

By Mr. DWIGHT: Paper to accompany bill granting increase of pension to William M. Moon—to the Committee on Invalid Pensions.

By Mr. FLACK: Resolution of Peru (N. Y.) Grange, Patrons of Husbandry, favoring good-roads legislation—to the Committee on Agriculture.

By Mr. FULLER: Resolution of the Board of Trade of Cairo, Ill., in relation to enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of R. B. Hayes Post, No. 120, Grand Army of the Republic, of Plano, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GUDGER: Letters of citizens in favor of army chaplain bill—to the Committee on Military Affairs.

Also, paper to accompany bill to increase pension of Alson E. Reese—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Letter of Hart-Parr Company, of Charles City, Iowa, relative to the passage of bill H. R. 9303, which provides for the removal of internal revenue on denatured alcohol—to the Committee on Ways and Means.

Also, petition of E. B. Hall and others, of Swaledale, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Henry Howard Post, No. 259, and Frank A. Brush Post, No. 77, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of citizens of Thompsonville, Conn., relative to the closing of the St. Louis Exposition on the Sabbath—to the Committee on Industrial Arts and Expositions.

By Mr. HOWELL of New Jersey: Resolutions of Captain J. W. Conover Post, No. 63, Grand Army of the Republic, Freehold, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of W. L. Pearson and others, of Oska-loosa, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on Invalid Pensions.

By Mr. LANNING: Resolutions of James M. Weart Post, No. 108, of Hopewell, N. J., and Bayard Post, No. 8, of Trenton, N. J., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolution of the Oneida Republican Association of the Fifteenth Ward of Brooklyn, N. Y., indorsing the action of the President in relation to the isthmian canal question—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: Papers to accompany House bill granting a pension to Catharine Berry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to correct the military record of Mathew W. Face—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of David R. Blessing—to the Committee on Military Affairs.

By Mr. LITTLE: Papers to accompany bill H. R. 10304, for the relief of Mrs. Eliza J. Haines—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of citizens of Jennings Creek, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Sedgwick Post, No. 4, Grand Army of the Republic, of Maine, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Massachusetts State Board of Trade, in favor of arbitration treaties with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Massachusetts State Board of Trade, in favor of certain changes in postal rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts State Board of Trade, in favor of providing a vessel to patrol Atlantic coast waters and destroy derelicts—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Sarah Jane Grissom—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 8999, for the relief of the estate of H. B. Henegar, deceased, late of Bradley County, Tenn.—to the Committee on War Claims.

By Mr. OTIS: Petition of citizens of Mount Vernon, N. Y., relative to the sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Rev. G. W. McPherson, of Yonkers, N. Y., against sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PORTER: Letter of Thomas K. Cree, relative to certain provisions in the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, resolution of First Battalion, Naval Brigade, of the Ohio National Guard, relative to a naval training station at Put in Bay—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: Petition of Cigar Makers' Union No. 37, of Fort Wayne, Ind., in favor of bill H. R. 6—to the Committee on Ways and Means.

By Mr. RYAN: Resolution of National League of Commission Merchants, relating to enlarging powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Resolutions of Carver Post, No. 123, and John Gillaly Post, No. 114, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Papers to accompany bill H. R. 11261, to correct the military record of I. N. Nance—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 8856, for the relief of the heirs of William W. Leftwich—to the Committee on War Claims.

By Mr. SULLOWAY: Petition of citizens of Freedom, N. H., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. WADSWORTH: Petition of Clark Allis and 47 others, of Medicina, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WANGER: Resolutions of M. E. Richards Post, No. 595, of Pottstown, Pa., and General S. K. Zook Post, No. 11, of Norristown, Pa., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, a memorial of Harmony Grange, No. 891, Patrons of Husbandry, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

SENATE.

MONDAY, February 1, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

Mr. CHARLES H. DIETRICH, a Senator from the State of Nebraska, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

SOLDIERS' HOME AT MARION, IND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of deficiency in the appropriation for the National Home for Disabled Volunteer Soldiers, Marion Branch, for the fiscal year ending June 30, 1904, \$5,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BOARD FOR PROMOTION OF RIFLE PRACTICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the service for the fiscal year ended June 30, 1903, for expenses of Board for Promotion of Rifle Practice, \$850; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Capital Traction Company for the year 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

JOURNALS OF CONFEDERATE STATES CONGRESS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 28th ultimo, a copy of the Journals of the Provisional and the First and Second Congresses of the Confederate States of America, now in the custody of the War Department.

The papers comprise about seven octavo volumes, and, if there be no objection, the Chair will refer them to the Committee on Printing without any order in reference to the printing, leaving the Committee on Printing to determine what shall be done.

Mr. BATE. I think that course will be agreeable.

Mr. BACON. Is it a recommendation of the Secretary of War? The PRESIDENT pro tempore. Yes; a communication from the Secretary of War.

Mr. BACON. What is the purport of the communication?

The PRESIDENT pro tