundation upon which this whole case rests. I know that it is contended in some cases that the post-roads act of 1866 does not apply, but by reading that act any gentleman who will carefully scan its meaning will see that it includes the lines across the waters of our Government. It is contended that it does not apply to cables, but that it embraces only land telegrams. Then, if it does not do that, if it does not apply, this private company, the Commercial Pacific Cable Company, has voluntarily assumed and entered into these obligations with the Government, and no man would contend for a moment that the Government, with all of its powers, could not enforce it. You will notice in that contract one remarkable feature, and it is that the Government of the United States can vacate that contract at any time it pleases, but the same privilege is not extended to this private company. Now, I have listened, Mr. Chairman, to a good deal in the way and nature of patriotic pyrotechnics on this floor. Why, my distinguished friend from Michigan [Mr. CORLISS] is not really in his natural and proper rôle, the one that nature generously gave him, unless he is either "dramatic or in some instances quite tragic."

Whenever this cable question comes up he sends out what might be commonly called an "autobiography of himself" to correspondents in advance of his speech. Who prepares that I will not say. That was done in the case of the speech he made on the floor of the House some months since. I hold in my hand a similar speech, written upon "yellow paper," sent out before he took the floor upon this subject, and I have a right to use it, because it was intended for the public. The only different "earmarks" appearing upon this paper from those that I have seen of his so sent out to willing correspondents in the former discussions of this bill is this memoranda:

To be released when CORLISS speaks.

Now, how it got out of its prison, how it escaped from its confinement, who released it, who gave it liberty, I am not prepared to say. At least it is here in my possession, and possession is nine points in the law. In this "advance copy" of his speech my friend takes occasion to talk a great deal about "American manufactures and American ships and American-made cables." That is all right and proper in its place. I have no comment to make upon that, and if I did my motives might be misconstrued; but addressed under these circumstances to the reasoning capacity and the common sense of this House, on a mere business proposition, I say that it ought not to have any force or effect. Why, I do not believe in charging that Mr. Mackay "stole" anything. I am told by gentlemen from California that Mr. Mackay is a man of exceptionally good character. Is there any necessity, in the discussion of this business proposition, to say that any man would "steal" anything? It is unbecoming and ought and will be properly rebuked by this House.

Mr. CORLISS—

I read now from this yellow paper—

dramatically denounced private monopolies of this character and vehemently declared that the private interest now seeking to steal this public franchise was a gigantic octopus, seeking to fasten its tentacles upon American soil for the purpose of sucking the lifeblood from the arteries of human energy, trade, and commerce.

There is not a gentleman on the floor of this House who would not recognize that sentence as properly emanating from and belonging to my friend from Michigan. Here is another one of these dramatic scenes described in this advance yellow circular sheet. This, you must remember, is a paper or speech with singularly complimentary editorial comments that was handed out to the correspondents in advance of the delivery of the speech. I am not saying that a member of Congress has not the right to do that, and no one would say that I have not the right to comment upon it when it is given to the public. Listen to this, as I find it in that advance sheet:

God Almighty, declaimed Mr. CORLISS in conclusion, with dramatic emphasis, seemed to be working in a mysterious way to save the people of the United States from the clutch of this monopoly by breaking the single cable communication between Hongkong and Manila on June 2.

Here we are at this very moment—

He said—

with 8,000,000 of people in the Philippines, our military and civil interests without communication, severed from all the world, and the battle ships of our Navy being used as dispatch boats to carry communications to our people.

I beg, in connection with that, to read what the President of the United States said on a subject related to this only this morning, as published in the Washington Post:

MY DEAR SIR: I beg to thank you for your kind letter of the 31st ultimo, inclosing a memorial of the American Unitarian Association, passed at their annual meeting on May 22, 1902. I am happy to be able to say that the bill which has just passed the Senate will, if enacted into law, enable us to proceed even more rapidly and efficiently than hitherto along the lines of securing peace, prosperity, and personal liberty to the inhabitants of the Philippine Islands. There is now almost no "policy of coercion" in the islands, because the insurrection has been so entirely overcome that, save in a very few places peace, and with peace the "policy of conciliation and good will," obtain throughout the Philippines. There has never been any coercion save such as was absolutely inevitable in putting a stop to an armed attack upon the sovereignty of the United States, which in its last stages became mere brigandage.

With great regard, and assuring you of my hearty sympathy with the purpose set forth in your letter and actuating the members of the American Unitarian Association as regards peace and justice in the Philippines, I am,

Very truly, yours,

THEODORE ROOSEVELT.

I read that communication in connection with the "dramatic expression" of my friend from Michigan invoking the cooperation and aid of this House in passing this bill because and on the ground that the building of the cable is alleged to be a military necessity. But the President of the United States says that peace has been restored there; that prosperity is following rapidly in its footsteps. Why, then, should we pass a bill of this kind, fastening upon the Government the charge of $20,000,000 to build a cable for military purposes when the Chief Executive of our country says that peace reigns in the Philippines?

Now, Mr. Chairman, what is the real proposition in this case? I believe there are only two. One is Government ownership and the other is private ownership. I understand from the gentleman from Pennsylvania [Mr. DALZELL] that an amendment will be offered to this bill—what is known as the Hale bill—providing substantially the very conditions that have been read in that contract, save probably one. I submit that one exception to the business intelligence of this House. It is right and proper that the Postmaster-General shall fix the rates at which the Government messages shall be carried. That is all right. That is in our contract. But listen to this other condition:

And such further conditions and terms as the President may deem proper.

That is the Hale bill, and the objection we make to it is this: I put to you the proposition, if you were about to invest $12,000,000 under a contract that specified the terms, would you intrust that $12,000,000 in the hands of any one single man, it matters not how honorable, how intelligent, how high his position might be in the Government, when he has to prescribe "such further conditions and terms as he may deem proper?"

I say there is not a business man in this House that would invest that amount of money on such uncertain and unsafe conditions and terms as that. That amendment or substitute means, Mr. Chairman and gentlemen of the committee, that no cable will be built from the United States to Manila. I am in favor of a cable, and I believe that the universal sentiment among the members of this House is in favor of building a cable in one way or another, but as business men would you prescribe such terms as those—as the President may hereafter prescribe? I would be unwilling to delegate such powers to the President. Why, that would put it in his power to destroy the capital invested.

Now, I say these are the two propositions that are before this House, and only these. Now, what is this proposition or contract that the Clerk has read. You have heard the contract read. You can not take the most competent and qualified attorney representing the interests of the Government to-day and draw a contract more in favor of the Government and that guards, protects, and safeguards its interest more than that contract does. In addition to that this company has done an extraordinary thing, which I will take occasion to mention. It has received from the manufacturers in England a guaranty of two years for the safe working of the cable when it is laid.

Mr. HOPKINS. Will you allow me a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. HOPKINS. Suppose the bill that is now pending be defeated, is it the opinion of the gentleman that that contract that he has read is of a character that could be enforced by the Government against this company?

Mr. RICHARDSON of Alabama. Thoroughly so.

Mr. HOPKINS. Is the consideration enough on behalf of the Government of the United States to make it a valid binding contract in all of its provisions?

Mr. RICHARDSON of Alabama. Yes; the consideration under the law, I think, would be the benefit of the people. That would be the benefit coming from a governmental standpoint.

Mr. HOPKINS. Could it be enforced against the company itself?

Mr. RICHARDSON of Alabama. I think so, beyond question.

Mr. CORLISS. Let me ask my friend a question.

Mr. RICHARDSON of Alabama. I am going to treat the gentleman differently from the manner in which you treated me. I am going to treat him in the Bible way, that "you should do unto others as you would have others do unto you." I asked you a question while you had the floor and you declined to yield.

Mr. CORLISS. If you do not want to consent, I will not insist.

Mr. RICHARDSON of Alabama. Go along and ask your question, although you would not allow me to interrupt you.

Mr. CORLISS. I do so because the gentleman from Illinois is not as familiar with the facts in this matter as I am. Is not it true that the contract that you have read was submitted to the Attorney-General, and the Attorney-General and the President and no other executive officer has any authority to act for the Government, and that there is no interest and no consideration proposed in it, and therefore it is null and void? Is not that true?

Mr. RICHARDSON of Alabama. I do not so understand.

Mr. CORLISS. It is a question of fact.

Mr. RICHARDSON of Alabama. Is it not a fact, I will put the question to my friend, that you went before the Committee on the Judiciary asking for an injunction in this matter, and that they refused to grant it?

Mr. CORLISS. On the contrary, I asked the Committee on the Judiciary to investigate a charge that I made under the antitrust law, and they said that that was for the Attorney-General. That is the fact in the matter of that investigation. But I say to my friend, and I ask him in all fairness as to this contract that he has read, if it was not submitted to the Attorney-General and the Attorney-General has it at his Department now. Is that not true?

Mr. RICHARDSON of Alabama. Are you through?

Mr. CORLISS. Is not that true?

Mr. RICHARDSON of Alabama. I am going to answer you, although you did not treat me with courtesy and allow me to ask you a question on yesterday when you had an hour of time.

Mr. CORLISS. I want to be fair with you.

Mr. RICHARDSON of Alabama. I want to be fair, and I want to answer your question, but not in the way in which you may dictate it.

Mr. CORLISS. I do not want to dictate anything. Is it not true that the Attorney-General has declined to consider that contract, that the President has declined to consider that contract, because they have no power to act?

Mr. RICHARDSON of Alabama. You are taking up my time and making another speech, and you have already spoken an hour and a half. My understanding of that is this: That the Attorney-General and other officers have refused to interfere in this matter at all. That is what I understand.

Mr. CORLISS. That is right.

Mr. RICHARDSON of Alabama. Whether the contract was merely submitted to these officers and they declined to act on it at all is an immaterial matter, for this Commercial Pacific Cable Company, proceeding under the post roads act of 1866, have entered into a contract under that law and filed it according to that law, and they are manufacturing and really building that cable. That is what they are doing.

I will also say that this cable company that is making this cable over in England guarantees it for two years. There is not a company that ever laid a cable or ever made a cable to be laid that has ever guaranteed it over thirty days. That is the difference you get in it. Now, what the situation is I started to say when my distinguished friend from Michigan interrupted me. Why, it is simply this: Here is a proposition, plain, unvarnished, and easily understood, that this Government is to engage in the cable business, build and own, operate, and use a Government cable from the coast of California to Manila, a distance of 8,000 miles, and the estimate made by those that seem best informed before the committee was that its cost would not fall below $12,000,000, and more likely fifteen millions. It will cost $1,500,000 per year for operating expenses. That is the proof before the committee, and the annual income is only $150,000. That is the annual income that has been estimated.

Now, what is it on the other hand? The Commercial Cable Company, a private enterprise controlled by skillful men, men that have laid over 13,000 miles of cable, men that possess that knack that Admiral Bradford well described before the committee, to build these cables—this company, headed by John W. Mackay proposes, without one dollar of subsidy or aid from the Government of the United States, to build, operate, and maintain this cable line from the coast of California to Manila, in the Philippine Islands, by the 1st of January, 1905—a distance of more than 8,000 miles—in accordance with the terms expressed in their contract, under which every conceivable interest of the Government is carefully guarded and protected. The evidence was shown to you yesterday in the paper I submitted to the gentleman from Pennsylvania [Mr. DALZELL] who these subscribers were, and there were only two Englishmen or foreigners among them, and the balance, or a large majority, were Americans.

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

Mr. RICHARDSON of Alabama. Yes.

Mr. THAYER. I heard the gentleman say that the evidence before the committee was that it was demonstrated that it would cost a million and a half dollars per annum to maintain this cable. I would like to ask the gentleman upon what basis that estimate is made?

Mr. RICHARDSON of Alabama. I do not know. I took what the experienced men who were witnesses said before the committee. I have not studied cable manufacture. I am not an expert, but I have learned, as a lawyer, to accept the testimony of credible witnesses, and believe men unless the contrary is shown.

Now, what else is shown about this company, Mr. Chairman? Read the testimony; it is very voluminous; but the prevailing opinion of men who had knowledge and experience and judgment was that there would have to be a duplicate cable in certain contingencies. Why? Because the experience of the world shows that the cables break frequently, and in one instance where a break occurred it took eleven months to repair it, and it cost $500,000 to do it. Now, we are laying ourselves liable to all these things when we venture on Government ownership. Is it not a reasonable proposition that if this Government needs that cable, if there is any necessity for it—and surely, from what the President has said, there is no need of it at present, not from a military standpoint—let them go along and lay the cable? The company asks no subsidy—no aid from the Government. Let them take all the risk of breakage, all the risk of delays, and then, according to this contract, after it is laid, when the Government wants a cable and thinks it needs it, let it do the way we would do in a private affair, and, according to the contract, buy it of them at its appraised value.

Why, gentlemen, I do not see how a business proposition could be made stronger than the mere statement of these facts. That is the condition and those are the terms—take it and buy it. And if war arises, if any emergency occurs so as to make it necessary, let the Secretary of State take possession of the cable and rent it or use it for the Government temporarily and pay what is a fair rental for it. And in addition to that, the Postmaster-General prescribes the rates. What fairer proposition could be made? The Government is protected in every respect.

Mr. SHACKLEFORD. Will the gentleman allow me?

Mr. RICHARDSON of Alabama. Yes.

Mr. SHACKLEFORD. Does the Government prescribe any rate except for Government messages?

Mr. RICHARDSON of Alabama. No; not specifically.

Mr. SHACKLEFORD. Then commerce would have no relief?

Mr. RICHARDSON of Alabama. Oh, commerce has got that protection that underlies everything relating to commerce, competition.

Mr. SHACKLEFORD. Is there any competition now?

Mr. RICHARDSON of Alabama. Not right now; no.

Mr. SHACKLEFORD. Does the gentleman think there will be?

Mr. RICHARDSON of Alabama. Yes. Now, Mr. Chairman, I want to call attention——

Mr. SAMUEL W. SMITH. If it will not disturb the gentleman, I would like to ask him a question.

Mr. RICHARDSON of Alabama. Well?

Mr. SAMUEL W. SMITH. Would the gentleman be in favor of putting the rates in the bill so that we might know what it would cost?

Mr. RICHARDSON of Alabama. That might be a good thing to do.

Mr. SAMUEL W. SMITH. Would the gentleman be in favor of it?

Mr. RICHARDSON of Alabama. Yes; anything, if it can be done consistently with all interest to the company and the people, I would favor it. I am not advocating this matter of private ownership from anything except the very best interests of the public good. I see no objection to the proposition of the gentleman; but I was about, Mr. Chairman, to call attention to a point my friend the distinguished gentleman from Michigan [Mr. CORLISS] labored most earnestly upon. I can not undertake to follow him in all these matters, but in reference to the concession in the Philippine Islands made to other cable companies prior to the Spanish-American war it is a strange thing to me that when he referred to the Attorney-General's opinions he did not get the latest opinion of the Attorney-General upon this direct question. I have it right here before me, and I want to call special attention to it. The gentleman read an opinion yesterday about Cuba, and stated that it was similar in principle to this, but I have the former Attorney-General's (Mr. Griggs's) opinion upon the very question involved in this bill, and it is strange that the gentleman from Michigan did not find it.

It would be idle for me to follow the argument of the gentleman from Michigan on the question, equities, and rights involved in certain concessions granted by Spain to certain cable companies in the Philippines. The same questions arose in Cuba and they were properly referred by Secretary of State to the permanent Government now established in Cuba. But, fortunately for the proper consideration of this important matter, all these questions, complications, and other Spanish rights in the Philippine Islands have been recently considered and passed on by the Attorney-General. Then why waste the time of this House? I know that

the Eastern Extension Company probably controls a greater length in nautical miles of cable lines than any other company in the world. It has connections and through tariff rates and communicates with the world. It would be folly not to make these connections. The Commercial Pacific Cable Company has been negotiating for through rates with the Eastern Commercial Cable Company. It has no such right or connection or traffic arrangement with that foreign company that would exclude any other company from the same privileges and enjoyments. I will read only an extract from the opinion of the Attorney-General. It is to be found in the Opinions of the Attorneys-General, volume 23, page —.

DEPARTMENT OF JUSTICE, *July 27, 1900.*

The concession of the railroad company is similar to that of the cable companies, and I therefore refer to the opinion of the Secretary of War as throwing light upon your inquiries. In accordance with the views and for the reasons therein explained, I am of the opinion that the contracts of concession of the Cuban Submarine Telegraph Company, concerning cable from Habana to Santiago and from Habana to Manzanillo, also the three concessions to the Eastern Extension, Australasia and China Telegraph Company, Limited, concerning cables from Hongkong to Bolinao and from Bolinao to Manila and three cables from Luzon to Panay, Negros, and Cebu islands are not binding as contracts on the United States, Cuba, the Philippines, or other government replacing Spain.

Now, what becomes of all that elaborate legal "card-house" superstructure that the gentleman from Michigan constructed yesterday, apparently so thoroughly to his own satisfaction, when talking about the concessions that created this wonderful monopoly? This opinion has been ratified by the present Attorney-General, the Hon. Mr. Knox. I will not read the whole opinion of Mr. Knox. It is on page 453, same book:

I have examined the reasoning of my predecessor, and do not find it incorrect; neither do I think it necessary to give reasons in addition to those already carefully set forth by him.

And I say to this Committee of the Whole now, that the argument made by the gentleman from Michigan on all this magnified question of concessions has just about as much foundation in truth and in fact as the arguments he has made about the status of Great Britain's cables.

Mr. MANN. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. MANN. As I understand it, the concession to the Eastern Extension Company, giving it and another company the privilege to build in the Philippine Islands, is declared by the Attorney-General not to be binding on the United States Government. Is that the effect of the opinion?

Mr. RICHARDSON of Alabama. Yes; that is the effect of it.

Mr. MANN. If that is the case, would the gentleman be of the opinion that a similar concession granted by China would be held to be binding in international law?

Mr. RICHARDSON of Alabama. A similar concession granted by China or granted by this Government would not apply in the case I have just read.

Mr. MANN. Well, as I understand it, the Eastern Extension Company claims that it has the sole right to land a cable on Chinese shores, and that is one of the main arguments in favor of the Commercial Pacific Company building a cable, it having made arrangements with the Eastern Extension Company. Now, if the concession of the Spanish Government to the Eastern Extension Company for the sole privilege is not good, would not the same reasoning prove that the other concession would not be good?

Mr. RICHARDSON of Alabama. I do not think that I catch the whole purport of your question. I believe that Mr. Griggs and Mr. Knox have stated the law in this case. A similar concession granted by China to the cable company would occupy entirely a different status from the concession granted by Spain in the Philippine Islands.

Mr. MANN. I quite agree with the gentleman from Alabama about that.

Mr. RICHARDSON of Alabama. What else is there in this question? The concessions granted by Spain on the Philippine Islands are not binding on our Government. China is not under our control. You may wander off and put problematic questions to me——

Mr. MANN. I think the gentleman will concede that our committee was substantially all agreed that that concession was not binding upon the Government.

Mr. RICHARDSON of Alabama. Well, I must frankly say that I do not recall what the committee did think about that. I have not charged my mind particularly with matters not acted upon by the committee, and I do not know what they think. I simply and politely say that I am not prepared to speak about what each member of the committee thought.

Now, Mr. Chairman, I call the attention of the committee to some other facts connected with this matter. This question was before Congress, I believe, in the Fifty-sixth Congress; and the Committee on Interstate and Foreign Commerce that had the question under consideration reported against this kind of a bill, and in support of that position made this statement—minority report it is:

The following disadvantages of a Government cable have occurred to the committee, and in the opinion of the committee they are controlling and justify the conclusions now arrived at:

1. The great first cost of establishing a Government trans-Pacific cable system—that is, $15,000,000.
2. The comparatively great annual cost of a Government cable, estimated at $1,500,000.
3. The inability of the United States Government to land and operate a Government-owned cable either in Japan or China.
4. That as a Government cable would not obtain traffic to and from China and Japan, its income would be limited to traffic to and from the Philippines and Hawaiian Islands, which at an outside estimate would not exceed $150,000 annually, while the annual expense would be $1,500,000.
5. That, assuming that a Government cable could reach China and Japan and secure all the business which a private company might develop, still, if the experience of American cable companies in Central and South America is repeated in the Philippines, China, and Japan, as seems probable, 90 per cent of the whole telegraph traffic will be carried on by less than 400 customers, 300 of whom will be foreigners and the balance inhabitants of the United States; so that the proposition to establish a Government cable system would mean a tax amounting to an outlay of $15,000,000 and a large annual expense for the benefit of only 100 Americans and 300 foreign firms and corporations.

That is what they are asking you to do in the passage of this bill, to spend $15,000,000 for the benefit of 300 foreigners and 100 American-born citizens.

Mr. HENRY of Connecticut. When was that report made?

Mr. RICHARDSON of Alabama. In the Fifty-sixth Congress.

Mr. SHACKLEFORD. For what other purpose would foreigners use our cable than to communicate with our people in the interests of commerce?

Mr. RICHARDSON of Alabama. Oh, I can not tell what a man is going to use a cable for, nor you can not either.

Mr. SHACKLEFORD. Is it not manifest that it would be used only in our commercial relations?

Mr. RICHARDSON of Alabama. That may be. I think it would be so. But I am reading just what this committee said about it. They thought over it and deliberated about it, and I do not know whether you agreed with them at that time or not; but they thought over it, and this is the result of their opinion and conclusion, that we would be expending $15,000,000 on the part of this Government to benefit 300 Englishmen and 100 Americans. Now, where is my friend from Michigan [Mr. CORLISS] when he talks so much about foreign English capital and capitalists?

Mr. MANN. Will the gentleman permit a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. MANN. I suppose the gentleman is aware that the committee which reported that also reported in favor of spending $300,000 a year for twenty years to benefit these 100 American citizens, and that some of us did not agree with them or with that idea?

Mr. RICHARDSON of Alabama. The gentleman refers to the subsidy business?

Mr. MANN. Yes.

Mr. RICHARDSON of Alabama. Well, I am opposed to the subsidy myself.

Mr. MANN. The gentleman gives only a portion of the reasoning of the committee.

Mr. RICHARDSON of Alabama. I am reading what practically bears on this economic question, as to whether the Government should own, build, and operate this Pacific cable, and I am not talking about the subsidy of $300,000 or $350,000 or $400,000 a year. I am talking about the practical proposition we have to pass upon as an economic business question. Is it right and proper that this Government should invest $15,000,000 in these uncertainties, when a private company, full of enterprise and full of vigor and full of skill and energy, perfectly competent, stands willing and ready to give every guaranty and safeguard that the Government could ask and go forward and build that cable within the terms prescribed in their contract? That is the question.

Mr. MANN. I do not wish to take the gentleman's time——

Mr. RICHARDSON of Alabama. Not at all.

Mr. MANN. The gentleman read from the committee report in the Fifty-sixth Congress that it would be an annual expense of $1,500,000 to maintain and operate the cable. May I ask the gentleman whether he thinks that it would cost anywhere near that sum for a private company to operate the cable?

Mr. RICHARDSON of Alabama. I believe in all Government enterprises—and I think the gentleman must have had the same experience and made the same observation—it costs the Government more in all instances than it costs individuals.

Mr. MANN. Well, of course the gentleman knows that the operation of a cable is a very simple matter. There are not very many people who can possibly be employed in operating a cable. Now, the committee reported in the last Congress that it would cost a million and a half dollars, and they reported at the same time that the utmost amount of receipts that could possibly be

expected from the cable, counting the increased business, was $583,000. If the gentleman follows the same reasoning, he will find it hard to establish a reason now for a private company to build the cable.

Mr. RICHARDSON of Alabama. I am not engaged in the business to-day of providing the ways and means for this private company to build this cable. They want to build it, and the matter of expense belongs to them, not me. I am engaged in the common-sense business proposition of passing upon this question as to whether it is to the interests of the Government to own and operate this cable or whether we should allow a private company to do it. That is all of it.

The CHAIRMAN. I would state that the hour granted to the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I yield the gentleman ten minutes more on condition that he quit allowing the other side to use his time for speeches.

Mr. MANN. The gentleman is more courteous than usual.

Mr. ADAMSON. I am as courteous as the gentleman from Michigan was yesterday.

Mr. MANN. Less courteous than any other member of the House or himself at any other time. The gentleman is the last man in the House that I supposed would make a break like that.

Mr. ADAMSON. That is not a break. The gentleman from Michigan [Mr. CORLISS] has been speaking for three months here.

Mr. RICHARDSON of Alabama. Mr. Chairman, in answer to all that the gentleman from Michigan said yesterday about what Great Britain had done, I am fortunately in possession of one of the most important books that I could possibly submit to the consideration of this House—England's Blue Book. It is the report made on March 26, 1902, of the Inter-Departmental Commission on Cable Communications, appointed by the Parliament of Great Britain to investigate the relations between cable companies and the Government, and the future policy which the Government should pursue. The gentleman from Michigan [Mr. CORLISS] has voluminously and earnestly pointed us to the example and policy of Great Britain. By his own words he stands condemned. I first quote from the speech of the gentleman of Michigan delivered on the floor of the House on yesterday:

Great Britain, after eight years, concluded to break down the monopoly possessed by an English corporation, the Eastern Cable Extension Company—a corporation that for years has monopolized all this territory. When England found that she was powerless to direct the affairs of this cable company in time of war she appointed a committee and finally, after years of discussion and investigation, ordered this cable laid from Vancouver by way of the Fiji and Fanning islands to New Zealand and Australia.

That was the first break in the monopoly of the corporation to which I refer. That was the cause of the cutting down of the rate to our Government from $2.25 per word to $1.66 per word. It was not done by Mr. Mackay or his influence. Great Britain is a Government that looks into the future. She sets her stakes a hundred years in advance and her statesmen never falter in their onward march, in their tenacity and courage, looking toward her mastery of the sea. The only menace to Great Britain at the present time for the supremacy of the sea is the United States.

We must follow her example or surrender the possibilities of the future. Great Britain has adopted submarine cable as a part of her military power. She paid $60,000,000 in one lump to buy cables that were owned by private companies. She operates to-day 20,000 miles of submarine cables, besides the one that she is building through the Pacific. I have that on authority of General Greely, who certified to the facts.

It will be noted that the gentleman from Michigan says: "We must follow her [Great Britain's] example or surrender the possibilities of the future." She looks into the future and "sets her stakes one hundred years ahead." It is quite probable, I fear, that the testimony of the able commission that made this recent report to the English Government will not be accepted by the gentleman from Michigan:

We are strongly opposed to any scheme for the general purchase of private cables by the State. * * *

It is clear that the operation suggested is one of serious magnitude, even when a reduction is made for the reserve funds in the hands of the companies. Experience shows that the State does not obtain favorable terms for the transfer of property to itself, and that when the transfer is made, there is constant pressure for an increase in the wages of the working staff and for an indefinite reduction in rates. These objections would not be fatal if it were established that submarine cables would be more efficiently managed by the State than by private companies; but no serious attempt has been made to prove this point, and we ourselves are decidedly of a contrary opinion. Many of the cables touch on foreign territory, and it is evident that serious difficulty might arise if the British Government endeavored to work them by its own operators.

As regards the future, we think that the normal policy of this country should be to encourage "free trade in cables," and that departures should only be made from it where strong reasons of national interests exist. We do not desire to discuss the general question how far it is the function of a government to compensate private industries, by subsidies or countervailing duties, for the assistance rendered to their rivals by a foreign state. The case of cable messages is not altogether analogous to that of ordinary commodities. A strategic element enters into the question. We are of opinion that the ruling consideration in such cases must be the interests of the country as a whole; and we think that British companies should not be assisted at the cost of the general taxpayer, or by the sacrifice of strategic advantages to the country at large, unless such assistance is required for the preservation of some national interest—e. g., for the maintenance of a strategic line. (P. 24).

The gentleman from Michigan would have the House believe that Great Britain was really hostile to her private cable companies. This is what the English commission has to say on that subject:

67. We feel it unnecessary to add, on our behalf, any further narrative of the companies' history. Speaking generally, the impression left upon our mind is twofold. We think that they have rendered great service, commercially and strategically, to British interests. With a view, primarily, to their own revenue, but to the great incidental advantage of this country they built up a vast system of cable communications under British management. They obtained concessions from foreign governments and understandings with foreign companies which the Imperial Government could never have secured, and through their efforts submarine telegraphy remained, for the first thirty years of its existence, almost exclusively in British hands. (P. 25.)

Great Britain imposes upon her private cable companies terms similar to the obligations and terms expressed in the contract of the Commercial Pacific Cable Company:

That the line shall be worked subject to the provisions and regulations of the International Telegraph Convention. That the staff shall be composed of competent officers, being British subjects. That the rates charged to the public shall not exceed a specified maximum, and that imperial and colonial government messages shall have priority and be sent at half rates.

That in case of war, rebellion, or other emergency the Government shall have power to take possession of and work the line on its own account for so long as it shall see fit, paying compensation. (P. 23.)

I read again from the same book, from the report of the same commission:

We desire at the outset to say—

Now, I will remark that this bill prescribes the rate of 50 cents a word from San Francisco to Manila and to the Orient—

We desire at the outset to say that we regard all proposals for a very large reduction in existing rates, such as Mr. Henniker Heaton's suggestion of a 1 pence rate to America and Australia (QQ. 2212 and 2245) as quite impracticable. There is little analogy between the case of submarine cables and that (for example) of the penny post. The laying, working, and maintenance of a cable requires the expenditure of a definite and substantial amount of capital, and the carrying capacity secured in return is limited. It must not always be assumed that an increase of traffic is necessarily a benefit to the company concerned. So long as the cable is not worked to its full capacity increase of traffic, unless accompanied by a heavy increase in working expenses, implies an increase in net revenue; but when the increase is so great as to necessitate the laying of a new cable the case is different, and it will be obvious that, at a certain point, a limit is reached beyond which reductions in rates can not possibly be made. Even when the cables of a company are fully occupied messages can not be carried below a rate which will provide for interest on capital, expenses of working, maintenance, and so on. The limit will rise or fall with variations in the cost of materials, etc., and it will be lowered by any new telegraphic discovery or by improvements in methods of working; but at any given moment it is constant. (P. 35.)

The gentleman from Michigan repeats and reasserts a statement that really has no foundation in fact. He has iterated and reiterated so often that Great Britain operates 20,000 miles of submarine cable besides the one she is building in the Pacific. I reproduce the official statement printed in the hearings before the House Committee on Interstate and Foreign Commerce January 9, 1900, in which a summary is given of the cables owned by the nations of the world:

Country.	Number of cables.	Length of cables in nautical miles.	Average length per cable in nautical miles.
Australia	41	214	5.20
Belgium	2	55	27.50
Denmark	73	235	3.20
France	54	5,035	93.24
Germany	58	2,225	34.36
Great Britain and Ireland	135	1,989	14.74
Greece	47	55	1.17
Holland	24	62	2.58
Italy	39	1,061	27.21
Norway	325	324	.99
Portugal	4	115	28.75
Russia	9	231	25.66
Spain	15	1,744	116.26
Sweden	14	90	6.85
Switzerland	2	10	5
Turkey	23	344	14.95
Argentina and Brazil	49	119	2.43
Australia and New Zealand	31	345	11.13
Bahama Islands	1	213	213
British America	1	200	200
British India (Indo-European telegraph department)	111	1,919	17.28
China	2	113	56.50
Cochin China and Tonkin	2	774	387
Japan	70	1,508	21.54
Macao	1	2	1
Nouvelle Caledonie	1	1	1
Netherlands Indies	7	891	127.28
Senegal, Africa-Dakar to Goree Island	1	3	3
Total	1,142	19,883	17.41

It is observed from the above table that Great Britain has 135 cables of a total length of 1,989 miles, or an average length of 14.74 miles. They are all channel or shore lines, and form part of her postal system.

A statement showing in detail the cables owned by private enterprise and by governments is given in the same report, pp. 42–48:

The total length of cables owned by governments is 19,883 miles.

The total length of cables owned by private enterprise is 146,419 miles.

And this report, Mr. Chairman, shows the conditions that Great Britain put upon the cables. The gentleman from Michigan

[Mr. CORLISS] said that Great Britain owned a majority of the stock. I say to you to-day that Great Britain, from the information that I have, does not own a dollar of stock in any of the cables. There is no stock; and in the short channel cables that pass from Great Britain to France it is a known fact that no stock was issued and that they divided their ownership in the middle of the channel, so jealous were they of power and authority, Great Britain on one side and France on the other.

And this commission states absolutely that it is not to the interest of Great Britain in the future to own the submarine cables.

Now, one more thing that I will read. There was a great deal said about a cable altogether American, and that Mr. Mackay or the Commercial Cable Company would not build an all-American cable because it had been developed by Admiral Bradford's survey around Guam where the water is 6 miles deep, the deepest in the world, that possibly a cable could not be laid there; but Admiral Bradford has completed his survey, and he has marked out the course, and here is a letter that I have the privilege of reading, that was addressed to the chairman of the committee [Mr. HEPBURN] which says:

COMMERCIAL PACIFIC CABLE COMPANY,
EXECUTIVE OFFICE, POSTAL TELEGRAPH BUILDING,
253 Broadway, New York, June h, 1902.

Hon. WILLIAM P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEAR SIR: My cable engineer, Mr. Cuttriss, through your kind offices and the courtesy of Mr. Moody, the Secretary of the Navy, and of Admiral Bradford, has been allowed to examine the charts of soundings on file in the Navy Department, showing that it is feasible to land a submarine cable on the island of Guam in the Pacific Ocean. Mr. Cuttriss has just telegraphed me that these soundings show that such a landing is practicable. This removes the only doubt as to the feasibility of an all-American cable from San Francisco to Manila, and I write this letter to you to state positively that the submarine cable, which the Commercial Pacific Cable Company has agreed to construct, lay, and operate from San Francisco to Manila, will be an all-American cable and will not touch on any foreign island or territory whatsoever. I give you my personal assurance to that effect. The first section of this cable will be in operation in November, 1902, and we expect to be able to arrange for the remaining sections to be completed and opened for traffic during the year 1904.

Yours, very truly, JOHN W. MACKAY, *President.*

Now, there is not a man who knows that gentleman, as I am told, who does not believe absolutely that he will carry out the assurances contained in this letter. And yet it was lustily and tauntingly said that he would not build an all-American cable.

I shall, Mr. Chairman, in the time that I have left, refer to a few other matters concerning this bill. A great deal has been said on the subject of American labor. I am as much in sympathy with American labor as you or anyone else is; but when we go to talking about having an American-made cable carried by American ships under the American flag, all that is for the kind and good purpose of making our patriotism profitable. It is not business. We are here to consider it as a business proposition. Let us find out how much labor enters into the question of making this cable. Twelve per cent of it is the cost of labor and 88 per cent is the cost of material. Fifty per cent of that material consists of gutta-percha, a product coming from distant British islands, that pays 35 per cent tariff to come into this country, and the same product goes into England free, where the cable is made which is contracted for by this Commercial Cable Company. There is so much for copper and so much for jute that goes as a wrapper of the wire. These are facts that gentlemen who talk about protecting labor in this country ought to consider in connection with this matter.

Is it possible that the doctrine of protection can be carried so far as to drive men from the profits and emoluments of private enterprise? I can understand how a Republican can, consistently with the theory of protection and the extending of governmental functions, harmonize a Government cable with the principles of his party, but it is incomprehensible to me to see how a Democrat can do so. The time-honored policy of our party is in favor of economy and the cutting down of Government expenses. This is an inexcusable and extravagant expenditure of public money. It invades the domain of private enterprise.

This bill provides for the payment of 10 per cent advance to the American manufacturer of ocean cables. This is a false pretense. It is a pretended bounty. It is an appeal to the high-tariff policy and sentiments of the Republican party. In such a question as this there should be no politics. This matter of laying a Pacific cable is a hazardous experiment from a pecuniary standpoint. It is a long distance and through deep and unknown waters. I do not hesitate to say that there is not to-day an American company qualified to manufacture cable wire demanded by the importance of this route. The highest degree of skill and the best and finest material is demanded. We have neither in the United States. Great Britain has both. If this be true, then we should not hesitate as to our choice. I repeat that this cable can not be manufactured in our country; but we can not afford to experiment on this matter. The most suitable information on the question as to where the cable should be manufactured is found in the voluminous evidence submitted to the Committee on Interstate and Foreign Commerce. I submit the statement of Admiral Bradford and others. They are certainly competent to advise us on such a subject.

Statement of Admiral Bradford, Chief of the Bureau of Equipment, Navy Department.

The CHAIRMAN. Do you think that the Signal Corps of the Army, with such assistance as they might have from the Navy, have, or could readily have, the facilities for laying this cable?

Admiral BRADFORD. I have no doubt of it, sir. I would advocate, however, that the cable be made and laid by the most experienced cable companies in the world. This is too important and too expensive a job to confide to amateurs. I have always advocated an English made and laid cable, for the reason that the British companies have the experience of the world in this work.

Mr. MANN. In your judgment, it would be safe to acquire or purchase a cable laid by an American company?

Admiral BRADFORD. I do not recommend it, because any company in a work of such magnitude as a cable from the Pacific coast to the Philippines should have previous experience, and there are no American companies with much experience in making long deep-sea cables. On short lines in shallow water American companies might perhaps do satisfactory work.

Mr. CORLISS. Would you not be willing to take the guaranty of a responsible American manufacturer who claimed to have the skill and experience and ability necessary to lay a cable, and with sufficient bond, to lay the cable, and with satisfactory guaranty, say, for three years?

Admiral BRADFORD. Not when I know that there is no company in the United States with experience in making and laying deep-sea cables.

Mr. CORLISS. A gentleman stood here representing an American manufacturing institution and told this committee that he had a plant already in existence with a capacity of 240 miles a month of the best cable in the world.

Admiral BRADFORD. I know of no such plant nor of any company with the necessary experience to do the work under consideration.

Mr. CORLISS. He claims that he has that experience and that he has the best experts in the world in his employ.

Admiral BRADFORD. I do not see any advantage in encouraging the manufacture of submarine cables in this country unless we are going to continue laying them. If we could assure ourselves of a large part of the world's business in cable making and laying, it might be an advantage.

Mr. RICHARDSON. I said they insisted that that proviso should be put in this bill, that none but American manufacturers of cable should be allowed to bid, and that all foreign companies should be excluded. You would not favor that?

Admiral BRADFORD. I would not. If necessary to assist American manufacturers of cables, I should prefer to do it in some other manner. This undertaking is of too great magnitude and too costly to run any risk of failure for want of experience.

Mr. RICHARDSON. You believe that the foreign companies are much more expert?

Admiral BRADFORD. Yes, sir.

Mr. RICHARDSON. And will give us a better cable?

Admiral BRADFORD. Yes. Not that they have any better workmen, but they have the experience. There is a knack about cable making which has been acquired by long experience, and Great Britain has almost a monopoly of this experience.

Mr. COOK. And what is the longest stretch of cable you have ever manufactured?

Mr. HUGHES. Probably less than 200 miles.

Mr. COOK. Have you a cable ship for laying cables?

Mr. SATTERLEE. No, sir. Pardon me; I do not want to be cross-examined by the gentleman if it is to come out of my time.

Mr. COOK. Have you the present manufacturing facilities for manufacturing a cable 8,000 miles long?

Mr. SATTERLEE. We have the manufacturing facilities except we have not the necessary number of machines.

Mr. COOK. What is the longest cable that your company has manufactured?

Mr. SATTERLEE. I do not think it is over 200 or 300 miles.

Mr. MANN. You think the principal object of the Pacific cable is to develop that business?

Mr. SATTERLEE. Yes, sir; because that will put the cable-building industries of this country in such a position that the United States will have that under their control, as they should have.

A great deal has been said by gentlemen about foreigners who own stocks in the Commercial Pacific Cable Company. Of course this is not a legitimate argument, but it is more in the nature of an appeal to prejudice. The gentleman from Missouri [Mr. SHACKLEFORD], our worthy associate on the Interstate and Foreign Commerce Committee, evidently was laboring under a wrong impression about this. I said, in the remarks I submitted on the consideration of the rule in this case, that not more than 10 per cent of the stock of this company was owned by foreigners. I refer to the evidence taken on the hearings before the committee.

Mr. WARD. No. He controls it himself. The English directors, I think, hold only 200 shares—100 shares each. Only about 10 per cent of the stock is owned directly or indirectly on the other side.

Mr. STEWART. Are you an American citizen?

Mr. WARD. No, sir.

Mr. MANN. Is the majority of the stock owned by Mr. Mackay?

Mr. WARD. He controls the majority of the stock.

Mr. MANN. Do you know whether or not he owns the majority of it?

Mr. WARD. He owns a very large amount. He and his friends certainly have the control, and a great majority.

Mr. Chairman, there is one peculiar feature of this controversy which, it seems to me, will explain the activity of certain telegraph and cable interests which two years ago were in favor of a private corporation laying and operating the Pacific cable with a Government subsidy of $300,000 a year and their present advocacy of a cable owned and operated by the United States Government. This peculiar feature of the controversy was brought out at the hearings before the House committee, and it appears that Mr. Baylies, the attorney for the Scrymser interests, and Mr. Clark, the vice-president of the Western Union Telegraph Company, have completely changed front and are now in favor of a Government cable, although they were in favor of a private cable two years ago, and that the reason of this change is that they are

consulting the private interests of their respective corporations rather than the interests of the public. The following are quotations from the hearings before the House committee:

The CHAIRMAN. When you have appeared before this committee on other occasions you were not, my recollection is, in favor of a governmental cable?
Mr. BAYLIES. No, sir; we strongly opposed it.
The CHAIRMAN. At that time you came asking substantially for a contract with the Government that would be in the nature of aid to your enterprise?
Mr. BAYLIES. Yes, sir.
The CHAIRMAN. You now propose, if the Government cable is established, to exercise your right, which you now possess, of the construction of a cable from Manila to China and Japan?
Mr. BAYLIES. If we have the Government's assistance to the extent of breaking up the existing monopoly by building a cable to the Philippines. The money for the rest we propose to supply.
The CHAIRMAN. You are now an advocate of the Government building a link between your other cables that may land in this country and Manila and the cables which you propose to establish between Manila and other points?
Mr. BAYLIES. Yes.
The CHAIRMAN. Then you are still here asking for aid from the Government, but simply in a different form?
Mr. BAYLIES. We are asking its moral support, not its financial aid.
The CHAIRMAN. You ask its financial aid in the construction of the link in the cable that you proposed yourself to build two years ago with a subsidy?
Mr. BAYLIES. Yes.
The CHAIRMAN. So that your attitude of interest is perhaps as great now as then, but simply changed in form?
Mr. BAYLIES. That is also true. We certainly have been working for a great many years to establish a Pacific cable, and this is the only way of doing it.
The CHAIRMAN. So your advocacy of a Government cable now is substantially the same as it was when you opposed a governmental cable two years ago?

From statement of Mr. Thomas W. Clark, vice-president of the Western Union Telegraph Company.

The CHAIRMAN. If I understand your statement, the Commercial Pacific Cable Company now have arrangements by which they could gather up and could distribute general telegraphic business from Manila throughout China and Japan, and so forth?
Mr. CLARK. Yes, sir.
The CHAIRMAN. They have that arrangement now?
Mr. CLARK. As I understand it; yes, sir.
The CHAIRMAN. Then they have an arrangement through the ownership of the Postal Telegraph Company by which they could gather up and distribute messages here in the United States?
Mr. CLARK. Yes, sir.
The CHAIRMAN. You have that also here in the United States?
Mr. CLARK. Yes, sir.
The CHAIRMAN. You do not have that facility from Manila, we will say, or from the Philippine Islands, throughout China and Japan?
Mr. CLARK. Only as the business is apportioned by the Eastern Company now.
The CHAIRMAN. You have no right?
Mr. CLARK. We have no right.
The CHAIRMAN. No right at this time?
Mr. CLARK. No, sir.
The CHAIRMAN. Now, the Pacifice Cable Company propose to put in that missing link at their own expense?
Mr. CLARK. Yes, sir.
The CHAIRMAN. Connecting San Francisco with the islands; and they, you think, would use their company here, in the United States?
Mr. CLARK. Yes, sir.
The CHAIRMAN. To the exclusion of your own?
Mr. CLARK. Yes, sir.
The CHAIRMAN. Now, while they are willing to do all this at their own expense, you object to their doing it unless your own company can be a participant in the advantages of building that cable?
Mr. CLARK. No, sir; I say that a Government cable will serve all a great deal better and give us our share—that is the whole truth of it.
The CHAIRMAN. Then you want some method adopted by which, without any additional expense to you—to your company—you can have these advantages which the other company is willing to pay for?
Mr. CLARK. That is my chief desire; yes, sir.

Mr. Chairman, it is but candor on my part to say that I do not doubt the actual rivaling interests and jealousies of the Western Union Telegraph Company. The testimony just referred to in the hearings before the committee discloses beyond doubt the selfish attitude of the Western Union in this contest. With that rivalry this House has nothing whatever to do. Our business is to get the best arrangement we can for the people out of this conflict between these great rival companies. It is just such competition as that we should welcome. It is competition that will drive the scare crows of octopus monopoly from the legislative pathway of the gentleman from Michigan. I fear that they haunt him in his sleeping hours. It is perfectly patent that the Western Union contemplated the construction of a cable line from Manila to China, provided the Government would build and operate the important link from California to Manila, and thereby, without expense to the Western Union, secure a continuous connection with its trans-Atlantic cable lines.

That, Mr. Chairman, is the source of all the opposition to private ownership. The Western Union said plainly that it would not be willing to risk $12,000,000 in the construction of the Pacific cable line to Manila. The Commercial Pacific Cable Company has declared its willingness to build the cable without one dollar of subsidy from the Government. There it is. I feel confident what the judgment of this House will be on such a proposition.

The gentleman from Michigan has spent much time and labor to convince the House that certain concessions granted by Spain and China before the Spanish-American war to the Eastern Extension Cable Company would be used and appropriated by the Commercial Pacific Cable Company if allowed to build the Pacific cable line, to perpetuate and extend a dreadful existing monopoly enjoyed by the Eastern Company. He says:

Now, what can we do about it? Absolutely nothing, except by the power of the Government of the United States. Under these conditions, fortunately, the right of the Government to lay its own cables was reserved. I will put those provisions in the RECORD, so that you may read them correctly.

So do I say, if the gentleman from Michigan is right, what can our Government do about it? If China has granted an exclusive right to this Eastern Company "to lay and operate cables and telegraph lines in China," how can our Government secure entrance to China with its cable line except with the consent of China and the Eastern Extension Cable Company? The gentleman from Michigan says:

Mr. CORLISS. I was about to reach that question. It has been held by the Supreme Court of the United States in an identically similar case with reference to a land grant in California when we annexed that territory. It has also been held by the Supreme Court of the United States in a ferryboat case under a grant which was held to be perpetual. It has been held in another case that I can refer to that these exclusive grants made by foreign governments before we acquired the territory were binding upon our Government.

According to his own process of reasoning, the conclusion is irresistible that if the Government of the United States should construct and operate the proposed Pacific cable it would be compelled to end at Manila and have no eastern connections for the transmission of messages, unless the Government could make some through-rate arrangement with the Eastern Company—the very company that the Commercial Pacific Cable Company, which is to build this line, has already made an arrangement with to regulate and control "through rates."

What service to our commerce would a cable line be that did not have some arrangement for through rates to other foreign countries? But if the gentleman thought that the Government of the United States and all the world besides were bound by the grant of these foreign concessions, why, I ask him, did he draw the eighth section of his bill, now under consideration, as follows:

SEC. 8. That for the promotion of our commercial and other interests, the Postmaster-General, Secretary of War, and Secretary of the Navy are hereby authorized to enter into negotiations and establish cable communication through existing cable lines or cable lines hereafter constructed.

The significant point or feature in that section of the bill is the words "or cable lines hereafter constructed." The purpose was to authorize the President, in order for the securing of "through rates" to foreign countries—that is, Japan and China—to enter into negotiation with existing cable lines "or cable lines hereafter constructed." It is right there on "the cable lines hereafter constructed" that the great Western Union had anchored its hopes and expectations. How, I ask, would the Western Union have secured "through rates" by reason of connections unless the Eastern Extension Cable Company was reckoned with in some way? The fact is that the opinions which I have read from ex-Attorney-General Griggs, affirmed by Attorney-General Knox, states the law fully that these contracts or concessions, made in the way they were, are not binding as contracts on our Government.

In addition to all that has been said in the way of abuse, vituperation, and intemperate speech about the plain and simple business arrangement that the Commercial Pacific Cable Company has made with the Eastern Extension Cable Company for the transmission of through messages, yet the fact stands out in bold relief that the Commercial Pacific Cable Company has no monopoly or exclusive rights that would prevent or interfere with the establishment of another cable company. That proposition can not be denied.

I have, Mr. Chairman, to the best of my ability, presented the facts bearing upon this important subject as I understand them. I am utterly unwilling to see our Government enter as a competitor with our citizens in the domain of private enterprise. This is a far-reaching and dangerous question. It behooves the Congress to cast behind local considerations and meet this question, as it relates to the cardinal principles of our form of government. No man can predict to what extent this policy of Government ownership will go if once inaugurated. The evils that we now complain of in the multiplying of Federal officeholders will be but a small, gently flowing rivulet to the mighty hungry and thirsty hosts and throngs of officeholders that will gather in the sweeping tide of Government ownership.

Such a policy makes a murmuring, complaining, dissatisfied, and discontented citizenship. It drives peace, prosperity, and contentment from the homes of the masses of the people. It creates that which ought to be condemned by every true-born American citizen—a favored class, a class that would fawn and humbly crawl at the foot of public officers. Yes, Government ownership emancipates independence and manhood from the lives of our people and teaches subservience. Away with it! The Government should have or own nothing but what it gets from the people.

It has no right to snatch from its citizens the opportunity to make a living in legitimate and honest private enterprise. I hope that the result of the action of the House on this bill will be so decisive against it that such legislation will never be asked again.

Mr. ADAMSON. Does the other side desire to occupy some of their time now?

Mr. MANN. In the absence of the gentleman from Michigan, and representing the gentleman, I will ask how much time is there remaining on both sides?

The CHAIRMAN. Forty-six minutes remaining to the gentleman from Michigan.

Mr. MANN. And how much to the other side?

The CHAIRMAN. An hour and ten minutes have been used by the gentleman on the other side.

Mr. MANN. In behalf of the gentleman from Michigan, I yield twenty-three minutes to the gentleman from Missouri.

Mr. SHACKLEFORD. Mr. Chairman, Congress has seldom been called on to determine questions of more importance than the underlying principle of this bill.

That government is best which is least paternal and gives widest scope to individual activity and responsibility. The day that this Republic shall thrust out its paternal hand to relieve the citizen from absolute responsibility for his own success or failure will mark the beginning of the decadence of our race. The greatness of the American people in all fields of human action is but the outgrowth of a system which for multitudinous generations has largely left every man to be the architect of his own fortune—to stand or fall according to the measure of his own efforts and merit.

This Government should not engage in any enterprise which is not authorized by its organic law and which is not also the exercise of governmental functions. No government should go into business for mere profit in competition with its citizens.

Then the first question to be determined is whether or not our organic law authorizes the United States to construct and operate an ocean cable. I contend that it does. The Federal Constitution provides:

> Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

In passing upon this provision the Supreme Court of the United States has said:

> The power of Congress to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges it would be without authority to regulate one of the most important adjuncts of commerce.

Chief Justice Waite, speaking for the court on another occasion, says:

> The electric telegraph marks an epoch in the progress of time. In a little more than a quarter of a century it has changed the habits of business and become one of the necessities of commerce. It is indispensable as a means of intercommunication, but especially is it so in commercial transactions. The statistics of the business before the recent reduction in rates show that more than 80 per cent of all messages sent by the telegraph related to commerce. Goods are sold and money paid by telegraphic orders, contracts are made by telegraphic correspondence, and cargoes secured and the movement of ships directed. The telegraphic announcement of markets abroad regulates prices at home, and a prudent merchant rarely enters upon an important transaction without using the telegraph freely. A telegraph company occupies the same relation to commerce as a carrier of messages that a railroad does as a carrier of goods. Both are instruments of commerce, and their business is commerce itself. They do their transporting in different ways, and their liabilities are in some respects different, but they are both indispensable to those engaged to any considerable extent in commercial pursuits.

These decisions and the provision of the Constitution quoted clearly establish the constitutional right of this Government to construct and operate the cable provided for in this bill.

But it is not enough that the Constitution authorizes the proposed legislation. It should further appear that the construction and operation of this cable by the United States would be the exercise of governmental functions. Francis A. Walker has laid down what seems to me a correct rule for determining what are and what are not governmental functions. He says:

> The line between governmental functions and those which are not is the line between services and offices which tend to become monopolies and those which do not.

Ocean cables not only tend to become, but are already monopolies of the worst character.

Some gentlemen have inveighed against a Government cable because it is what they choose to call Populism. One gentleman declared that arguments in favor of this bill sounded more like speeches in a Populist convention than deliberations in Congress, and he read from a Populist platform to justify what he had said. Because this principle found a place in a Populist platform is no reason why we should oppose it if it is sound. There are many things in Populist platforms which if put into form of law would relieve the people from oppression by the trusts. There are worse people than the Populists, for, be it said to their everlasting credit, they have always raised their voices and cast their votes in favor of relieving the people from monopolies.

Mr. RICHARDSON of Alabama. Will the gentleman from Missouri permit a question?

Mr. SHACKLEFORD. I will.

Mr. RICHARDSON of Alabama. Did the gentleman ever see the doctrine of public ownership in a Republican or a Democratic platform?

Mr. SHACKLEFORD. On that subject I will read to the gentleman from one whose Democracy and statesmanship he will not question. In 1850 Mr. Benton, of Missouri, introduced a bill providing for Government construction and ownership of a great railroad and public highway from the Missouri River to the Pacific Ocean. I will read his own words in behalf of the proposition. He said:

> It is to be national in its form and use, consisting not of a single road adapted to a single kind of transportation, but a system of roads adapted to all kinds of traveling, and all kinds of carrying, free from monopoly and private interests and free from tolls. The construction and jurisdiction of the highway are to both be in the hands of the General Government; and these are the hands in which every public and national consideration would require them to be.
>
> I have demonstrated the nationality of this work, its practicability, and the means in our hands for making it. I do not expatiate upon its importance. When finished it will be the American road to Asia and will turn the Asiatic commerce of Europe through the heart of our America. It will make us the mistress of that trade, rich at home and powerful abroad, and reviving a line of oriental and almost fabulous cities to stretch across our continent—Tyres, Sidons, Palmyras, Balbecs. Do we need any stimulus for the undertaking? Any other nation, upon half a pretext, would go to war for the right of making it and would tax unborn generations for its completion. We have it without war, without tax, without treaty with any power, and when we make it all nations must travel it with our permission and behave themselves to receive permission. Besides riches and power, it will give us a hold upon the good behavior of nations by the possession which it will give us of the short, safe, and cheap route to India.

These, sir, are the words of one of the greatest and soundest Democrats who ever raised his voice in the councils of our great party.

The first telegraph line ever constructed in this country was under an act of Congress providing for Government ownership and operation. When it passed the Senate there was not enough opposition to it to call for an aye-and-no vote. In the Senate at that time were Thomas H. Benton, Rufus King, James Buchanan, John C. Calhoun. All of them either supported the measure or let it pass without opposition. Were these Populists?

Testimony before our committee shows that 25 cents per word would yield a liberal profit upon the amount of money involved in a Pacific cable; yet private corporations have maintained the rate at $2.28 per word. This is an unreasonable and unjust burden upon commerce. It is the duty of Congress to remove this monopoly from our trade. In no other way can such adequate relief be given as by the Government construction and ownership of a cable as provided for in this bill.

The gentleman from Alabama [Mr. RICHARDSON] says that it has been demonstrated that if we had the cable there would be three foreigners use it for every American, and that we ought not to be building cables for foreigners. I believe this is a mistake. I believe as many Americans as foreigners would use it, but even if it be as he says, it would still be no argument against the enterprise. We should want foreigners to use it and the more the better. We should want them to come to the other end of the cable and call us up to negotiate trades for our corn and wheat, our hogs and cattle, our cotton and wool, our minerals and manufactured goods. If the foreigner should use our cable more than we it would be because he needs more of our goods than we do of his. We want to sell him all he needs, and if a cable will promote this end let us build it. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ADAMSON. Mr. Chairman, I will ask if the gentleman from Michigan desires me to use further time now or if he desires to consume some of his time?

Mr. CORLISS. Mr. Chairman, I desire that the gentleman shall conclude the time allotted to his side of the question.

Mr. ADAMSON. I yield ten minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. I will state to the gentleman from Georgia that the gentleman from California [Mr. LOUD] granted me five minutes of his time, so that my time will be fifteen minutes.

Mr. ADAMSON. Very well.

Mr. NEWLANDS. Mr. Chairman, it was not my intention to speak upon this bill. I supposed that the very limited time afforded for debate would be entirely consumed by the members of the committee, but the absence of two of the most distinguished opponents of this bill opens an opportunity, and the attacks which have been made upon Mr. Mackay prompts me to avail myself of that opportunity. I am the friend of Mr. Mackay and am proud of his friendship. For many years he was a resident and citizen of the State of Nevada. He there laid the foundation for his great fortune, and during that time won such a reputation for character, ability, integrity, geniality, and forcefulness that to-

day there is no more popular man in that State than John W. Mackay.

The people of that State have followed him with friendship and admiration in his career since, which, starting in that small State, has now extended itself over the entire world in enterprises of a world-wide character. One of the gentlemen, in an expression which he afterwards withdrew, referred to Mr. Mackay as an expatriated American. Another spoke of him as a man who desired to steal something, who desired to steal some advantage in Cuba, who desired to steal a franchise in the Pacific.

Now, I wish to say with reference to Mr. Mackay that no one who knows him would ever question his integrity, his straightforwardness, or his candor, and as to his expatriation, while a portion of his family have lived abroad, everyone who knows him realizes the fact that no more robust American lives; that he resides continuously in this country, only occasionally and for brief periods making trips abroad; that all his enterprises are American and all of them intended to advance American prestige throughout the world.

This miner, starting in Nevada, in an humble way, without means, realizing there by energy, courage, character, and ability, a large fortune, was not content to retire at ease; he sought the world for his arena and soon grappled with one of the greatest organizations in the world—the Atlantic cable combination, composed of two or three companies, whose charges were 50 cents a word. At first he put his rates 15 or 20 cents per word below that of this combination. They sought to drive him out of business by reducing the rate to 12½ cents a word, one-fourth of their previous rate.

He fixed his rate at 25 cents a word and sought to meet the competition there for some time and finally was compelled to reduce it to 12½ cents a word, and then that formidable combination was compelled, after a two years' struggle, to abandon the contest, and the result was that the rate was fixed not at the old rate of 50 cents a word, not at the rate which Mr. Mackay had originally fixed of 35 cents a word, but at the rate he fixed after the combination sought to drive him out, namely, 25 cents a word, and there it remains to-day.

He then started the Postal Telegraph Company enterprise and met Jay Gould in the field of competition, and there he fixed his own rates and maintained them, compelling the Western Union at all competitive points to reduce its rates, and to-day the rates fixed by Mackay and the rates fixed by the Western Union as the result of the competition remain. In no event did he seek by combination with his opponents, as is so often the case, to recoup from the public the losses which he had temporarily sustained. He is not one of those men who have made fortunes by combining enterprises previously hostile and then seeking to fleece the public at large and to draw from them great profits which will counterbalance the losses made during the period of competition.

Mr. CORLISS. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman yield?

Mr. NEWLANDS. Certainly.

Mr. CORLISS. Is the gentleman aware that a man named Ward represents Mr. Mackay and testified before our committee, and that he admitted that there was an agreement between his company and the other cable companies across the Atlantic whereby the rate of the cable had been raised from 12½ cents to 25 cents per word?

Mr. NEWLANDS. I stated that the rate was finally fixed at 25 cents a word, but that was the rate made by Mr. Mackay, to which the other cable companies were compelled to conform. Mackay's company forced cable rates from 50 to 25 cents a word, just one-half. The old rates have never been restored. No consolidation of lines was effected, as is so often done in order to restore the old rates. Now, I must decline to yield further.

Mr. CORLISS. Well, one moment——

Mr. NEWLANDS. I must decline to yield to the gentleman. I have only a short time, and I can not be diverted from my argument by questions.

Mr. Mackay also built the Haiti cable, and the Government of the United States took possession of it during the late Spanish war. General Greely, authorized by Mr. McKinley to make a contract with that company of $75,000 for the exclusive use of the cable for a month, effected it for $60,000, and had the exclusive control of the offices and the cable during the Santiago campaign, just as the Government of the United States will in the future have the control of the cable that Mr. Mackay now proposes to build to the Philippines whenever the United States sees fit to claim it. Then Mackay sought admission for his lines to Cuba. The gentleman from Michigan characterizes this as an attempt to steal Cuba. It is true that the War Department held that the Western Union had an exclusive franchise in Cuba, but I leave it to the sense of fairness of the House as to whether an endeavor to break an existing monopoly and to give the Cuban people the benefit of reduced rates can be justly called a steal and whether the man who proposes such a public benefit is to be held up as a malefactor. At all events, as the result of Mr. Mackay's attempt rates in Cuba have been reduced one-half, just as his threatened cable to the Philippines has caused a reduction in the rates of cable to the Philippines via Europe of nearly one-half.

Now, Mr. Chairman, we have before us four parties in interest in this controversy. First, we have the American Cable Company, that wants the contract let to American cable manufacturers. Then we have the Western Union Company, which, having formerly been the advocate of a subsidy, of which it expected to be the beneficiary, now refuses to lay a cable itself and seeks to have the Government build it, so that it can cooperate with it at both ends—in America through its present lines and in Asia through lines which it hopes to build. And then we have those who believe in Government ownership. And last we have this existing corporation, the Commercial Pacific Cable Company, an American company, composed of American capitalists, headed by Mr. Mackay, which has already let the contract for its cable, having paid $185,000 upon account, of which cable, I am informed, 1,000 miles have already been made.

Mr. RICHARDSON of Alabama. They have actually paid $500,000 on the contract from the coast of California to Honolulu.

Mr. NEWLANDS. Five hundred thousand dollars. I accept the correction of the gentleman. A company which proposes to make the rate to Manila and China $1 per word where now it is $1.66, and to make the Government rate 50 cents per word, and to surrender control of the cable in case of war, and turn over the cable to the Government if it wants it, at its value, to be appraised by arbitrators.

Now, I wish to say that so far as the American cable manufacturers are concerned I should be glad of any arrangement that would enable this cable to be built upon American soil, but I do not believe in the delay that would follow, for you all know that these cable factories do not exist in this country to-day; that is to say, they have limited plants. It would take a long period of time before they could inaugurate the plants necessary to do this work, and besides that it is admitted that the cost would be at least 10 per cent greater than if the cable is bought in the markets of the world.

As to Government ownership, it is admitted by all that this cable from San Francisco to Manila will cost from twelve to fifteen million dollars. We will put it at the lowest figure, $12,000,000. It is evident, therefore, that the Government will have to expend $12,000,000 at the outset for a single cable. But any man of experience in the cable business knows that a single cable will not do, that a second cable must be laid in order to guard against accident; so that we have in the near future an ultimate expenditure by the Government of the United States of from twenty-five to thirty million dollars.

Now, for what will that expenditure be made? Why, that will be for a cable that connects this country with the Hawaiian Islands, with a population of 125,000 people, and with Manila, with a population of 300,000 people, the commercial city of the Philippine Islands. And it is admitted that the receipts from the Hawaiian and Philippine Islands can not pay the operating expenses of the cable. It is admitted that you must rely upon the commercial business, not simply of the Philippine Islands, but the commercial business beyond—in China, India, and Japan—and that there you must enter into competition with the great cable lines that run from Europe to India and China. So you have a limited income from these sources that are under governmental control, and the Government must enter into a connection with some line at Manila for the purpose of transferring its messages beyond to China, Japan, and India.

Now, upon what company must it rely? Why, upon the company that is intrenched there now—the Eastern Extension Cable Company, which has been referred to—which has a cable from Hongkong to Manila under a franchise granted by the Spanish Government, which the gentleman from Michigan says constitutes an exclusive monopoly. They have that franchise now and they have the line there. It would be a duplication of capital to build another.

If the Government of the United States is not to utilize the very telegraph and cable lines that Mr. Mackay's company proposes to utilize, then the United States will have to build a line of its own from the Philippine Islands to China, Japan, and India, and I ask how the Government of the United States can expect a concession to be made by any other government that would give it the absolute control of both ends of the line. That might be given to a cable company which represents the entire commercial world, but certainly it will never be granted by any self-respecting government to another government, for under it the latter would have exclusive control of the medium of communication—a control which may involve great advantage, both in commerce and in war.

So that if the Government builds this line, unless it is content with local receipts from the Philippine Islands and Hawaii, which will not pay the operating expenses, much less the interest upon the capital invested, it must either build its line with the consent of other governments to China, India, and Japan, or it must use this Eastern Extension Company's line, and then I have no doubt the gentleman from Michigan [Mr. CORLISS] would declaim against having the Government of the United States in partnership with that great eastern extension monopoly, upon which he heaps his denunciation, as the partner in iniquity of Mr. Mackay. A simple business arrangement between the Mackay cable extending from America to Manila, with a cable system extending from Manila to China, Japan, and India and intended to secure quick and cheap communication in the interest of commerce between America and the centers of business in the Orient, is thus held up to reprobation.

Why, Mr. Chairman, the arrangement with the Eastern Extension Company is simply a business arrangement for the purpose of promoting the commerce of the United States and for the purpose of promoting needed communication, and if the Government builds the cable to the Philippines it will have to make the same arrangements unless it buys out the Eastern Extension Company and itself operates the lines to China, Japan, and India.

Now, what is the Pacific Commercial Company? The company organized at first with a capital of only $300,000, because of taxes imposed upon capital in New York, but afterwards enlarged to $3,000,000. They have provided the necessary capital, and now $3,000,000 is behind the enterprise, and a contract has been let for a cable from San Francisco to the Hawaiian Islands, over 2,000 miles, upon which $500,000 has been paid.

Mr. RICHARDSON of Alabama. Will the gentleman permit a suggestion?

Mr. NEWLANDS. Certainly.

Mr. RICHARDSON of Alabama. They have recently furnished a certificate of capital stock of $12,000,000 for this purpose.

Mr. NEWLANDS. And the gentleman from Alabama informs me that they have filed a certificate of increase of capital stock to $12,000,000. Another guarantee of the good faith of this company and of its intention to prosecute this great work vigorously. The very name of John Mackay was a sufficient guarantee of the legitimacy and good faith of the enterprise, and to those who know him no other guarantee is required.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I yield such part of the twenty-five minutes to the gentleman from California [Mr. LOUD] as he desires,

Mr. LOUD. Mr. Chairman——

Mr. ADAMSON. If the gentleman will yield to me for a moment.

Mr. LOUD. Certainly.

Mr. ADAMSON. The gentleman from Pennsylvania [Mr. DALZELL] desires to give notice of an amendment, and I will yield him two minutes before the gentleman from California proceeds.

Mr. DALZELL. Mr. Chairman, I desire to say that at the proper time I propose to offer as a substitute for the pending bill that which I now send to the Clerk's desk and ask to have read for information.

The Clerk read as follows:

A bill to provide for the laying of submarine cables.

Be it enacted, etc., That whenever satisfied by surveys of the Navy Department or otherwise of the practicability of a cable or cables connecting any portion of the United States with any other portion thereof, with its possessions or territories or any of them or with any foreign countries, the President is hereby authorized to grant a license to any responsible person or corporation for the construction and laying of such submarine cable or cables upon such terms and conditions and guaranties as he shall deem to be proper, and the President, when satisfied with the terms, conditions, and guaranties offered, is hereby authorized to permit such cable to be laid: *Provided*, That said license, amongst other things, shall contain a condition that the United States, its officers, agents, and its insular or territorial governments upon the route of any such cable, shall have priority for their cablegrams over all other business, at such rates as the Postmaster-General shall annually fix; and a condition that the United States may purchase the cable lines, property, and effects of the person or corporation licensed as aforesaid, at an appraised value to be ascertained by disinterested persons, two to be selected by the Postmaster-General, two by the person or corporation interested, and a fifth by the four so selected; such value shall not be enhanced by the earnings, good will, or franchises of said person or corporation; and a further condition that the cable or cables to be laid between the United States and its outlying possessions and countries shall be of American manufacture and laid by ships under American registry: *And provided further*, That such American cables shall be first-class in material, construction, equipment, and operation, and can be procured without unreasonable delay.

SEC. 2. That no person or corporation, except such as shall be authorized under the provisions of this act, shall be permitted to lay any submarine cable or cables connecting the United States with its possessions or territories or with any other country.

Mr. LOUD. Mr. Chairman, on yesterday I listened to the reading of a rule submitted to us on this side of the House by those whom we denominate our leaders, setting aside four hours of debate for the consideration of a great fundamental proposition, a new departure on the part of this Government. A few days before we heard a rule coming from that committee giving unlimited time to the discussion of a bill known as the anarchy bill. During my few years in Congress I have learned this one thing—that whenever there is a well-defined, substantially unanimous sentiment in behalf of any measure, then the Committee on Rules permit the House to debate that question to their hearts' content; but when a new great question like this comes up four hours is all you can have.

Mr. DALZELL. Will the gentleman allow me?

Mr. LOUD. Certainly.

Mr. DALZELL. The time limit in the rule reported by the Committee on Rules was the time limit in the resolution which went to the Committee on Rules from the House.

Mr. LOUD. I do not care anything about that.

Mr. DALZELL. Up until the commencement of this debate we have not had anyone before the committee either on this side or the other who has asked for another additional minute than four hours.

Mr. LOUD. I am willing to admit all that. I do not care how much time was asked. What I have said is a statement of fact, and the condition of the presentation to the Committee on Rules can not change a fact.

Now, here within thirty-five minutes of the closing of the debate, the gentleman from Pennsylvania submits to us another proposition which reminds me of the power of the Infinite. The power of the Infinite because it comes from a source we know not of. It is a secret, and hence its power. So with our Committee on Rules, its actions are as dark and secret as the acts ever committed in the dark of the night. They are our leaders, and most of us follow them.

I believe that this is one of the greatest questions that confront this country, because, as I said before, it is a departure from the well-founded fundamental principles that the Government shall not embark in any enterprises which private capital and individuals have heretofore monopolized the field of and are willing to embark in.

I have listened all winter to my dyspeptic friend from Michigan. [Laughter.] I sometimes believe that Desdemona had much to be thankful for; that she never knew that the twentieth century would produce such a lean and hungry Cassius as we have in the gentleman from Michigan [laughter], who has pleaded with us all winter, in season and out of season, for the Government to construct a cable from here to Manila.

Oh, he tells us, as every gentleman does who advocates this bill, that he is against the Government ownership and operation of railroads; that he is against the Government operation and ownership of cables; but in this instance, except in this one instance—now don't laugh, because you remind me of something that occurred some time ago in reference to the man who is the original economist, and who said that if you want to be economical you must be economical in your own district; but if a man has fundamental principles about Government ownership and utilities he has got to be virtuous all the time. It won't do to go around nights, for he may get into temptation.

If it is wrong for the Government to build and operate railroads—and my friend from Pennsylvania quite agrees with me on that subject—if it is wrong to build and operate cables, the same rule must apply in one instance as in the other, because the principle is fundamental.

I have heard this ever since I have been in Congress. I have heard gentlemen stand up here and cry against this extravagance and that extravagance in somebody else's district, but when it comes to the matter in which they are interested, the principle goes to the wind. There has been thrown into this argument something wholly immaterial, not bearing upon this question. Even the gentleman from Pennsylvania [Mr. DALZELL] a gentleman for whom I have as much respect and regard for his uprightness and his honesty and integrity as any gentleman I ever met, had to throw into the arena his poisoned shaft yesterday, that John W. Mackay was an expatriated American. Did the gentleman, and I give him credit for it—did the gentleman from Pennsylvania know the reasons that had put that idea into his head he would have cleaved his tongue out by the roots before he ever would have uttered that sentence.

Mr. Mackay's personality cuts no figure in this question. I do not have the honor of the gentleman's acquaintance, though he has been, however, a resident of my State a great many years. He has accumulated a large fortune by honest toil, and during those days of mining excitement in my State, when the mass of the mining men there were accused of fleecing the masses of the people by forcing stocks up and down, during all that period, where millions and millions were lost and won in a day, was there ever a breath of scandal against John W. Mackay?

He is a legitimate business man; he is engaged in a legitimate business. I understand we have assurance that he proposes to

build a cable to Manila. Now, why not let him build it? Why not let John Smith or Tom Jones or anybody else build a cable to Manila if they want to?

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

Mr. LOUD. Yes; if it is only a question.

Mr. MANN. Can the gentleman tell us what the residence of Mr. Mackay now is?

Mr. LOUD. I can not. I suppose the gentleman is a resident of the city of New York, but he may be a resident of San Francisco. I do not know how that is.

Mr. MANN. The gentleman stated that he had been a resident of California so many years, and I wish to say that the certificate of the Commercial Cable Company states that he is still a resident of Virginia City, Nev.

Mr. LOUD. Well, that is immaterial.

Mr. MANN. It seems to me material, as a number of gentlemen have been quarreling about where he resides.

Mr. NEWLANDS. Allow me to say that Mr. Mackay spends a part of the time in New York, a part of the time in San Francisco, and a part of his time in Nevada.

Mr. LOUD. Now, the gentleman from Pennsylvania [Mr. DALZELL] very frankly says that he is against this bill, and he throws in here at the close of this debate a measure that he proposes to support which compels the laying of a line, if it shall be laid, of cable manufactured in American workshops. Yes; that sounds well. I have seen the American flag wrapped around a great many gentlemen in days gone by, and even to-day, in defense of that principle of the protection of American labor and American interest, and I am in favor of it, too, to a reasonable point. Gentlemen from Pennsylvania—not "the gentleman from Pennsylvania," but gentlemen from Pennsylvania—in days gone by have taught us the beautiful principle of protection. It has been the prevailing sentiment of the American nation. But I venture one assertion—that the great State of Pennsylvania has gotten the loaves and fishes and we poor people on the outskirts of civilization have gotten the crumbs that you throw to the birds. Now, let me offer one suggestion to the gentleman from Pennsylvania: There is such a thing as riding protection to death. And let me give you a warning here to-day, before the entire structure comes down on your head, burying you with the rest of civilization: Do not carry protection too far.

Mr. DALZELL. Will the gentleman allow me?

Mr. LOUD. Yes, sir.

Mr. DALZELL. I want to say to him that there is not a State that under the Dingley bill receives anything like the protection that the State of California receives——

Mr. LOUD. That may be.

Mr. DALZELL. And that has been given at the instance, among others, of the gentleman who is now lecturing "the gentleman from Pennsylvania."

Mr. LOUD. I merely make this statement: The gentleman can take his own time (being a member of the Committee on Rules, he can get all the time he wants) to controvert that question. It is a debatable question, and if scientifically debated would take more than four hours. I know the gentleman himself would want three to sustain the position he takes. [Laughter.] I see that the gentleman from Michigan [Mr. CORLISS] said yesterday—and I quote from page 6582 of the CONGRESSIONAL RECORD—

> John W. Mackay was then in the position that I am now.

That was referring to the time that Mr. Mackay was attempting to get the landing of the cable in Cuba; and before that, or later on, the gentleman cited some authority of the Attorney-General to show that we could not grant such concession. I happened to be a member of the Insular Affairs Committee before which that question came up, and I do not think that there is a gentleman present on either side but who will agree with me that the reason the committee did not consider that proposition was because of the solemn pledge we had given to Cuba that ultimately she should have her independence, and that we would protect her as far as we could, and that we would not attempt to determine questions of that kind. That is what the Attorney-General meant in the opinion he rendered—that the United States Government, after our pledge, had no authority or did not see fit to exercise any power to grant a concession to this cable company to land in Cuba. A little later on my friend said: "John W. Mackay was then in the position that I am now." My friend said "Mr. Mackay thought our Government would let him steal a great public utility." Now, what did the gentleman mean by that? He had said, "John W. Mackay was then in the position that I am now," and then he says, "Mr. Mackay thought our Government would let him steal a great public utility."

Mr. CORLISS rose.

Mr. LOUD. No; I will not yield to the gentleman, because he refused to yield yesterday. The gentleman can get in on his own time. I throw out the suggestion, and he can answer it as he sees fit. I do not know what impelled the gentleman to make the statement, or what he was attempting to suggest. I noticed in the paper——

Mr. CORLISS rose.

Mr. LOUD. I refuse to yield.

Mr. CORLISS. I am not asking the gentleman to yield.

Mr. LOUD. Well, you are up. I hope the Chair will make the gentleman sit down and listen to what I am saying.

Now, the gentleman has a great habit of appealing to the Infinite.

The CHAIRMAN. The gentleman from Michigan [Mr. CORLISS] will take his seat. The gentleman from California declines to yield. [Laughter.]

Mr. LOUD. I saw in the Washington Post, which of course is not absolutely authentic, because I have looked over the CONGRESSIONAL RECORD in the gentleman's speech and I can not find the language which the Post uses, but I will have to give the Washington Post credit for this reference to the Almighty——

Mr. LITTLEFIELD. The Post language is the best.

Mr. LOUD. I think so. I do not know whether the gentleman edited it out of his speech or whether he uttered the words or not, but he is reported as follows:

> "God Almighty," said Mr. CORLISS, in conclusion, "seems to be working in a mysterious way to save the people of the United States from the clutch of this monopoly."

Well, I find a part of that language in the RECORD, but in listening to the gentleman this morning—and I do not know what the RECORD will say—I heard the gentleman say [laughter], "God Almighty, in His infinite way, is working in this mysterious way, and He has cut this cable over there between Manila and Hongkong."

Mr. LITTLEFIELD. A sort of divine interposition.

Mr. LOUD. Yes; a divine interposition, in order to bring the people of this country to their senses and to show them that now is the last hour in which they can save themselves from eternal damnation by adopting the Corliss Government cable bill. [Laughter.] Well, now, I do not know much about cables. I do not know much more than the gentleman from Michigan [laughter], who has studied this question ever since he has been a member of Congress with an industry, permit me to say, worthy of a better cause; but I did have occasion in 1899 to go to Europe for the express purpose of investigating the question of postal telegraphs. Now, it is surprising how little the average person knows as he goes along from day to day and has nothing to disturb him. When I first went to London and talked with the postal people there about their postal telegraph system, how it was working, and so forth, I was told, "Oh, excellently." "Making money?" "Yes; making money all the time."

I said, "Let us get at your reports, let us see how much you are making." And if any one of you have followed the debates in the English Parliament for the last two years, you will have seen what a fuss England is now making about the condition that has been existent in their own community and with which they were unfamiliar. I was told that the English postal system was profitable. Well, now, unfortunately, England keeps an accurate account of its different systems, and unfortunately it prints them, too, and they are accessible to everybody. They were accessible at that time to any citizen of England or the world, and their own Parliamentary reports say that ending with the fiscal year in March, 1898, since 1872 England had lost £7,235,897 5s. 4d., which, reduced to American money, would be in the vicinity of $35,000,000. Beginning with a profit when they bought this telegraph system, taking it from a private enterprise, a well-organized system, the first year I think—I am not exact in figures—a profit of £40,000 was returned and the next year a profit of £20,000, and never from that time to this has England made it pay. Let any person examine this report, and it is here in the postal-service investigation——

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. LOUD. Yes; just for a suggestion.

Mr. SHACKLEFORD. I would ask the gentleman if there was in that system a reduction of rates?

Mr. LOUD. Well, yes; I will come to that if you want it. The deficit has increased from £984 7s. 3d., when the reduction was made, and the next year after the reduction was made it was £112,524, some shillings and pence, until in the fiscal year 1898 it had steadily crawled up and was £600,006 12d., continuing to increase since that time.

Mr. WACHTER. What was the proportion of reduction?

Mr. LOUD. The reduction was from a shilling to 6 pence, and England has what they call a cheap postal telegraph system.

Mr. SHACKLEFORD. One other mere question.

Mr. LOUD. I have only a minute or two. I will explain that part of it. They pay in England 6 pence for 20 words, but it includes, as you all know, the address and the signature, and the

average city address in England—more than in this country—will average from 12 to 14 words, so that it costs you in that small, compact country 6 pence for 6 words. Why, I will venture to assert that if the Western Union Telegraph Company or the Commercial Cable Company, or anybody else, could have the monopoly of the telegraph business in New England and the old Middle States they could send telegrams and earn 10 per cent on their investment at 10 cents a message. Yet England, in that small, compact country, is losing now, I am credibly informed, £800,000 a year—nearly $4,000,000 a year—in the operation of a system which is continually deteriorating.

Now, then, with this example before us, with the example of the great nation of England before us in the operation of the telegraph system, I think this House should pause long and well before it embarks upon any enterprise of this kind, especially if anybody else wants to build it.

Now, I have no very serious objections to the gentleman from Pennsylvania's proposition here when he puts on 20 per cent; he wants to give the American manufacturer the advantage of 20 per cent; but let me say this to the gentleman: I believe that this cable company has entered into arrangements to build this cable to Manila, and if the bill of the gentleman from Pennsylvania [Mr. DALZELL] shall pass, it must necessarily hold in the air until one year from now the building of the cable from Hawaii to Manila.

While of course we understand that the great conservative body at the other end of this Capitol will not pass this bill this year, yet it will be held in the air over the heads of gentlemen who have invested their good dollars in this enterprise; and I believe that if this measure be adopted, it will ultimately lead to the defeat of the construction of any private cable to Manila, which I know the gentleman from Pennsylvania [Mr. DALZELL] does not want to accomplish. If no private individual will build a cable to Manila, then this Government will have to build one. Now, the gentleman does not want that.

All I ask of this House is, quoting from the gentleman from Illinois [Mr. CANNON] yesterday, not to take this one bill, but to take all these bills, and cut them off right close behind the ears, and leave the Pacific Ocean open to him who wants to invest his money in the laying of a cable to connect this country with the countries of the East. [Applause.]

I yield back such time as I have, if I have any remaining.

Mr. ADAMSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN (Mr. PERKINS). The gentleman has nine minutes remaining.

Mr. ADAMSON. I yield that time, or such portion of it as he may desire, to the gentleman from Pennsylvania [Mr. MORRELL].

Mr. MORRELL. Mr. Chairman, the whole force and energy of the American people has lent itself since the Declaration of Independence to the advancement and prosperity of the individual. It has been contrary to the announced policy of the Government and the desire of those framing legislation that any legislation should be passed or anything done to encourage paternalism or centralization in the Federal Government in any way, shape, or form.

The machinery of the Government has been kept as far as possible reduced to the actual needs of carrying on its different branches. One striking instance of this we have in the size and character of the Army of the United States, which until the breaking out of the war amounted to scarcely 25,000 men, and so on right straight along it has been the policy not to interfere with, but to develop, the individual. Had it not been so, and had our Government, as is the case in many of the governments of Europe, absorbed this, that, and the other branch of the industries, such as they have in France, the tobacco monopoly, and in Germany the management and control of the railroads, our industries would not have reached the gigantic proportions which they have, and we would not have produced the great captains of industry who to-day, together with their methods, are the surprise and amazement of the civilized world.

The grand initial policy of the Republican party throughout has been the doctrine of protection; to foster and build up American industries, and it has been the understood principle in both parties in all branches of our Government, Federal, State, and municipal, not to interfere with private enterprise. First, so that the private individual shall have all the encouragement possible, and second, because with the great resources at the back of the Government it was not fair to put a private individual in competition.

Therefore it is that we have all Government work, as far as possible, let out in the shape of contracts; and even the other day we heard here in the House strong argument against the construction of battle ships in Government navy-yards, and I have heard that within the last few days a provision which was inserted in this body for a certain number to be constructed in Government yards has been stricken out in the Senate.

Take the case of the State prisons. In a number of the States there are laws which forbid the manufacture in State prisons of all articles that can compete with the manufactories supported by private individuals. In other States articles manufactured in the prisons, such as shoes, for instance, have to be distinctly stamped, so that the purchaser shall know that he is purchasing an article which comes in competition with a private enterprise.

The Government has always realized that what is manufactured by it or carried on by it necessarily costs more than what is manufactured by a private individual, for it is impossible for the Government to drive its employees in the way in which an individual can. The hours of labor are shorter, the supervision not so strict, and the character of the work often not so efficient, owing to so many departments of the Government being under civil-service rules.

The report of the British commission which had in charge the investigation of the subject of private cables versus Government cables advises strongly against the construction of cables by the Government, except in such cases where the magnitude of the enterprise would practically deter private individuals, unassisted, undertaking the work. While the Government of France has some five thousand and odd miles of cable, at the same time the longest Government-owned cable is only 544 miles, as against the longest private cable which at present exists, which is 3,250 miles.

We have in this bill a proposition for the Government to engage in a branch of work of which they have practically no knowledge and no experience, and here comes in the element of time, which I consider is a great factor. We have a company composed of reputable business men. The company is prepared to enter into a contract with the Government and to accept all the conditions and terms imposed upon it, and prepared to complete the cable within a definite space of time at the cost of not a dollar to the Government, and from the experience which the people of this country have had with this company they must appreciate the fact that they are making this proposition in good faith, for the reason that it was largely owing to the competition which this company developed that the cable rates to Europe are as low as they are at the present time.

One of the reasons advanced by the British Government against the State controlling cables is the complications which might arise upon the landing of a cable upon territory not controlled by the Government. If the present cable was built by the Government it would have to stop at the Philippines, and owing to such complications as I have referred to, could not be extended to China and Japan, which really to the merchants and business people of this country is the strongest possible reason for the construction of the Pacific cable, opening up as it will countless markets for every sort of article manufactured by the different industries of this country.

The question of cost, if the cable is to be constructed by the Government, is a very serious one. It has been estimated, as has been stated, that the cost will not be less than $15,000,000; that the annual fixed charges will not be less than a million and a half of dollars; and, judging from the amount of business which has been done previously between this country and the Philippines, the income would not exceed $600,000, making it a loss to the Government of almost a million annually, and this apart from the expense resulting from accidents and the maintenance of a large force of high-salaried employees, which, of course, sooner or later, would demand to be put in the classified service.

The argument that the Government would be hampered in relation to its military operations and the conduct of its military affairs in case of war, should the cable be constructed by the Pacific Cable Company, falls to the ground, in view of the conditions of the contract proposed by the Pacific Cable Company, which provides that the Government can at any time take possession of the cable at an appraised valuation, or, if it does not purchase the cable outright, can impose a censorship, in case it so desires, and place in charge its own operators.

It is argued against the Pacific Cable Company that it has entered into a tentative agreement with the Eastern Extension Cable Company, which now holds exclusive privileges in the Philippines, Hawaii, China, and Japan. But would it not be rather bad business if, before agreeing with the United States Government to build a cable, they had not made such arrangements as would give them access to the different parts of the country which they propose to reach?

I wish to call attention to the fact that Admiral Bradford, of the Navy Department, has come out very strongly in opposition to the Government building any of these cables. On page 107 of the hearings he was asked by the gentleman from Michigan [Mr. CORLISS]:

Have you had any experience as to American manufacturers of cables?

His reply was:

No. I may say that I have not been a specialist in making and laying. I have a cable under my Bureau between Key West and the Dry Tortugas,

about 60 miles long, and I have made something of a study for twenty-five years of submarine cables for military purposes, but I do not call myself a specialist on such matters.

Mr. CORLISS. Would you not be willing to take the guaranty of a responsible American manufacturer who claimed to have the skill and experience and ability necessary to lay a cable, and with sufficient bond to lay the cable, and with a satisfactory guaranty, say for three years?

Admiral BRADFORD. Not when I know that there is no company in the United States with experience in making and laying deep-sea cables.

Then he was asked in regard to plants, as to whether any existed in this country that were capable of making deep-sea cables. He goes on to say:

I know of no such plants nor of any company with the necessary experience to do the work under consideration.

Now, Mr. Chairman, we have here a company composed of reputable business men, which company is prepared to enter into a contract to build an American cable, which will tend to build up American industries.

In my judgment, this bill should be opposed by both sides of this Chamber—by the Republican side for the reason that it has been the policy of the Republican party since its foundation to encourage and build up a home industry, whether by preventing foreign competition or governmental competition. It should be opposed by the Democratic side of the House and by every conservative Republican on the score of needless extravagance. In view of this fact it is unfair, it is un-American to allow such an enterprise to be interfered with.

Mr. ADAMSON. Mr. Chairman, is my time exhausted?

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Michigan [Mr. CORLISS] has twenty-three minutes remaining.

Mr. CORLISS. I yield that time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the pending bill proposes that the Government of the United States shall construct, or have constructed or laid, a cable across the Pacific Ocean, to be paid for out of the National Treasury. A majority of the Committee on Interstate and Foreign Commerce have reported in favor of the passage of the bill. A very respectable minority of the committee have filed dissenting views, and have urged that the bill be not passed, for the special reason, as set forth, that a private corporation, the Commercial Pacific Cable Company, has now under contract the laying of a cable from San Francisco to Honolulu; and has announced its intention of building the cable connection across the Pacific from Honolulu to Manila and to China. The real question now before the House is whether the Government shall own and operate the cable as an aid to commerce and as a part of the military and naval power or whether the Government shall leave the matter purely to the private capitalists. It may be proper to refer to some of the history of proposed cable legislation in this House.

In the Fifty-fourth Congress a cable bill was reported to the House by the Committee on Commerce, providing for a subsidy to be paid by the Government to the Pacific Cable Company, a distinct corporation from the Commercial Pacific Cable Company. Permit me here to explain that the Pacific Cable Company was organized by Mr. James M. Scrymser, who is the owner of the cables connecting our country with Central and South America, and who is one of the leading cable men of the world. Mr. Scrymser's companies are all on friendly terms with the Western Union Telegraph Company, and they have some kind of a traffic arrangement with the latter company. The Commercial Pacific Cable Company is an offspring of the Commercial Cable and Postal Telegraph Company, the principal owner of which is Mr. John W. Mackay, who is one of the leading financiers of the world interested in cable companies. In one sense, therefore, the Pacific Cable Company may be said to have been organized in the interest of the Western Union, and the Commercial Pacific Cable Company in the interest of the Commercial and Postal Company.

No further action was taken by the House in the Fifty-fourth Congress on the cable bill. I entered in the Fifty-fifth Congress and was assigned to the Committee on Interstate and Foreign Commerce. That committee in the Fifty-fifth Congress reported in favor of a bill granting to the Pacific Cable Company a subsidy of $100,000 per year for twenty years on condition that that company should construct a cable from the United States to Japan and China and should carry messages of the Government of the United States free forever. I joined at that time with the majority of the committee in making a favorable report on the bill. I think now it was an unfortunate thing for the country that that bill was not enacted into law. It never was taken up for consideration in the House, but if it had been made a law the United States would now be in the position to have its Government messages carried for all time across the Pacific for the sum of $2,000,000, distributed in payments for twenty years. As a matter of fact our Government has paid since that bill was reported to the House, in March, 1898, for cable messages to the Far East about two-thirds of this total sum of $2,000,000. It seems to me that the same shortsightedness which is now fighting the present proposition for a Government cable is no wiser now than it was in 1898, when it prevented consideration of the bill at that time.

In the Fifty-sixth or last Congress the same committee reported a bill favorably providing for the payment of a subsidy of not to exceed $300,000 a year for twenty years to a private company which should construct the Pacific cable, and in exchange such company should carry Government messages free during the period of twenty years. That bill provided for public advertising by the Postmaster-General, with the direction that contract for the subsidy should be made with the corporation making the most favorable bid, which should not, however, exceed the subsidy of $300,000 a year. No further action was taken in the House on this bill in the Fifty-sixth Congress. Several members of our committee filed minority views protesting against the payment of this large subsidy to a private corporation and urging that the Pacific cable should be constructed, owned, and operated by the National Government. This bill in the Fifty-sixth Congress was urged by the Pacific Cable Company and the Western Union interests. It was well understood that if the bill became a law Mr. Scrymser's Pacific Cable Company expected to be the beneficiary and to obtain the contract.

It has been quite evident from the start that if any private company should construct the Pacific cable from our shores it must be done by some company which is an ally either of the Western Union or the Postal Telegraph Company or by a combination of both interests. The greatest cable company of the world is the one known as the Eastern Extension Company. It now practically controls the entire cable situation in the Far East. It claims to have exclusive rights for the laying of cable lines on the Philippine Islands, as well as on the coast of China and elsewhere. During the last summer Mr. Mackay, in the interest of the Commercial Cable and Postal Telegraph Company, undoubtedly for the purpose of securing an advantage to that company to the exclusion of the Western Union, obtained some sort of an understanding with the Eastern Extension Company which he considered very favorable, and thereupon announced that he would build a cable across the Pacific, and the Commercial Pacific Cable Company was organized for that purpose.

It is not to be wondered at that the Postal Telegraph Company did not desire that an ally of the Western Union Company should build the Pacific cable and thereby give preference to the Western Union over the Postal on all business with the Far East. Nor is it to be wondered at now that the Western Union Company is very much opposed to the construction of the Pacific cable by an ally of the Postal Telegraph Company, which may shut the Western Union largely out of the Pacific business. I think both of these two great companies have shown considerable diligence in the matter of attempting to construct a Pacific cable.

When it was quite clear that very little cable business would be secured directly from our Government, and before we had acquired the Philippines, with the increase of both military and commercial messages, the Western Union, or its ally, was offering to construct the cable on exceedingly liberal terms. Now Mr. Mackay's company is offering to construct the cable and take its chances. I have no stones to throw at Mr. Mackay or his company. If this Congress shall determine for any reason that it will not direct the construction of a Government cable, then I hope it will deal properly and leniently with this company, the Commercial Pacific Cable Company, and will put no obstructions in their road.

It is desirable that a cable across the Pacific be laid, and I am not in favor of the proposition of the gentleman from Pennsylvania [Mr. DALZELL], which is that this Government shall not build a cable itself, but shall interfere in such a way as will probably prevent Mr. Mackay's company from building a private cable. If our Government does not wish to build the cable itself, it certainly ought to do nothing which will tend to prevent the construction of the cable by a private company, and the conditions which the gentleman from Pennsylvania would impose upon this private company are both onerous and unfair.

I wish to direct the attention of the members for a moment to the large map of the world which is here in front. It was an uncolored copy of Cram's Map of the World, which is the best map published. I have colored it for the purpose of calling attention, in a striking manner, to the ownership in and about the Pacific Ocean. You will see here colored in red the United States and its territories and possessions. You will see colored in blue a portion of the British possessions. China is colored in black, and you will notice that just south of China lies the British territory of India and also territory belonging to France. Immediately south of the Chinese Sea are a large number of islands which belong to Holland, and are colored in green. Easterly are the Caroline and Marshall islands and other islands belonging to the

German Government. East from Australia are several groups of islands belonging to the French Republic, though the great majority of the islands in the South Pacific are colored here in blue, which indicates that they are possessions of the British Government. You will notice that Japan, which is colored in yellow, has territory in islands stretching almost from the Aleutian Islands, or western part of Alaska, down to the southern point of China.

The Pacific Ocean to-day has no cable stretching across it, but it is easily seen from this examination of the map that Great Britain, Germany, France, Holland, Japan, and the United States are contesting for commercial supremacy in the Pacific Ocean, and may at any time contest for military or naval supremacy. Not any of the other countries is so fortunately situated as the United States for the construction of a national cable across the Pacific. The Navy of the United States has made exhaustive surveys for a line of cable, and I direct your attention to the course of the cable, whether it shall be constructed by our own Government or by a private corporation. The route of the cable is shown by the red line on the map across the ocean. The first stretch of the cable will be from San Francisco to Honolulu, a distance of 2,084 knots, or nautical miles, a nautical mile having a length of 6,086 feet as against 5,280 feet for the ordinary statute mile. The average depth of the water from San Francisco to Honolulu is 2,700 fathoms, and the maximum depth 3,200 fathoms.

The next stretch of the cable is from Honolulu to Midway Islands, 1,100 knots, with a maximum depth of 3,000 fathoms. The next stretch is from Midway Islands to Guam, a distance of about 2,280 knots, with a maximum depth over the route selected of 3,382 fathoms. The next stretch is from Guam to the island of Luzon, a distance of 1,372 knots, with a maximum depth of 3,200 fathoms. It is necessary to have landing places and cable stations on the Midway islands and on the island of Guam, for the reason that a cable stretch of over 3,000 knots is too long for very efficient work. A cable stretch of greater length requires a very heavy cable wire in order to obtain efficient electrical transmission, and it then becomes too heavy to lift from the bottom of the sea. The total cable distance from San Francisco to Dingala Bay, on the island of Luzon, is a little less than 7,000 knots, but in laying cable it is necessary to make an allowance for slack or waste, and it is probable that the total length required in order to lay the cable from San Francisco to Luzon will be about 8,000 knots.

The British Government has now under construction the British Pacific cable, which will extend from Vancouver Island, immediately north of the State of Washington, to Australia. The route of the British cable is indicated on the map before us by the blue line. It runs from Vancouver Island to Fanning Island, from Fanning Island to the Fiji Islands, from the Fiji Islands to Norfolk Island, and from there to Queensland. That portion of the cable between Queensland and the Fiji Islands has already been constructed and the entire line has been contracted for. The length of the British cable is 8,272 knots, and the contract price of the cable, laid and guaranteed, is $8,975,000. The longest stretch of the British cable is from Vancouver Island to Fanning Island, a distance of about 3,200 knots, without including "slack" necessary in the laying of the cable. This is a much longer stretch than any on the proposed American cable, and it is so long a stretch that it will seriously interfere with the rapid transmission of messages, as was fully understood and set forth by the commission which reported in favor of the construction of the cable.

Many gentleman here are undoubtedly afraid that the cost of the cable will far exceed any present estimate. Let me reassure such gentlemen. A cable to-day is a staple article. Its cost is not hard to determine. There are three great cable making and laying companies in the world, all located in London. These great companies sell cable lines made, laid, and guaranteed. The price of the English cable, as fixed by the contract for its making and laying, is just about the estimate for that cable, and is also just about the estimated cost for the American cable. The British cable is a few hundred knots longer than the American cable, and there is every reason to believe that our Government could make a contract to-day for the making, laying, and guaranteeing of a cable from San Francisco to the island of Luzon for less than $8,500,000.

The Commercial Pacific Cable Company has made a contract for the making and laying of the cable from San Francisco to Honolulu for $2,224,226. The distance, with slack included, is estimated at about 2,400 knots. This is less than $1,000 per knot, and on the same basis the cost of the cable clear through to the Philippines would be several hundred thousand dollars less than $8,000,000. To this cost must be added, of course, the cost of 5 cable stations on the route, which would be not to exceed the sum of $100,000 or $200,000 for all of them. The only other cost would be to provide the necessary cable-repair ships. Whoever builds the Pacific cable will probably have to maintain two cable-repair ships, one at each end of the line. These repair ships will cost from $300,000 to $500,000 each.

Our Government already owns a cable-repair ship in the Philippines, so that it would not be necessary to provide a new one there if the Government builds the cable. We now own about 1,200 miles of cable between the different islands in the Philippines, which has been laid and is now operated by the Signal Corps of the Army for military and commercial messages; and in connection with our cables there the Army owns and maintains a cable-repair ship which is capable of picking up and repairing any ocean cable.

The total cost, therefore, of a cable from San Francisco to Manila, constructed by the Government or by contract with the Government, would not exceed $9,000,000. This is not much more than the cost of a protected cruiser for the Navy. A Government cable in time of war, and particularly in time when war was imminent or was only threatened, across the Pacific, would be worth more for military purposes than several additional naval vessels of any class.

The officers of the Army and the Navy who have testified before our committee have all urged the ownership of the cable by our Government, for the special reason that it would give to our country a great military and naval advantage in time of proposed or actual war. We passed a naval bill in the House recently of about $80,000,000 for the next year. We passed an Army bill recently of about $100,000,000 for the next year. A Pacific cable owned and operated by our Government would be worth more to us than anything which any $10,000,000 can be spent for in the Army or any $10,000,000 can be spent for in the Navy, or both together. We pour out money on the Army and Navy as though we were dipping water out of the ocean to pour into rat holes.

We spend money for military and naval purposes as freely as though we were drunken sailors, but here is a proposition for a Pacific cable, which will have a value of more than $10,000,000 to the Army in time of war and a value of more than $10,000,000 to the Navy in time of war, and yet about this we hesitate and doubt, because, forsooth, in time of peace we can make some actual use of the cable for commercial purposes. It is true that our Government may seize the cable in time of war, even though constructed by the private company, by the payment of exorbitant sums, as we did in the Spanish war when we paid $2,000 a day for the cable running from New York to Haiti. It is also true that the Government could not seize the cable before hostilities were actually declared, although it might be much more important to have control of it before war was actually declared than afterwards.

But it is urged that it will be a great expense upon the Government to operate a Pacific cable, and the gentleman from Alabama [Mr. RICHARDSON], in his speech against the bill, read from the report of our Committee on Commerce of the last Congress that it would cost the Government $1,500,000 a year to operate a Government cable.

Mr. Chairman, when the majority of our committee made that report two years ago it did not pretend to claim that it would cost the Government substantially any more to operate the cable than it would a private company. The committee in the same report estimated that the gross receipts which might be expected from a Pacific cable between the United States, China, and Japan at a reduced rate of $1 per word would not exceed the sum of $583,000. The extreme silliness of the estimate then made of the cost of operation of the cable, to wit, $1,500,000 per annum, is shown by the fact that the committee thought that the private company could afford to construct such a cable at an annual cost for operation of $1,500,000 and annual receipts which could not exceed $583,000.

It is perfectly evident to anyone that the actual cost of operating a cable is very small. There is nothing to call for much expenditure. On the Pacific cable there will be five stations and a few operators. The expense of the operators and the maintenance of the stations can not be made large. It is not likely that under the most extravagant management the annual expense of operation could equal $150,000.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a question?

Mr. MANN. The gentleman from Alabama knows that I am pressed for time.

Mr. RICHARDSON of Alabama. But the gentleman is talking about us. [Laughter.]

Mr. MANN. I prefer not to yield until later. I will endeavor to anticipate the gentleman's question. In addition to the actual cost of operation there is the cost of maintenance of the two repair ships. It is true we are already maintaining one in the Philippines, but if the cost of both were charged against the Pacific cable it would be about $200,000 a year, as the testimony shows that the estimate for maintaining a cable repair ship is

about $100,000 a year, though my information is that the repair ship now maintained by us in the Philippines costs for maintenance far less than that amount. That makes $325,000 a year. There is no other cost of operation except the possible cost of repairing a break in the cable.

About this no one can tell absolutely, but the private companies constructing a cable of this character would figure upon the possibility of an annual expense for cable repairs of about $100,000 a year. There is far less likelihood of a cable breaking in the Pacific than in the Atlantic Ocean, for various reasons. But a modern cable, well made and well laid, is not at all likely to break, though it may do so. The actual cost of operating the cable, including the maintenance of two repair ships and any breakage, would not exceed $425,000 per year. Of course I have not included in this calculation the saving up of a fund for the renewal of the cable at the end of thirty or forty years, or interest upon the cost of the cable.

But I particularly desire to call the attention of the members of the House to the fact that in the ownership and operation of the cable by its very nature there is but little where private enterprise or ownership can carry on the work any cheaper than the Government can. The proposition before the House now does not require that the Government itself shall make the cable or that it shall lay the cable. It can purchase a cable made and laid. There is no way by which it can cost the Government much more to operate the cable than it will cost the most economical and stingy private company.

I call your attention to the past, present, and prospective future cable rates of the Far East. In his testimony before our committee in January, 1900, Captain Squier, assistant to the Chief Signal Officer of the Army, testified that the commercial rate at that time from Washington to Manila was $2.38 per word, and that the Government rate was $2.25 per word, but that for special messages, which had the right of way, a rate of three times those amounts was charged. He also testified that the rate then from London to the island of Luzon was $2.10 per word; from London to offices in China, $1.35 per word; from London to Japan via the northern or Siberian route, $1.51 per word; via the eastern or Indo route, $1.90 per word.

In January of this year, in his testimony before our committee, Mr. George G. Ward, vice-president of the Commercial Pacific Cable Company, testified that since that company had been organized and had proposed to construct a Pacific cable the rate from Washington to Manila had been reduced from $2.37 per word to $1.66 per word, and that the latter rate was the rate in force at the time he testified. That means the rate to the public. The Government rate is a trifle less, though there is no very substantial difference between the Government rate and the rate for commercial messages. It must be remembered that in cable messages both the name of the sender and the name and address to which sent are included as words to be paid for.

The name and address to which sent naturally constitutes, and under the rules of the cable companies must constitute, at least two words; so that if a message is signed by the sender, as it must ordinarily be, a cable message consisting of one word of message actually constitutes four words in fixing the cost. A cable message from Washington to Manila to-day, therefore, of only one word of message will cost $6.64. It is quite true that in ordinary cable business the cable code is very generally used, so that much can be said with few words, and yet a cable message of a number of words is usually required, and even a message of many words is often necessary. Under the reduced rate of to-day, which is $1.66 per word, a 10-word commercial message from Washington to Manila costs $21.58. The proposition of the Commercial Pacific Cable Company is that it will carry messages between San Francisco and Manila and between San Francisco and China or Japan at the rate of $1 per word. This will make a message of one word cost $4 and a message of ten words cost $13.

Before Mr. Mackay's Commercial Cable Company commenced business across the Atlantic cable messages across the Atlantic cost 50 cents per word. When the Commercial Cable Company opened for business it precipitated a rate war between that company and the Western Union which carried the cost down to 12½ cents per word. At the end of the rate war, by understanding between the Atlantic cable companies, the rate was fixed at 25 cents per word, where it has remained to the present time.

Now, I call your attention to the nature of the cable and the cable business. There is nothing about a cable which wears out through use in sending messages. It is no damage to a cable to operate it continuously to its fullest capacity. Its life is not in any way affected by the amount of traffic transmitted. Its use does not require a heavy fuel expense, nor the wear and tear of machinery, nor even any special extra expense of employees. A cable across the Pacific must have its offices at each end open for business all of the time, and can not even stop for night, because when it is day on this side of the Pacific it is night on the other side. It is true that it will require a few more operators and employees to carry on a very heavy business than it will a very light cable business, but the increase in the cost of operating a cable continuously over that of operating it but a few times during the course of the twenty-four hours of the day is slight and is hardly worth consideration.

In hearings before our Committee on Commerce recently in regard to the regulation of freight rates on railroads, it was testified by one of the leading railroad experts of the country that the present theory of railroad transportation is to secure the largest amount of traffic business on the ground that the fixed charges are the same whether the amount of traffic is large or small, and that a railroad can afford to carry through traffic at lower rates than would produce a net income if the same rates were applied to all traffic. In other words, that a railroad company now endeavors to obtain any traffic not necessarily tributary to its line at some low rate which only needs to exceed the actual operating expense in order to bring a profit to the railroad. If this theory be correct in regard to railroads, it is much more so in regard to a long cable where nearly all of the expenses, both of the fixed charges and of operation, are incurred, even though not so many as a dozen messages per day pass over the cable.

It is pertinent, then, to ask what is the capacity of a single cable. The British Pacific cable now being laid has a core of 552 pounds of copper and 368 pounds of gutta-percha per knot. It is admitted by all parties that the American cable across the Pacific will have substantially the same core of copper, and that the size of the copper core, together with the length of any stretch of the cable, determines the speed of transmission. The pending bill requires that the cable to be laid shall be equal to the transmission of 130 letters per minute one way. This will be substantially accomplished by a core of the size indicated over the longest stretch of the cable, which is between the Midway Islands and Guam. But if we figure the full capacity of the cable at 125 letters per minute one way, that would give, us under the duplex system of transmitting messages each way at the same time, 250 letters per minute.

Of course this would not mean that that number of letters for pay messages could be transmitted during any considerable period, because there is more or less transmission of service messages, etc. The usual estimate for service messages and other dead traffic, waste, etc., is 20 to 30 per cent; but if we make a discount of 50 per cent for full measure it would leave the capacity of the cable at 125 letters per minute, counting both ways. With a little further discount this is equal to 15 words of 8 letters each per minute, 900 words per hour, 21,600 words per day, and 7,884,000 pay words of 8 letters each per year. Captain Squier in his testimony figured the total carrying capacity in paying code words of 8 letters each, allowing 30 per cent for waste, at 11,800,000 words per annum. So that I think it might safely be assumed that my estimate of 7,884,000 words is safe and conservative.

Now, the utmost that the private company proposes to do is to reduce cable rates between our shores and China to $1 per word, charging the same amount for messages to Manila. The private cable companies figure upon the basis that only those persons will use the cable who are compelled for commercial reasons to send business messages without much regard to the cost of the message, though it is true they figure some increased business by reason of the reduction of the rate to $1 per word. It is not likely that the Commercial Pacific Cable Company, if it constructs its private line as now proposed, will reduce the rate below $1 per word.

The officials of that company admit that they have an understanding with the Eastern Extension Company, which now controls the cable business in the Far East. They admit, further, that the American company proposes to depend upon the Eastern Extension Company for its connections between Manila and China and Japan. This is an admission that there will not be any competition. It sufficiently appears from the evidence before our committee that the Commercial Pacific Cable Company has an understanding with the Eastern Extension Company that the former will not compete with the latter for business between Europe and China, so that the Pacific Cable Company will practically only engage in business between America and the Far East. There will not, therefore, be any occasion for competition. If the Government does not build the cable, but leaves its construction and ownership to the Commercial Pacific Cable Company, the rate between San Francisco and the Philippines, China, and Japan will be $1 per word, and it will not be reduced below that amount.

In this matter we are furnished an instructive lesson by the British Government. The British Pacific cable is a trifle longer than the proposed American cable. Its longest stretch, with slack included, will be about 3,600 miles, and this long stretch, which will be the longest cable stretch in the world, is so long that electrical transmissions over it will be very slow. It is estimated by

the experts that more than twice as many words per minute can be successfully transmitted over the American Pacific cable than can be transmitted over the British Pacific cable. The efficiency of the British cable, therefore, is no more than half that of the American line. The actual cost of transmission per message, therefore, over the British line ought to be considerably greater than over the American line, if not, in fact, twice as much. But what are the facts? The British Government proposes to carry messages over the British cable, from one end to the other, for 50 cents per word. The American company proposes to charge a dollar a word for carrying messages an equal distance over a cable which will work twice as rapidly.

Mr. Chairman, I have endeavored to show that the cost of a Pacific cable to be owned by our Government is well ascertained and is not exorbitant; that the cost of operation is small, is about the same for many messages as it is for few, and is not greater if operated by the Government than if operated by a private company.

I am in favor, sir, of a cable owned and operated by our Government, first, for strategic reasons in international complications and in military and naval operations, and, second, for public utility and benefit. I think that the Pacific cable should be operated as a part of our postal system. We carry letters to Alaska and deliver them through great expense to points far away from the sea and from railroad. I have been informed by officials of the Post-Office Department that mail has frequently been carried to Alaska at a cost to the Government of more than $1 per letter when the postage received was only 2 cents per letter.

There are many places in the western portion of our country where mail is carried daily by the Government to post-offices 150 miles away from railroad transportation at a high cost to the Government. In such cases the amount of mail matter carried is very small and the cost per letter is many times the amount of the postage. Long before there were railroads or telegraph lines to our Pacific coast mail matter was carried by the Government to our people in California and Oregon. The cost of carrying that mail matter was many times the amount received by the Government as postage.

But I dare say, sir, that if mail had not been carried by the Government between our Pacific coast and the rest of the Union; if railroads and telegraph lines had not been built across the continent and over the Rocky Mountains by Government aid, the people on the other side of those mountains would have become estranged from the rest of our country, would have formed views and ambitions apart from those of our more Eastern people, and would probably at some time long before this have established a government of their own, which could easily have been maintained by them against our then power. We do not pretend that our post-office system shall be made profitable financially. We have recently introduced on an extensive scale rural free delivery and almost every ounce of mail matter which is delivered in the country by the rural carriers is handled at a considerable loss by Government in excess of the amount of postage paid. The annual deficit in the Post-Office Department would build the entire Pacific cable.

Mr. Chairman, we have before this Congress two propositions pending in regard to the future of the Philippine Islands. The Republican policy contemplates the probability of those islands remaining a possession of the United States—at least for many years to come. The proposition submitted by the Democratic minority here is that while the Philippine Islands shall be guaranteed independence, they shall ever remain under the protecting influence of the United States. Whichever policy may be the one ultimately adopted by our country, it becomes of the utmost importance that the people of this country and the people of the Philippine Islands shall remain on terms of closest friendship and shall be able, by means of easy and cheap communication, to understand and appreciate the feelings, desires, and ambitions of each other.

We are to-day maintaining a form of civil government in the Philippines, and also a considerable army there. The most dread disease which attacks our American people over there, whether in civil or military life, is homesickness. There is practically no news from the United States received or published in the papers in the Philippines. There is, in fact, a great dearth of news in our country in regard to the Philippines. Not only the Government here should be in daily contact with the government over there, but the people in the Philippine Islands, whether native or American, should have a means of cheap daily communication with the people of this country. This is equally important whether we retain the Philippines as a possession or only maintain a protectorate over them.

Mr. Chairman, it is inevitable that there shall be a conflict of civilizations across the Pacific Ocean. In the view of history and civilization China is a sleeping giant. She is likely to be awakened by the pins which are being stuck into her along her eastern coast. Whether when she is really reawakened she will rise as a mighty power in the commerce of the world or whether she will die as a nation and be torn into pieces by the European nations we can not foresee. It is almost inevitable that something like one of these contingencies will occur. Meantime we are grasping for our share of Far Eastern trade. It is our duty to become the controlling military and naval power of the North Pacific Ocean. It is our duty to endeavor to largely increase our commerce with the Far East. The most important feature in deciding these questions will be rapid communication. If the Commercial Company builds its Pacific cable, its rate of charges will prohibit any messages except important Government business or pressing commercial messages.

Now, the proposition which I submit is this: The cable is capable of transmitting 7,884,000 paying words of 8 letters each per annum. If kept continuously in operation, it would amount, at 10 cents per word, to $788,400. This is an amount far in excess of the cost of maintenance and operation. It would be easy to make a classification of the business to a certain extent. Telegraph business is now classified, more or less. There are day messages and night messages, repeated messages, press messages, etc. There is no reason why a Pacific-cable business should not be classified and differential rates established. It would be easy, for instance, to make a rate of 10 cents per word, with an agreement that the message should be carried through as soon as reached in regular order, or say, within one, two, or three days, and it would be easy to make a much higher rate on business which should have the right of way, just as is now done on the present cable business to the Far East.

To carry on business by cable at the present time with the Philippines or with China costs an excessive sum. It will still cost an excessive sum when the rate is put down to $1 per word. It takes now nearly two months to send a letter to Manila and to receive a reply. It will still take nearly two months after the Commercial Pacific Cable Company is doing business if no Government cable is laid. The length of time required in the one case and the excessive expense in the other will greatly retard, if it does not prevent, our obtaining our share of good will, knowledge, and business in dealing with the people of the Philippines and the other people of the Far East. We can afford to build a cable and carry messages over it at the rate of 10 cents per word without losing money. In my opinion, we could afford to do this even if it were done at an annual loss of a few hundred thousand dollars.

I know, sir, that the principal objection to our proposition is that the Government ought not to enter into private business in competition with private concerns. Many gentlemen here fear that if the Government owns a cable it will lead to Government ownership of the telegraph lines and other cable lines. Mr. Chairman, it could only lead to a thought of that thing if the operation by our Government of a Pacific cable should prove most successful. If it did not prove successful, then no one would wish to extend the experiment. If it did prove successful, then that of itself is a sufficient reason for laying the Pacific cable. I have no fear of Government ownership of the railway lines or the telegraph lines. What the future may develop no one can tell, but certainly, as our Government is constituted to-day, it would be the height of folly for the Government to become the owner and operator of the telegraph lines and railroads of the country. And there is not the slightest danger of that during the life of the present generation, whether a Pacific cable be operated successfully by our Government or not. The Pacific cable is sui generis. It stands by itself, much like the proposed isthmian or interoceanic canal, and for much the same reasons.

Mr. Chairman, I have no doubt that when the Government first undertook the transmission of the mails that objection was made to it that the Government proposed to enter upon a business which might better be left to the private mail carriers then in vogue. There may be those who believe that postal matter would be carried better and for less cost to the senders if it were now done by private corporations, but I am not one of those. I do not shrink from this undertaking because it may demonstrate the possibilities of cheap cable communication, and thereby make our people wish the Government to own Atlantic cables. The future development of our country will probably far exceed our present understanding or conception.

That the East will develop greatly is of course assumed, but the great West, Mr. Chairman, will have the greatest development.

When we shall have constructed a canal across the Panama Isthmus; when we shall have stored the waters of the Rocky Mountains and spread them at seasonable periods over the fertile but arid lands of the plains below; when we shall have cheap and rapid communication with our possessions and the peoples of other countries in the Far East; when we shall have trade across the Pacific with the hundreds of millions of people on the other side thereof, whom we now consider barbarians, but who have developed a civilization of a different type, though possibly equal in refinement to our own; when our country shall have lived, not merely

a century and a quarter, but shall have survived and grown in greatness for two centuries—nay, perhaps three—then, sir, the eastern coast of the Pacific, on the other side of the Rockies, will possess the commercial seaports of the world, and in the center of our country, with nerves reaching in responsive touch to every portion of the world, both of the West and the East, will stand the pride of our people, the commercial metropolis of the world, the center of great undertakings, the school of art and refinement, the axis of development, progress, trade, and thought—the city of Chicago. [Loud applause.]

The CHAIRMAN. The time for general debate has expired. The Clerk will proceed to read the bill.

Mr. ADAMSON. I desire to move to strike out the enacting clause. Is that motion debatable?

The CHAIRMAN. That motion will not be in order until after the first section is read.

The first section of the bill was read, as follows:

Be it enacted, etc., That there shall be constructed, maintained, and operated by the United States a submarine cable or cables and connecting land lines from the city of San Francisco, Cal., to the city of Honolulu, in the Hawaiian Islands, and thence to Manila, P. I., by the way of Midway or Wake Island and the island of Guam, or by whatever route may be determined to be the most practicable by the President.

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

In line 5 of section 1 strike out "city of San Francisco" and insert "coast of."

Mr. ADAMSON. Mr. Chairman, I move to strike out the enacting clause. Is it in order to debate that motion?

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves to strike out the enacting clause.

Mr. ADAMSON. Mr. Chairman, in view of the doubt which has been expressed here as to whether the Commercial Pacific Cable Company is actually proceeding with the work undertaken, I ask that two telegrams which I send to the desk be read.

The Clerk read as follows:

LONDON, *June 11, 1902.*

COOK (for HEPBURN), *Washington, D. C.:*

I hereby certify that 1,065 nautical miles of cable, which is to be laid between San Francisco and Honolulu, was manufactured up to yesterday, and that said cable is being made at the rate of 26 miles per day.

G. G. WARD,
Vice-President Commercial Pacific Cable Company.

LONDON, *June 11, 1902.*

HEPBURN, *Chairman, Washington:*

My company begs to inform you that it has already manufactured 1,065 nautical miles of submarine cable which we are to lay between San Francisco and Honolulu for the Commercial Pacific Cable Company, and the balance is being made at the rate of 25 miles per day, and our steamer *Silvertown* will sail with said cable on or about the 1st August next.

ROBERT K. GRAY,
Managing Director of the India Rubber and Gutta Percha Telegraph Works Company.

Mr. ADAMSON. Mr. Chairman, the consideration of this bill has further convinced me that this is another of the "mad dogs" mentioned by the gentleman from Illinois [Mr. CANNON], which ought to have its tail speedily cut off just back of its ears. Therefore I make this motion. Nor is the situation improved at all by the prospect of the scheme proposed by the gentleman from Pennsylvania [Mr. DALZELL]. I do not care to open the question of protection here, but I have always understood that protection was advocated in behalf of developing an industry at home which could not be developed otherwise. The proposition here is "protection run mad," proposing to prostitute the powers and functions of the Government to drive private capital from a legitimate field already occupied.

The same parties are behind both the propositions, respectively offered by the gentleman from Michigan [Mr. CORLISS] and the gentleman from Pennsylvania [Mr. DALZELL]. Before our committee the question was fully ventilated as to paying a bonus to patriotic citizens to induce them to give us the spectacle of their growing rich, one dozen or two people, at the expense of the other 75,000,000, at a bonus of 20 per cent. I not only developed by some of those people that they could build as cheaply, or 10 per cent more cheaply than the foreigners could furnish the material, but when I called their attention to a thing then current in the newspapers, that Irish potatoes were scarce and the farmers were getting a high price for them in the vicinity of Pittsburg, New York, and Philadelphia, and I asked the gentleman insisting on the bonus if they thought it patriotic to ship potatoes over from Europe and eat them at a lower price to keep our farmers from getting a higher price, he did not think my question was in order; it was not pertinent.

Now, Mr. Chairman, no matter which proposition prevails, in either event the necessity for a cable would not be met. Commerce wants a cable right now. It is clearly and conclusively demonstrated beyond all doubt that there is no company here now capable of immediate production of cable which the Army and Navy would accept as good for so long a distance, as testified to by Admiral Bradford; and if it is going to take three or four years to develop a plant, to build up a manufacturing system, to acquire the cable ships, and to lay the cables which would be necessary under either of the schemes of the gentleman from Michigan or the gentleman from Pennsylvania, the necessity would have passed, commerce would have suffered, the uses of the Government would not have been subserved, and we would have committed a tyrannical abuse and have been guilty of the ignominy of having pulled down the powers of government and prostituted them to driving out capital from legitimate enterprise in order to enrich a few selfish people.

I am not misled, nor do I believe this committee is misled, by the balderdash about monopoly. It depends on who is doing the monopolizing. These people want the Government first, they state before the committee, to build to Manila and spend its money to liquidate concessions, so they could have the monopoly from there to China instead of these other people. We contend that this Government ought to keep out of the field. Let everybody who wants to build cables do so, and if we have a hundred there is competition and better business. [Applause.]

Mr. HILL. Mr. Chairman, I did not intend to say a word on this cable question, but I am going to take four or five minutes to speak about it as a business proposition, without any regard to the political side of it, or the Philippine side of it, or anything of the kind. A cable from San Francisco to Honolulu is needed. There are 160,000 people there, and about 3,000 of them are either American citizens or the descendants of people who were connected with American people. It will not pay; it must be run in connection with something else in order to get the money back. Gentlemen, I would rather run a peanut stand on a corner of the Bowery as a matter of profit than to run that cable, if it was given to me, so far as business is concerned.

Now, it will not pay to Honolulu. Everybody in this House knows that, but they have got to have it; we have got to have that connection. Now, you run on to Midway, a rock in the middle of the ocean, uninhabited, and always will be; and you run on still farther to Guam, and you have an island 6 miles wide and 29 miles long, with 6,000 Indians on it who have been there 300 years and who have now 1 per cent of that island cultivated. Their exports last year were $16,000. How much business are you going to get for your cable out of that? Nothing. It is perfectly absurd. As a naval station, by and by, when the Government gets ready to use it as a naval station, it may be instrumental, effectively instrumental, as a part of defense, but as a business proposition there is nothing in it. You go on farther and come to the Philippine Islands, and you have six or eight million people there; probably seven million out of the eight do not know what a telegraph is, do not know what a cable is, and are absolutely ignorant of anything of the kind. You will get some business from the Philippine Islands.

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. HILL. Yes.

Mr. SHACKLEFORD. After you have thoroughly educated those people as you propose to do, will they not transact business?

Mr. HILL. But where is your interest upon the cost of your cable when you get that done? You had better stand to one side and let somebody else build it. When you get to Manila you stop. That is a Government enterprise, and the only hope of anybody getting any return, Mr. Mackay or anybody else, out of this enterprise is by connection with these other companies, unless you go further. Now, I have heard a good deal about the enormously extravagant prices charged for cablegrams. I cabled home from Manila last summer a three-word message for $2.65.

Mr. BUTLER. How many words did the gentleman send? I should like to say to him that I tried to cable there yesterday, and they wanted to charge me a good deal more than that.

Mr. HILL. I sent the address and one word, which was a cipher-code word, just as everybody will do. Nobody is going to undertake to send a speech for the CONGRESSIONAL RECORD in a cable message.

Mr. BUTLER. That depends on the size and length of your pocketbook. I made the attempt yesterday to send a cable message to Manila, and they wanted to charge me $10.86 for five words.

Mr. HILL. The customers of this cable company will use a cable code, of course. I sent all I wanted to send for $2.65. Now, what have you got as a business proposition? You have an absolutely worthless financial enterprise unless you can connect it up with these other lines. Are you going to have the United States Government go into partnership with the Eastern Cable Company? Are you going to have the United States Government go into partnership with the Danish Cable Company?

Now, let me tell you another thing. When you get there you have got the competition of the cable lines around by India and of

new telegraph lines which are constructed overland. I telegraphed overland from Valadivostock to New York for 60 cents a word. I had the choice between that or 90 cents a word around by cable by the East India line. So you have competition there, and where would your Government be, owning that cable, with these competing lines sending messages the other way from Manila? It is an absolutely worthless proposition, gentlemen, for the United States Government to go into under any circumstances whatever. John W. Mackay or some other man can do that, and by going into partnership with those people it will be a legitimate business enterprise, but competition is already established there by two or three different lines. The Russian Government have their own lines across Siberia, and will send messages at a lower rate to-day than they are sent by cable. As I just told you, the rate is 60 cents a word overland from Valadivostock against 90 cents a word by the cable. Figure it out for yourselves. There is nothing in it for anybody unless they can form a partnership with these other people. So if you put your money into this proposition, gentlemen, you will throw it away. [Applause.]

Mr. TOMPKINS of Ohio. Mr. Chairman, being a member of the committee to which this bill was referred, and which committee gave the subject-matter careful and considerate examination, I feel it proper for me to add a few words upon the pending subject.

It has been contended here that the Government, in undertaking such an enterprise as this, must depart from its old moorings and invade a new field for the exercise of governmental powers, and that such exercise would be in conflict with the well-settled policy of government. If I remember correctly what I have read, a great question was discussed a number of years ago in the Senate of the United States by men of no less distinction than Haynes of South Carolina, and Webster of Massachusetts, as to the power of this Government to assist, encourage, and foster commerce between the States.

The power so to do was, to my mind, clearly settled in that great debate. Moreover, the Congress of the United States engaged in constructing the great national pike leading from the East to the West. It is also in consonance with the power of the Government to establish post roads, to carry communications between citizens, and whatsoever may aid and encourage commerce between citizens of the different States Congress has the power to do.

It has also been clearly decided by the Supreme Court of the United States, as shown by the citation offered by the gentleman from Missouri [Mr. SHACKLEFORD], that Congress has the power to construct telegraph lines and to assist commerce in that way. Now, if it has the power to construct telegraph lines between the States, it has the power to construct telegraph lines between its different possessions, even though the water may intervene. It is not a question whether the line shall be upon the land or whether it shall be upon the sea, but the only question is, Will the line connect citizens of the United States and encourage commerce between them?

One of the principal reasons urged in behalf of this bill has emanated from the Executive Department of this Government, and it is based upon the proposition that the United States Government should at all times be in quick communication with its possessions and have control of those lines of communication. England, Germany, and France either have built or are now engaged in extending cables to all their outlying possessions, and this has not been done nor is it being done because those respective governments expect to obtain any profit from the enterprise, but it is for the purpose of enabling the mother government, or those in authority in the seat of government, to be in quick and certain communication with all their citizens and all their possessions.

It has been alleged that it is not a practical enterprise, because the United States can not make any money out of it. Well, I do not understand, Mr. Chairman and gentlemen of the committee, that the Government of the United States ever goes into any enterprise for the purpose of making money. I do not understand that it would engage in mercantile pursuits or the manufacture of different articles for the market in order that profit might inure to the Government.

I understand the sole purpose of the Government to be that of the protection of its citizens, the fostering of their welfare, and encouraging all legitimate enterprises. There has not been a session of Congress since this Government was founded that it has not been necessary for Congress to make an appropriation to meet deficiencies in the Post-Office Department session after session, year after year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORLISS. Mr. Chairman, I ask unanimous consent that the gentleman, who is a member of the committee, may have his time extended ten minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOMPKINS of Ohio. I thank the committee for its indulgence.

We are confronted here, and other members have been, session after session with a deficiency in the Post-Office Department amounting to millions, and nobody ever questions the propriety as to making the appropriation, nor does anybody want to talk of reducing and cutting down the postal system of this Government. Now, what is the difference in principle? Why is the Government authorized to maintain a postal department? Why does it maintain a postal department? In order to facilitate communication between the different citizens of the United States, which is absolutely indispensable to the welfare of our people. Now, it seems to me in principle, in effect, the two propositions are in harmony—that we maintain a postal system in this country and maintain a cable system between this country and our outlying possessions.

Now as to the necessity. I cite to this committee the testimony of Governor Taft, taken before a committee of the House. I will read what he said as a part of my remarks:

Mr. HAMILTON. What, in your judgment, would be the effect upon our interests in the Philippine Islands of the construction of a Government cable connecting them with our country?

Governor TAFT. First, as to the construction of a cable. A cable, of course, would not bring the Philippine Islands physically nearer to the United States, but in the sentiment of the people, in the feeling of the Americans who go there, in every other way than in a geographical sense, it would make the bonds between those islands and the United States stronger and nearer, and it would, of course, greatly strengthen that feeling, too, I think, if the cable were built by the Government. But I want to say that the cable with us is the important point.

We should prefer to have a Government cable, but to lose the cable because of a discussion as to whether you should have a Government cable or a cable by private enterprise would seem to us to be a great misfortune. The question of monopoly is one that we run against constantly, and one in respect to which, of course, we feel very impatient. I prefer not to express an opinion on it, but it is claimed by the Eastern Extension Cable Company that they have such a monopoly that nobody can land a cable in the Philippines without their permission. There is a provision in the contract which, if their construction is right, permit the purchase by the Government from them of that monopoly.

The CHAIRMAN. What do you mean by the Eastern Extension Cable Company?

Governor TAFT. The Eastern Extension Cable Company is the company that owns the Hongkong cable. * * * They have two concessions, and they contend that one of the concessions gives them the right to land a cable anywhere in the islands.

* * * * * * *

Mr. CRUMPACKER. The reasons in favor of a Government cable as against a cable owned by private institutions are in the main political?

Governor TAFT. Yes, sir; of course we should expect that the Government cable would be run by the Government here and not by us. We do not want any such responsibility as that.

Mr. CRUMPACKER. It would serve as a sort of umbilical cord between the islands and the United States?

Governor TAFT. Yes, sir; in case of war it would be important that it should be under Government control. I do not know but that a private cable might be put under Government control in case of necessity or emergency.

* * * * * * *

Mr. HAMILTON. In 1898 this Eastern Extension obtained from Spain an extension of its charter for twenty years, and this extension comprehended the extension of the landing right during the period of twenty years of the cables which might be established to connect all the Spanish possessions in the Pacific Ocean, or to connect them with any other country. Has your attention been called to that?

Governor TAFT. Yes, sir. General Greely told me that the understanding of the Government was excepted out of this grant of monopoly to land a cable from Guam, but it seems that the company claims otherwise, and I have never had occasion to examine into the dispute, because it was not for us to determine. We had not any money to build a Government cable, and we have simply awaited the action of Congress.

Mr. HAMILTON. That would give the Eastern Extension Company the exclusive right to land a cable in the Philippine Islands during that time?

Governor TAFT. Yes, sir.

Mr. HAMILTON. And that would be contrary to our policy.

Governor TAFT. Unless the right was purchased by the Government as the contract contemplates it may.

* * * * * * *

Mr. HAMILTON. I gather from what you say that you would not regard it as advisable for any private interest to have exclusive privileges in the Philippine Islands?

Governor TAFT. We would much prefer to get rid of all monopolies there, but we want the cable, and we want it as soon as we can get it. While, as between the two, we should prefer a Government cable, we much prefer to have a private cable rather than none at all.

So that it is quite apparent from the testimony of Governor Taft, from the recommendations of Presidents McKinley and Roosevelt, that a cable connecting the United States with the Philippine Islands by way of Honolulu is essential to the welfare of our people. It is not a matter of course. It is not a matter of competing between individuals, but to my mind it is a matter of securing to the Government an undisputed and uninterrupted communication between it and all its possessions.

If a cable is constructed under the Pacific Ocean by a private corporation and its landing rights and communications at the other terminals are held between different and foreign companies, I can not conceive by what right this Government could seize

that cable in time of war or in emergency against the wishes of the owners of these connecting cables at the other end. They are under a foreign government, they are upon foreign soil, they are owned by foreign people, and the people of this country have no right to exact or demand any surrender of their rights, however small, should they refuse.

Something has been said about a contract between this Government and a cable company, a corporation organized under the laws of the State of New York. No such contract has been made. An offer has been made to execute such a contract, but I understand that the President and the Secretary of War hold that they have no authority to execute any such contract.

Now, Mr. Chairman, we have in this country, as shown by inquiries made in the Committee on Interstate and Foreign Commerce, two well-established cable-manufacturing plants. They are in operation. One of their officers appeared before our committee and stated that his company was prepared to proceed at once and manufacture a first-class cable that would compare with that manufactured by any other company in the world and furnish it to the Government and let it be laid in the bottom of the Pacific Ocean.

He came there to speak; representing American manufacturers, he came there to appeal to this Congress to foster and encourage an infant industry of the United States, and he said that it would be unfair and unjust to the industry at the head of which he stood if it were denied the right, or the opportunity at least, of furnishing a cable to the United States Government. If we are to protect and foster our citizens in their rights and in their privileges, it seems to me that this certainly falls within the rule, and if American citizens, having American workmen, are prepared to go ahead and make this cable they should be given opportunity to do so.

We are all the time inveighing against monopolies; we are all the time complaining about these great combinations of capital into what are called trusts as being un-American and unfair; and yet there is opposition to this bill, in order that there can be created an absolute monopoly in the cable business between the United States and the Orient. And a monopoly of that character, in times of peace and under the most favorable conditions, might accommodate the people of this country and our Government, yet in times of an emergency, of an exigency, in a time of great importance, that artery of communication between the home Government and our foreign possessions might be severed. [Applause.]

Mr. CANNON. Mr. Chairman, I do not know that I can add anything to the discussion of this question. I have read the bill, I have read the majority report, and I have read the minority report with some care. I have been hearing for some years especially about a cable, and the importance of a cable from the Pacific coast to Honolulu, and since that time the importance of a cable from there to Luzon. I think it is important to have a cable.

I have always been for a cable. The time is not long when gentlemen were agonizing to pay a great subsidy to some company, or to any company, that would build a cable from the Pacific coast to Honolulu—a subsidy of one million, of two millions, and if I am not mistaken in my recollection, three millions, with a subsidy that would run through the years.

I was always opposed to that proposition because I hoped and believed that without waiting too long, perhaps with a small subsidy or none at all, the time would come when we could have a cable laid by the citizens, by private individuals. [Applause.]

Now, I have read the minority report carefully, I may say again. I have talked freely with the chairman of the committee that reported this bill [Mr. HEPBURN]; I have talked with the gentleman from New York [Mr. SHERMAN], and I believe what they say. I do not think anybody disbelieves it. I have not heard anybody dispute that there is a cable company in the United States that have their system practically throughout the length and breadth of our borders, that have perhaps cable lines somewhere down in the Gulf and the Caribbean; that have the money; that have the ships already equipped to lay the cable; that are actually engaged in the manufacture of the cables, and have almost enough made to reach halfway to Honolulu; and without a subsidy, without aid except their own aid, they will lay that cable between this and January 1.

Mr. ADAMSON. By November next.

Mr. CANNON. By November my friend says; but give a little time and make it the 1st of January. If that is so, I do not want this Government to lay a cable to Honolulu at our cost, because I want it as early as it can be given; I want it as early as it can be laid first; and, second, the main thing is the cable; and some gentlemen assure me that this company stands willing to make a bargain that ought to be entirely satisfactory to the United States.

Now, take the other proposition——

Mr. CORLISS. Will the gentleman from Illinois permit a question?

Mr. CANNON. Well, I have only five minutes.

Mr. CORLISS. I will yield the gentleman more time.

Mr. CANNON. Very well.

Mr. CORLISS. With whom can that company now lawfully make a contract?

Mr. CANNON. I asked the chairman of the committee that question, and under the legislation that has already been had I judge that any company has a right to build a cable from an American shore to an American shore. Now then, I might say, with whom did the French company make a contract, or any other company that has laid cables to this country?

Mr. CORLISS. I will answer that question.

Mr. CANNON. I am trying to answer my friend's question. Second, take the contract that they proffer, and if the proper officer of our Government would sign it, I believe, from information received by members who have studied the question, it would be a binding contract.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a suggestion?

Mr. CANNON. Yes.

Mr. RICHARDSON of Alabama. They have made this contract, as the chairman of the committee [Mr. HEPBURN] has stated, under the post-road law of 1866.

Mr. CANNON. Yes. My friend from Alabama is more familiar with the matter than I am. I have not studied this matter carefully; I am not an expert about it. I have got this one fact, that all these years we have waited and have not yet a cable to Honolulu, 2,000 miles away, because we did not want the Government to lay it; because we did not want to pay the two or three million dollar subsidy to lay it, and now I believe the company stands ready to lay it and is constructing it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois be allowed to continue his remarks for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Illinois may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I will tell you if this company lays this cable to Honolulu, there is that much cable laid; then, if they go on farther and lay it to Luzon, there is that much more done. I am informed that this contract can be made, and the gentleman from Iowa assures me that he believes as a lawyer that it is a legal contract and arrangement. I am going to vote for that proposition or for that course that will most certainly bring about that condition. [Applause.]

Now, the gentleman from Pennsylvania [Mr. DALZELL] has offered a substitute. If I could not do any better, I would vote for that substitute. The principal objection that I have to it is, first, that it involves delay at a time when the harvest is ripe and the husbandman is here ready to reap that harvest. I understand—it is so represented—that we have not the ships, we have not the skill, we are not ready to manufacture the cable. And while I am a protectionist—one of the best, I think, in the country—we have arrived at a time when, in our iron and steel industries and many other industries, we pay half as much more for labor (if not in excess of that) than the world's labor receives elsewhere. And to-day we are a greater manufacturing country than Great Britain and France combined.

Now, then, I think the substitute would involve delay. But if that substitute should pass or not this cable can, before the 1st of January next, be laid to Honolulu. Therefore, as this company comes here and, without money and without price and without subsidy, proposes at its own risk to lay this cable and give us reasonable rates, and to let us fix the rates through our official, the Postmaster-General, every year, and fixes also what the commercial rates shall be, I, for one, am ready to shake hands with those who would promote this enterprise, and I would say: "Go on, and by my vote I will not impede your journey or your work."

Therefore I shall vote to strike out the enacting clause of this bill. That is the best thing, I think, that can be done. [Applause.] If that can not be done, it will be time enough to take another step. I am not in favor of the Government of the United States going into building these cables, because the work can be done better by private parties. [Applause.] I want to leave something for private enterprise and the citizen to do. [Applause.] I would not do anything directly by the Government that could be as well done by the citizen. [Applause.] I thank the committee for its attention.

Mr. CORLISS. Mr. Chairman, owing to the importance of this subject, and in view of the position of the gentleman who has just taken his seat, and his influence upon this House, and the wisdom of his conduct in the past, for which I have great respect,

I ask unanimous consent that I may have at least ten minutes in which to answer him.

Mr. HANBURY. I object.

Several MEMBERS. Oh, no.

Mr. HOPKINS. Let him have the time.

Mr. CANNON. I hope the gentleman from Michigan will be allowed the ten minutes.

Mr. CORLISS. I appreciate the views expressed by the gentleman from Illinois, because I know he is sincere in what he says. He has in his charge the Treasury of the United States, and he jealously guards its door. And I sympathize generally with his efforts. Sometimes I find him blinded, perhaps, according to my observation, in the pessimistic condition into which he works himself on some of these great public questions.

Now, this is not a question of money. The American people do not deal with these problems from a financial standpoint. What is the proposition of the gentleman from Illinois? That we shall do nothing here to-day upon this great public question. Now, I have said to this House, the gentleman from Pennsylvania [Mr. DALZELL] has said to this House, the Attorney-General of the United States has stated to the President, and every decision of our courts has sustained the opinion, that there is no power in the Executive to regulate or control the operation of this cable between California and Hawaii.

This corporation, the Commercial Cable Company, submitted to the President what it submitted here in writing. They asked him last December to sign a contract allowing them to lay this cable. He investigated the question, and you know that instead of acting upon it he submitted it to Congress and recommended the consideration of the subject.

Further, recognizing the fact that there is no power in our Executive to regulate that cable between the different portions of our domestic territory, the Attorney-General of the United States drew the bill which, slightly amended, the gentleman from Pennsylvania [Mr. DALZELL] has offered here as a substitute, giving the President power to regulate properly this corporation that is seeking to obtain this public utility.

Now, I ask you, gentleman on this side, whether you will go it blind and give your countenance to a corporation exercising the methods that this corporation has exercised? First, it proposed by a cable message from London last August that they would build this cable under the conditions heretofore imposed upon the cable companies. I have Mr. Mackay's letter to the Secretary of State, duly certified, making that proposition. Then he came back and organized this company.

I know that he has boasted that he did not want Congress to act. He has had his representatives here for the last ninety days lobbying to prevent the consideration of the bill. They are now within the sound of my voice.

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

Mr. CORLISS. No; I prefer not. The gentleman extended the same courtesy to me.

Now, let me go on. The President found he had no authority to regulate this cable, no authority to consider the proposition, no right to regulate tolls, no right to regulate Government messages. He was absolutely without authority, and the Attorney-General prepared the bill in order to give him authority. Now, will you deny to the Executive of this country some power to act in connection with the corporation that is seeking to obtain this utility without authority and in violation, the gentleman from Illinois [Mr. CANNON] should remember, of the condition imposed upon every cable company that has ever laid a cable upon our shores?

John W. Mackay stands for the Commercial Pacific Cable Company and the Commercial Cable Company, and he is seeking to get this cable between California and Hawaii and thence round to China adopted without restrictions and in direct violation of the conditions that were imposed by President Grant upon the French cable which is now operated by Mr. Mackay, or rather by his ally, the Eastern Cable Company. What was that? President Grant found a French company seeking to lay a cable upon our shores in 1869, and it was in its infancy then.

There had been only one cable laid across the Atlantic, and that was by an act of Congress in 1867. President Grant found a cable company trying to land a cable upon our shores, and he investigated it and found that that cable company, the French company, had an exclusive grant from the French Government, giving them exclusive rights in France for a number of years.

What did President Grant do? Congress was not in session, and he took a battle ship and went out into the ocean and said, "You shall not land your cable upon these shores as long as you hold exclusive grants," and he succeeded in preventing them and finally compelled that company to go back to France, abrogate the exclusive franchises they had, and come here with their skirts clear, and then they laid the cable upon our shores, agreeing to maintain the conditions imposed by him, one of which was that they would not combine with any other company for the purpose of establishing tolls. Mr. Mackay, in his proposition, says that he will not combine except for the purpose of communicating through his ally in the Orient, which holds the monopoly.

Mr. CANNON. Will my friend allow me right there?

Mr. CORLISS. Yes; if I have plenty of time.

Mr. CANNON. Has not the President now just as much authority to act as President Grant had then?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan may proceed for five minutes.

Mr. HANBURY. I object.

The CHAIRMAN. The gentleman from New York objects.

Mr. CORLISS. Then I move to strike out the last word.

Mr. HOPKINS. That can not be done now.

Mr. ADAMSON. Mr. Chairman, I think now that we ought to have a vote, and I ask for the regular order.

Mr. CORLISS. Mr. Chairman, I call for a vote upon the committee amendments.

Mr. HOPKINS. The other takes precedence.

Mr. UNDERWOOD. I make the point of order that a vote upon the committee amendments is not in order at this time.

The CHAIRMAN. The motion to strike out the enacting clause has precedence. While it is doubtful if the effect of the rule under which we are proceeding would not have precluded that motion, no objection was made, and it has been debated. Debate has been exhausted. The gentleman calls for a vote now upon the amendments. They have not been reached.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order that it is not in order to vote on the amendments.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. MANN. Mr. Chairman, I raise the point of order that under the rules, which the committee can not change or consent to change, it is not in order to move to strike out the enacting clause until at least after the bill has been perfected.

The CHAIRMAN. If the gentleman from Illinois had made that point of order in time, the Chair thinks, under this special order under which we are proceeding, it would have been well taken.

Mr. MANN. Mr. Chairman, the rule was adopted by the House, if the Chair will permit me——

The CHAIRMAN. The Chair will hear the gentleman on his point of order.

Mr. MANN. I submit, Mr. Chairman, that the rights have not been waived by failing to make the point of order when the motion was made, because the rule provides that all matters shall be considered under this rule relating to a Pacific cable, and I hold a motion to strike out the enacting clause, made at the beginning of the consideration of the bill in committee, does not abrogate the rule adopted by the House, which is a superior body to the committee.

Mr. UNDERWOOD. Mr. Chairman, I desire to be heard a moment on that proposition.

In the first place, I contend that the Committee of the Whole having received the motion to strike out the enacting clause, and the point of order not being made against the motion at the time it was made, the Committee of the Whole has waived that proposition; but on the point of order that is made by the gentleman, even if he had made it against the motion to strike out the enacting clause as soon as the motion was offered, I contend that the special rule under which we are operating now does not apply.

I know that at the time of the consideration of the tariff bill in March, 1897, the gentleman from Texas [Mr. LANHAM] made a motion to strike out the enacting clause of the bill. At that time the gentleman from New York [Mr. SHERMAN], being in the chair, held that the motion was not in order under the special rule of the House; but, Mr. Chairman, why was it not in order under the special rule at that time? Because that rule fixed the time for the consideration of amendments in Committee of the Whole. It said that the bill should be taken up under the five-minute rule on the 25th day of March, and consider it for amendment under the five-minute rule from the 25th day of March until 3 o'clock on the 31st day of March of that year, and that then the bill with all amendments that had been adopted by the committee should be reported back to the House; so that the House had specifically, in so many words, determined on what the Committee of the Whole House on the state of the Union should do in that instance, and the House had specifically determined how the committee should consider the amendments, the length of time it should consider them, and when it should report them back.

Therefore the House had instructed the Committee of the Whole what it should do, and it had no power to revoke the order of the House by striking out the enacting clause until the entire bill had been considered, because the House had said that the bill

should be considered under the five-minute rule for a certain length of time. But this rule is not the same kind of a rule that we had in operation then. This rule merely provides that the bill shall be taken up, and, after being considered for four hours in general debate, shall be considered under the five-minute rule, and that any amendment relating to Pacific cables shall be in order.

Mr. MANN. Mr. Chairman, if the gentleman will permit me, I myself am satisfied that the point of order is not good, and I wish to withdraw it, as far as I am concerned.

Mr. CORLISS. Mr. Chairman, a parliamentary inquiry, please. Is it in order to move to lay upon the table the motion to strike out the enacting clause?

The CHAIRMAN. It is not. Without deciding the question as to whether, under the special rule under which we are proceeding, objection would have been in order if it had been made in time, the Chair is of opinion that the point of order not having been made, it is now too late to make it, just the same as in case of the rule forbidding legislation on an appropriation bill, if the point is not made when such an amendment is offered, or until after debate, it comes too late. The Chair therefore holds that the point of order is not well taken.

Mr. MANN. I withdrew the point of order.

The CHAIRMAN. The Chair understood that the point of order was also made by the gentleman from Alabama. That is the reason of the Chair for making the ruling.

Mr. ADAMSON. Let us have a vote, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia [Mr. ADAMSON], to strike out the enacting clause.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. ADAMSON demanded a division.

Pending the division,

Mr. CORLISS demanded tellers.

Mr. DALZELL and others. Let the Chair announce the vote.

The CHAIRMAN. The division was not completed.

Mr. MANN. I ask unanimous consent that the Chairman may announce the vote on the division.

The CHAIRMAN. If there is no objection, the Chair will make the announcement.

Mr. CORLISS. I object. I want tellers.

Tellers were ordered; and the Chairman appointed Mr. ADAMSON and Mr. CORLISS.

The committee again divided; and the tellers reported—ayes 108, noes 71.

The announcement of the vote was received with applause.

Mr. ADAMSON. I move that the committee do now rise and report the bill back into the House with the action of the Committee of the Whole thereon.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration under the special order the bill (H. R. 5) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce, and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

Mr. ADAMSON. On the motion that the House concur in the recommendation of the committee I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question now is on concurring in the recommendation of the Committee of the Whole House on the state of the Union.

Mr. CORLISS. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 77, answered "present" 10, not voting 148, as follows:

YEAS—116.

Adams,	Candler,	Driscoll,	Hanbury,
Adamson,	Cannon,	Edwards,	Hay,
Allen, Ky.	Capron,	Emerson,	Henry, Conn.
Bankhead,	Clayton,	Esch,	Hill,
Bartlett,	Conner,	Finley,	Hooker,
Bell,	Cooney,	Fitzgerald,	Hopkins,
Bowie,	Cooper, Tex.	Fleming,	Hull,
Brantley,	Cousins,	Fox,	Johnson,
Breazeale,	Creamer,	Gaines, W. Va.	Kahn,
Bristow,	Crumpacker,	Gilbert,	Kehoe,
Brown,	Currier,	Gillet, N. Y.	Kern,
Brundidge,	Dinsmore,	Graff,	Kitchin, Wm. W.
Burleson,	Dovener,	Green, Pa.	Kleberg,
Burnett,	Draper,	Grow,	Knapp,
Kyle,	Moon,	Robb,	Swanson,
Lacey,	Morrell,	Robinson, Ind.	Tayler, Ohio
Lassiter,	Mutchler,	Rucker,	Thomas, Iowa
Lawrence,	Needham,	Ryan,	Thomas, N. C.
Lessler,	Nevin,	Selby,	Tirrell,
Little,	Newlands,	Shafroth,	Tongue,
Livingston,	Padgett,	Sims,	Underwood,
Loud,	Patterson, Tenn.	Smith, Ill.	Wadsworth,
McCall,	Payne,	Smith, Iowa	Warner,
McClellan,	Perkins,	Smith, Ky.	Warnock,
McLachlan,	Pierce,	Snook,	Williams, Ill.
Maddox,	Reid,	Southwick,	Wilson,
Mickey,	Rhea, Va.	Spight,	Woods,
Miers, Ind.	Richardson, Ala.	Stephens, Tex.	Wooten,
Moody, Oreg.	Richardson, Tenn.	Stevens, Minn.	Zenor.

NAYS—77.

Alexander,	De Armond,	Long,	Scott.
Aplin,	Eddy,	Mahon,	Shackleford,
Babcock,	Fletcher,	Mann,	Shallenberger,
Belmont,	Foster, Vt.	Martin,	Small,
Bishop,	Gardner, Mich.	Mercer,	Smith, S. W.
Bowersock,	Gardner, N. J.	Miller,	Smith, Wm. Alden
Brownlow,	Gibson,	Minor,	Southard,
Burke, S. Dak.	Graham,	Moody, N. C.	Sperry,
Burkett,	Grosvenor,	Morris,	Stark,
Butler, Pa.	Hamilton,	Mudd,	Steele,
Caldwell,	Haskins,	Olmsted,	Sutherland,
Coombs,	Hitt,	Overstreet,	Tawney,
Corliss,	Holliday,	Pearre,	Thayer,
Cowherd,	Howell,	Ray, N. Y.	Tompkins, Ohio
Cromer,	Jackson, Kans.	Reeder,	Vandiver,
Curtis,	Jett,	Reeves,	Vreeland,
Cushman,	Jones, Wash.	Roberts,	Wanger.
Dalzell,	Kitchin, Claude	Robinson, Nebr.	
Darragh,	Lindsay,	Rumple,	
Davis, Fla.	Lloyd,	Schirm,	

ANSWERED "PRESENT"—10.

Ball, Tex.	Foss,	Metcalf,	Wheeler.
Bellamy,	Henry, Miss.	Snodgrass,	
Clark,	Littlefield,	Taylor, Ala.	

NOT VOTING—148.

Acheson,	Dougherty,	Kluttz,	Pugsley,
Allen, Me.	Douglas,	Knox,	Randell, Tex.
Ball, Del.	Elliott,	Lamb,	Ransdell, La.
Barney,	Evans,	Landis,	Rixey,
Bartholdt,	Feely,	Lanham,	Robertson, La.
Bates,	Flood,	Latimer,	Ruppert,
Beidler,	Foerderer,	Lester,	Russell,
Benton,	Fordney,	Lever,	Scarborough,
Bingham,	Foster, Ill.	Lewis, Ga.	Shattuc,
Blackburn,	Fowler,	Lewis, Pa.	Shelden,
Blakeney,	Gaines, Tenn.	Littauer,	Sheppard,
Boreing,	Gill,	Loudenslager,	Sherman,
Boutell,	Gillett, Mass.	Lovering,	Showalter,
Brick,	Glenn,	McAndrews,	Sibley,
Bromwell,	Goldfogle,	McCleary,	Skiles,
Broussard,	Gooch,	McCulloch,	Slayden,
Bull,	Gordon,	McDermott,	Smith, H. C.
Burgess,	Greene, Mass.	McLain,	Sparkman,
Burk, Pa.	Griffith,	McRae,	Stewart, N. J.
Burleigh,	Griggs,	Mahoney,	Stewart, N. Y.
Burton,	Hall,	Marshall,	Storm,
Butler, Mo.	Haugen,	Maynard,	Sulloway,
Calderhead,	Heatwole,	Meyer, La.	Sulzer,
Cassel,	Hedge,	Mondell,	Talbert,
Cassingham,	Hemenway,	Morgan,	Tate,
Cochran,	Henry, Tex.	Moss,	Thompson,
Connell,	Hepburn,	Naphen,	Tompkins, N. Y.
Conry,	Hildebrant,	Neville,	Trimble,
Cooper, Wis.	Howard,	Norton,	Van Voorhis,
Crowley,	Hughes,	Otjen,	Wachter,
Dahle,	Irwin,	Palmer,	Watson,
Davey, La.	Jack,	Parker,	Weeks,
Davidson,	Jackson, Md.	Patterson, Pa.	White,
Dayton,	Jenkins,	Pou,	Wiley,
De Graffenreid,	Jones, Va.	Powers, Me.	Williams, Miss.
Deemer,	Joy,	Powers, Mass.	Wright,
Dick,	Ketcham,	Prince,	Young.

So the recommendation of the Committee of the Whole House on the state of the Union to strike out the enacting clause was agreed to.

The following pairs were announced:

Until further notice:

Mr. DAYTON with Mr. DAVEY of Louisiana.

Mr. BARNEY with Mr. MCRAE.

Mr. GORDON with Mr. SCOTT.

Mr. BURTON with Mr. BALL of Texas.

Mr. CONNELL with Mr. FOSTER of Illinois.

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

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. SKILES with Mr. TALBERT.

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. HEPBURN with Mr. COCHRAN.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. JACK with Mr. SCARBOROUGH.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. LANDIS with Mr. CLARK.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. IRWIN with Mr. GOOCH.

For the session:
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. WRIGHT with Mr. HALL.
Mr. HEATWOLE with Mr. TATE.
Mr. BULL with Mr. CROWLEY.
Mr. SHERMAN with Mr. RUPPERT.
Mr. YOUNG with Mr. BENTON.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. BOREING with Mr. TRIMBLE.
Mr. METCALF with Mr. WHEELER.
For one week:
Mr. STEWART of New Jersey with Mr. KLUTTZ.
Mr. WEEKS with Mr. SHEPPARD.
Mr. EVANS with Mr. HENRY of Mississippi.
Mr. STORM with Mr. PUGSLEY, until Monday.
For this day:
Mr. RUSSELL with Mr. ROBERTSON of Louisiana.
Mr. LITTLEFIELD with Mr. LANHAM.
Mr. BATES with Mr. BELLAMY.
Mr. SIBLEY with Mr. MCANDREWS.
Mr. ACHESON with Mr. BROUSSARD.
Mr. BINGHAM with Mr. BUTLER of Missouri.
Mr. POWERS of Massachusetts with Mr. MAHONEY.
Mr. COOPER of Wisconsin with Mr. POU.
Mr. ALLEN of Maine with Mr. FEELY.
Mr. MCCLEARY with Mr. LEWIS of Georgia.
Mr. HEMENWAY with Mr. GRIFFITH.
Mr. HAUGEN with Mr. DOUGHERTY.
Mr. OTJEN with Mr. MCCULLOCH.
Mr. SHELDEN with Mr. GOLDFOGLE.
Mr. DEEMER with Mr. CONRY.
Mr. BOUTELL with Mr. GRIGGS.
Mr. FORDNEY with Mr. BURGESS.
Mr. BARTHOLDT with Mr. ELLIOTT.
Mr. BEIDLER with Mr. FLOOD.
Mr. BURK of Pennsylvania with Mr. HOWARD.
Mr. BURLEIGH with Mr. LAMB.
Mr. DICK with Mr. HENRY of Texas.
Mr. FOERDERER with Mr. JONES of Virginia.
Mr. GILL with Mr. LATIMER.
Mr. GREENE of Massachusetts with Mr. LESTER.
Mr. HEDGE with Mr. LEVER.
Mr. HUGHES with Mr. MCDERMOTT.
Mr. JENKINS with Mr. MCLAIN.
Mr. JOY with Mr. SULZER.
Mr. KNOX with Mr. GLENN.
Mr. LEWIS of Pennsylvania with Mr. NEVILLE.
Mr. MONDELL with Mr. NORTON.
Mr. PRINCE with Mr. THOMPSON.
Mr. SULLOWAY with Mr. RIXEY.
Mr. VAN VOORHIS with Mr. WHITE.
Mr. WATSON with Mr. WILEY.
Mr. STEWART of New York with Mr. RANDELL of Texas.
On this bill:
Mr. RANSDELL of Louisiana (for) with Mr. BALL of Delaware (against).
Mr. WACHTER (for) with Mr. WILLIAMS of Mississippi (against).
Mr. GILLETT of Massachusetts with Mr. NAPHEN, on this vote.

Mr. BALL of Texas. Mr. Speaker, I find I am paired with the gentleman from Ohio, Mr. BURTON. I voted "aye" and I wish to withdraw that vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BALL of Texas, and he voted "present," as above recorded.

The result of the vote was then announced, as above recorded.

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

REPRINT OF A REPORT.

Mr. RAY of New York. Mr. Speaker, part 2 of the report of the Committee on Arid Lands, Report No. 794, which contains the views of the minority, is exhausted. A great many members are asking for it, and I ask unanimous consent that there be a reprint.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of the Report 794, part 2, being the minority views on the irrigation bill. Is there objection? [After a pause.] The Chair hears none.

EPHRAIM H. GALLION.

The SPEAKER laid before the House the bill (H. R. 3309) to remove the charge of desertion against Ephraim H. Gallion, with a Senate amendment.

The Senate amendment was read.

Mr. CALDWELL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

REPRINT OF REPORT NO. 1423.

Mr. BOWIE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BOWIE. I want to ask unanimous consent to have a reprint of the minority report (No. 1423) in the election case of Horton against Butler. The chairman of the committee, I understand, has no objection.

The SPEAKER. The gentleman from Alabama asks unanimous consent for a reprint of Report No. 1423, part 2, in the case of Horton against Butler. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. I rise to ask the gentleman from Alabama a question.

The SPEAKER. That is not in order now.

Mr. MANN. I was endeavoring to get the attention of the Chair.

The SPEAKER. Is it in respect to a matter already disposed of by the House?

Mr. MANN. It has been disposed of, but it had not when I rose.

DISPOSITION OF PUBLIC LANDS.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of Congress approved March 3, 1901, entitled "An act to supplement existing laws relating to the disposition of lands," etc., be amended by adding thereto the following:

"*Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed, out of the proceeds of the sales of town lots in the towns of Lawton, Comanche County; Anadarko, Caddo County, and Hobart, Kiowa County, in the Territory of Oklahoma, heretofore had pursuant to the authority of the act aforesaid, to cause to be expended, subject to his control and supervision and upon the recommendation of the legally constituted authorities of each of said towns, for the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable and advantageous to the inhabitants of said towns, the following additional sums, to wit: For the town of Lawton, $150,000; for the town of Anadarko, $60,000, and for the town of Hobart, $50,000: *Provided further*, That the sum of $10,000, as provided in the act whereof this is amendatory, for the construction of a county court-house in each of the towns aforesaid, shall be, and hereby is, increased to the sum of $30,000 each for the construction of such county court-houses in each town."

The following amendment was recommended by the Committee on the Public Lands:

In line 8, page 1, strike out the words "and directed."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I want to ask the gentleman from Oklahoma a question.

Mr. MADDOX. I reserve the right to object, Mr. Speaker.

Mr. CANNON. As I understand, this bill authorizes the expenditure of this fund in various municipalities?

Mr. FLYNN. Yes. When the Kiowa and Comanche country was opened, Congress provided that instead of opening up the town lots to the general rush, as was customary, they should be sold by auction to the highest bidder and the proceeds should go for the purpose of paying the county expenses, building bridges, roads, etc.

This bill provides, in view of the fact that the receipts from the sales were about four times as much as contemplated, and as every dollar was paid by the people living in these towns, that the purposes for which the money was received may be enlarged so that instead of building a court-house for $10,000 they may build one for $30,000, and, in addition to that, that they may use some of this fund to build schoolhouses in the city and to erect waterworks, etc. There will be no assessment upon property for about a year.

Mr. CANNON. If the gentleman will allow me, there is nothing in the proposition or in the proposed amendment of the original law that in any way makes it necessary for an expenditure from the Treasury, in the event that these sales do not materialize?

Mr. FLYNN. Oh, no; the Government has nothing to do with it. This is our own money. It does not belong to the Government.

Mr. SHAFROTH. The sales have already been made?

Mr. FLYNN. Yes; the sales have been made.

Mr. CANNON. Have the lots been paid for?

Mr. FLYNN. They had to be paid for the day they were purchased.

Mr. SHAFROTH. If the gentleman will allow me, let me say that the Secretary of the Interior has approved of the provisions in this bill, and it was reported unanimously by the Committee on the Public Lands.

Mr. FLYNN. The Government has nothing to do with it. We only want to enlarge the scope of this fund by reason of the enormous receipts. Let me say to my friend from Indiana who had the honor to be our first governor—and, by the way, he was a good one—that these three towns, instead of being open to the rush and everybody get what they could, we changed it so that the people got their lots by auction and they paid for them, and the receipts from the sales of those lots were to be expended for their own county improvement at home. If we had opened it up to the general rush, the lots would have been taken by anybody, and nobody would have received any money; but the sales from these three towns amounted to about $750,000.

Mr. STEPHENS of Texas. I see that the gentleman has named in the bill a definite sum for each town. Is that in accordance with the gross amount received for the lots of that town?

Mr. FLYNN. I aimed to make it about one-third of the gross receipts in each one of the towns.

Mr. STEPHENS of Texas. Has it been done so that it will be distributed fairly?

Mr. FLYNN. Yes; that was the object we had in this bill. It was made to give the towns about one-third of the money they put in, and it is for waterworks and schoolhouses, etc.

Mr. SHAFROTH. I will ask the gentleman a question. Is it satisfactory to the citizens of the various towns?

Mr. FLYNN. O Lord, yes. [Laughter.]

Mr. PAYNE. I would like to ask the gentleman how much does this bill get away with?

Mr. FLYNN. We will spend it all in time.

Mr. PAYNE. I mean this bill.

Mr. FLYNN. That would be a hard question to answer.

Mr. PAYNE. If the gentleman does not like to answer it, very well.

Mr. STEPHENS of Texas. Is it not contemplated to build bridges?

Mr. FLYNN. That is in the original act.

Mr. STEPHENS of Texas. I understand that; but will not the money we are now appropriating be available for building bridges?

Mr. FLYNN. Money is already available for that purpose. The question now is in regard to the construction of court-houses. The original act provided that we should build court-houses to cost not exceeding $10,000. But the receipts have been so large that those people insist that they should have better court-houses. This bill authorizes the erection of court-houses to cost as much as $30,000 each, and waterworks and such other municipal improvements as the municipal authorities and the Secretary of the Interior may agree upon.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was read.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

Mr. FLYNN. I ask that the report on this bill be printed in the RECORD.

There was no objection.

The report (by Mr. FLYNN) is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 4556) entitled "A bill to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc.' approved March 3, 1901," have considered the bill and recommend that it be passed with an amendment striking out the words "and directed," in line 8, page 1.

In the "Act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901, provision was made for the sale of town lots in the three county seats of the counties organized out of the Kiowa, Comanche and Apache, and Wichita and Caddo reservations in Oklahoma which were opened for settlement in August last, and provision was also made for the erection in each of the county-seat towns of a court-house at a cost not to exceed $10,000 each, to be paid for out of the proceeds of the sale of town lots. The residue was to be applied to the construction of bridges, roads, and other improvements in the county. Thanks to the efficient, honest, and capable manner in which the Secretary of the Interior disposed of the town lots, the proceeds from the sales far exceeded the most sanguine expectations of all parties, the net receipts being as follows:

Lawton	$412,355.38
Anadarko	186,910.47
Hobart	130,936.00
Total	730,201.85

The object of this bill is to authorize the Secretary of the Interior to expend certain sums for the construction of public waterworks, schoolhouses, and other municipal improvements in the county seats, and to increase the amount available under the present law for the erection of a county court-house in each of said towns. This money does not belong to the United States, but is held by the Secretary of the Interior in trust for the counties to which it belongs. The bill will not take one cent from the United States Treasury. It merely directs the Secretary of the Interior to use a certain part of the people's money now in his hands for purposes other than those authorized by existing laws.

The committee referred the bill to the Secretary of the Interior for a report, and his views concerning the same are herewith attached.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1902.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st ultimo, submitting, for such suggestions or information as may be deemed proper to aid the committee in its consideration, a copy of H. R. 4556, entitled "A bill to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc.,' approved March 3, 1901."

In response thereto I inclose copy of a letter from the Commissioner of the General Land Office dated the 27th ultimo, recommending the passage of the bill if amended by striking out the words "and directed," in line 8, after the word "authorized."

I concur in the recommendation that the bill be passed if amended as suggested.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 27, 1902.

SIR: I am in receipt, by departmental reference, for report in duplicate and return of papers, of House bill 4556, amending act of March 3, 1901 (31 Stat. L., 1093), and providing:

"That the Secretary of the Interior be, and he is hereby, authorized and directed, out of the proceeds of the sales of town lots in town of Lawton, Comanche County; Anadarko, Caddo County, and Hobart, Kiowa County, in the Territory of Oklahoma, heretofore had pursuant to the authority of the act aforesaid, to cause to be expended, subject to his control and supervision and upon recommendation of the legally constituted authorities of each of said towns, for the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable and advantageous to the inhabitants of said towns, the following additional sums, to wit: For the town of Lawton, $150,000; for the town of Anadarko, $80,000, and for the town of Hobart, $50,000: *Provided further*, That the sum of $10,000, as provided in the act whereof this is amendatory, for the construction of a county court-house in each of the towns aforesaid, shall be, and hereby is, increased to the sum of $30,000 each for the construction of such county court-houses in each town."

The act of March 3, 1901, provides inter alia:

"The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, plotting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding $10,000, and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior."

The purpose of the amendatory act is to authorize the expenditure of a portion of the funds derived from the sales of lots at the several county seats for the benefit of those towns and to increase the amount available under existing law for the construction of county court-houses.

The act of March 3, 1901, contemplated that the funds derived from the sale of these lots should be devoted to what might be termed "county public improvements" and to the maintenance of the several county governments until that could be provided for by the collection of county taxes. The sum actually derived from said sales at each county seat, exclusive of all expense incident thereto, was far in excess of what could reasonably have been expected or is needed for the purpose contemplated in the act, and it is but equitable that those who contributed, by the purchase of lots, should derive in some measure the accruing benefit, especially as the proposed expenditure will correspondingly be to the interest of the counties in that their revenues will for a time be principally derived from the taxable property of the towns.

I see no objection to devoting the sums named to the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable or to increasing the amount available for the construction of court-houses, and I recommend the enactment of such a law.

The only objection I perceive to the bill under consideration is that it is obligatory upon the Secretary of the Interior to make such expenditures as may be recommended, within the amounts specified in the bill, retaining only control and supervision over the disbursements, without express authority to limit the amount of expenditure for any particular purpose.

The bill, in my judgment, should be amended by striking out the words "and directed" in line 8, after the word "authorized," and if so amended I recommend its passage.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

HENRY BIEDERBICK AND OTHERS.

Mr. SMITH of Kentucky. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (S. 2921) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army.

Be it enacted, etc., That the President be, and he is hereby, authorized to cause Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, survivors of the Lady Franklin Bay expedition, to be enlisted as first-class sergeants of the Signal Corps of the Army and to place them on the retired list of the Army, with the pay and allowances, from and after the passage of this act, of first-class sergeants of the Signal Corps who have been retired after continuous active service of fifteen years.

Mr. MADDOX. Reserving the right to object, I should like to hear some explanation of this bill.

Mr. SMITH of Kentucky. The gentleman from Indiana [Mr. OVERSTREET] will explain.

Mr. OVERSTREET. Mr. Speaker, this measure has been a number of times passed by the Senate and has been several times favorably reported by the House Committee on Military Affairs. There are now remaining but five survivors of the famous Greely expedition to the North. These five survivors are General Greely, now the Chief of the Signal Corps, and the four men named in this bill. These men imperiled their lives in the pursuit of science. For many months they endured the hardships of the frozen North in a manner which has brought praise from the lips of all who have read any account of that expedition. Admiral Schley rescued these men in his expedition which was sent for that purpose, and known as the Lady Franklin Bay relief expedition.

The object of this bill is simply to give to these men the only recognition which remains for a grateful nation to bestow upon those who have imperiled their lives in war or the pursuit of science. All four of these men saw long and creditable service as privates in the United States Army, and every one of them has been broken in health. The bill merely gives them the rank and pay of first-class sergeants of the Signal Corps. It has been strongly urged by General Greely, who was the chief of that expedition, and who has himself been recognized on account of that service by promotions in official position. The bill has been unanimously reported, and, as I have said, has the unqualified indorsement of all who have given it attention.

Mr. MADDOX. These people whom you propose now to put on the pension list, were they civilians or were they enlisted men?

Mr. OVERSTREET. They were enlisted men in the United States Army. They have served terms of nine, twelve, and fifteen years each, and have been retired on account of disability.

Mr. MADDOX. Are they not already drawing pensions?

Mr. OVERSTREET. They are drawing pensions, I think, not exceeding $30. This bill will make a small increase; I do not know the limit, but the amount is small. The rank and recognition are the main objects of the measure.

Mr. MADDOX. What is the real purpose of the bill?

Mr. OVERSTREET. The purpose is to give the only recognition that Congress can give to a band of men who endangered their lives in the pursuit of science. This expedition carried the American flag to the northernmost point it has ever been planted by any scientific expedition. The bill is simply a recognition of their services. It does not carry any money. It authorizes the President to retire them with the rank and pay of first-class sergeants of the Signal Corps. They were privates in the United States Army.

Mr. MADDOX. It does not give them any additional pay?

Mr. OVERSTREET. It retires them with whatever pay their rank may entitle them to—about $40 or $50 a month, according to my understanding.

Mr. MADDOX. Does it give them back pay, too?

Mr. OVERSTREET. Oh, no; not at all. I will say to the gentleman that, under the law, whatever pension they may now be receiving will, as I am informed, be annulled in the event of this rank being bestowed upon them. I hope the gentleman will not object. The bill is entirely meritorious.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question now is on the third reading of the Senate bill.

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

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

JAMES W. LONG.

Mr. WM. ALDEN SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 282) providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing his name on the retired list, for present consideration.

The Clerk read the bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill just read for present consideration. Is there objection?

Mr. MADDOX. I object.

The SPEAKER. Objection is made.

SENATE BILLS REFERRED.

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

S. 5882. An act granting an increase of pension to Merzellah Merrill—to the Committee on Invalid Pensions.

S. 6030. An act authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas—to the Committee on Interstate and Foreign Commerce.

S. 282. An act providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry and for placing his name on the retired list—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

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

Mr. CALDWELL, for ten days, on account of important business.

Mr. MILLER, for five days, on account of important business.

And then, on motion of Mr. PAYNE (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting copies of judgments in certain cases of the United States *v.* Simon Marks et al.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for road to the national cemetery at Balls Bluff, Va.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting the claims of the States of Ohio and Illinois—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a supplemental report relating to the relations of the State of Texas with Greer County—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of War, transmitting, with other papers, a letter from the Quartermaster-General of the Army, relating to a proposed donation by Mrs. Rachel A. Paxton of a right of way for an approach to the Balls Bluff (Virginia) National Cemetery—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14840) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended by an act approved August 13, 1898, reported the same with amendment, accompanied by a report (No. 2459); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska, reported the same without amendment, accompanied by a report (No. 2460); which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 12202) for the erection of a monumental statue in the city of Washington, D. C., to Paul Jones, the founder of the American Navy, reported the same without amendment, accompanied by a report (No. 2462); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, submitted the views of the minority of said committee (Report No. 2303, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14813) granting

a pension to William Mennecke, reported the same with amendment, accompanied by a report (No. 2441); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14042) granting an increase of pension to George W. Edgington, reported the same with amendment, accompanied by a report (No. 2442); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12132) for the relief of Allen C. Davis, reported the same with amendments, accompanied by a report (No. 2443); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8542) granting an increase of pension to Parmenus F. Harris, reported the same with amendments, accompanied by a report (No. 2444); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1928) granting an increase of pension to James Wilkinson, reported the same with amendments, accompanied by a report (No. 2445); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1347) granting an increase of pension to Charles H. Webb, reported the same with amendments, accompanied by a report (No. 2446); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6009) granting a pension to Absolum Maynard, reported the same with amendments, accompanied by a report (No. 2447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8005) granting a pension to Samantha A. Newcomb, reported the same with amendments, accompanied by a report (No. 2448); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10325) granting an increase of pension to Joseph Stonesifer, reported the same with amendments, accompanied by a report (No. 2449); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14274) granting a pension to Charles Moyer, reported the same with amendment, accompanied by a report (No. 2450); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13510) granting an increase of pension to James P. Thomas, reported the same with amendment, accompanied by a report (No. 2451); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5752) granting an increase of pension to Thomas D. Utter, reported the same without amendment, accompanied by a report (No. 2452); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6021) granting an increase of pension to Esther D. Haslam, reported the same without amendment, accompanied by a report (No. 2453); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1458) granting an increase of pension to Linda W. Slaughter, reported the same without amendment, accompanied by a report (No. 2454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2703) granting an increase of pension to James S. Myers, reported the same without amendment, accompanied by a report (No. 2455); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1750) for the relief of the heirs of George T. Howard, reported the same without amendment, accompanied by a report (No. 2456); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13420) to pay Velvia Tucker arrears of pension due her father, William N. Tucker, reported the same without amendment, accompanied by a report (No. 2457); which said bill and report were referred to the Private Calendar.

Mr. REEVES, from the Committee on Patents, to which was referred the bill of the House (H. R. 13307) for the relief of Valdemar Poulsen, reported the same with amendment, accompanied by a report (No. 2458); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14656) granting an increase of pension to Charles A. Scott, reported the same with amendment, accompanied by a report (No. 2461); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14995) for the relief of Charles H. Warren, reported the same without amendment, accompanied by a report (No. 2463); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. THOMAS of North Carolina: A bill (H. R. 15041) to authorize the Kingston and Jacksonville Railroad Company to construct a bridge across Neuse River, near Kinston, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: A bill (H. R. 15042) providing for the issuance of a patent to lands occupied by the Sacred Heart Mission, in accordance with agreement made by the United States with the Citizens band of Pottawatomie Indians of Oklahoma—to the Committee on Indian Affairs.

By Mr. IRWIN: A bill (H. R. 15043) to authorize the transportation of distilled spirits to general bonded warehouses and the removal therefrom—to the Committee on Ways and Means.

By Mr. POWERS of Massachusetts: A bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALLEN of Kentucky: A bill (H. R. 15044) for the relief of William Kelley's estate—to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 15045) granting an increase of pension to William T. Wright—to the Committee on Pensions.

By Mr. BLACKBURN: A bill (H. R. 15046) granting a pension to Soloman Bauguss—to the Committee on Pensions.

Also, a bill (H. R. 15047) granting a pension to John A. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15048) granting a pension to William M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15049) to correct the military record of William G. Sebastian—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 15050) granting an increase of pension to James Carlyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15051) granting a pension to Jackson Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15052) granting an increase of pension to Frederick Rake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15053) granting a pension to Permelia Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15054) granting an increase of pension to Alonzo Voorhees—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15055) for the relief of Frank P. Murphy—to the Committee on Claims.

By Mr. HEMENWAY: A bill (H. R. 15056) granting an increase of pension to Richard M. Nash—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15057) granting a pension to Eli B. Riggs—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15058) granting an increase of pension to G. N. Crawford—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 15059) granting a pension to Julius Scheuer—to the Committee on Pensions.

Also, a bill (H. R. 15060) granting an increase of pension to Jane L. Fagg—to the Committee on Pensions.

Also, a bill (H. R. 15061) for the relief of E. M. Deaver—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 15062) granting an increase of pension to John Tailby—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 15063) granting an increase of pension to William R. Thompson—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 15064) granting an increase of pension to Frederick Shovar—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 15065) for the relief of Joshua D. Haskett—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 15067) granting an increase of pension to William S. Thurman—to the Committee on Pensions

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALL of Delaware: Sundry petitions of various posts of the Grand Army of the Republic in the States of Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Montana, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, favoring a bill to modify the pension laws—to the Committee on Invalid Pensions.

By Mr. BROWN: Resolutions of the common council of Milwaukee, Wis., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS: Resolutions of Turn Verein, of Bern, Kans., in relation to House bill 12199—to the Committee on Immigration and Naturalization.

Also, petition of Phil Harvey Post, No. 98, Department of Kansas, Grand Army of the Republic, favoring the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Mount Oliver Turn Verein, of Mount Oliver, Pa., in favor of expressions of sympathy for South African Republics—to the Committee on Foreign Affairs.

Also, resolutions of Mine Workers' Union of Elizabeth, Pa., in regard to restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolutions of the common council of Milwaukee, Wis., in favor a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By. Mr. HOWELL: Resolutions of the Trades and Labor Federation of New Brunswick, N. J., in relation to Senate bill 3057, for the enactment of irrigation legislation, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the same body for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petitions of Grove H. Dutton, P. J. Brown, and others, favoring the passage of House bill 8320, increasing the pensions of soldiers who have lost legs or arms in battle—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolutions of the Grand Army of the Republic, Department of Iowa, expressing sympathy and congratulations to the United States Army in the Philippines—to the Committee on Military Affairs.

By Mr. LONG: Paper to accompany House bill 8089, granting a pension to Catherine Pixley—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of Nebraska Bankers' Association, of Omaha, opposing the branch banking bill—to the Committee on Banking and Currency.

Also, resolutions of Millard Turn Verein, of Millard, Nebr., in regard to House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Resolutions of a meeting of Jewish people in Philadelphia, Pa., favoring the Goldfogle bill, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of Lodge No. 384, Brotherhood of Locomotive Engineers, of Lehighton, Pa., favoring the amended irrigation bill and the Senate amendment to the sundry civil bill—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the State League of German Catholic Societies of Pennsylvania, in relation to the Catholic Federation, etc.—to the Committee on Education.

By Mr. RAY of New York: Papers to accompany House bill granting an increase of pension to John Tailby—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Papers to accompany House bill granting increase of pension to William R. Thompson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Papers in support of House bill 14766, granting a pension to Robert P. Baker, a veteran of the Mexican war—to the Committee on Pensions.

Also, papers to accompany House bill 14586, granting a pension to William Tanner—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of Jolma D. Haskett—to the Committee on War Claims.

Also, petition of the heirs of William C. Lewis, deceased, late of Carteret County, N. C., for reference of war claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *June 12, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. SCOTT. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. BATE. I should like to have it read this morning.

The PRESIDENT pro tempore. Objection is made, and the Journal will be read.

The Secretary resumed the reading, and after having read for some time,

Mr. FAIRBANKS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection?

Mr. BATE. I will not object now.

There being no objection, the further reading of the Journal was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2921) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3309) to remove the charge of desertion against Ephriam H. Gallion.

The message further announced that the House had passed a bill (H. R. 9556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands," etc., approved March 3, 1901, in which it requested the concurrence of the Senate.

The message also requested the Senate to furnish the House of Representatives with a duplicate copy of the joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers, the same having been lost or misplaced.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of the board of aldermen and common council of Lowell, Mass., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 448, International Association of Machinists, of Florence, Mass., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. FAIRBANKS presented a petition of the Epworth League of Portland, Ind., praying for the enactment of legislation regulating the immigration of aliens into the United States; which was referred to the Committee on Immigration.

Mr. TELLER presented a petition of Local Union No. 1970, United Mine Workers, of Williamsburg, Colo., praying for the enactment of legislation limiting the use of the power of injunction; which was ordered to lie on the table.

He also presented petitions of General Shields Post, No. 18, Department of Colorado and Wyoming, Grand Army of the Republic, and of Wadsworth Post, No. 93, Department of Colorado and Wyoming, Grand Army of the Republic, in the State of Colorado, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy when 50 years of age and over, and increasing the pensions of widows of soldiers to $12 per month; which were referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Assembly of Pueblo, Colo., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Presbytery of Colorado, praying for the establishment of a psychological laboratory; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Colorado, praying for a reduction of the tax on whisky; which was referred to the Committee on Finance.

Mr. GAMBLE presented a petition of the Commercial Club of Sturgis, S. Dak., praying for the enactment of legislation providing for the reclamation of the arid lands of the West; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Western Washington Woman's Christian Temperance Union, of Columbia City, Wash., praying for the enactment of legislation to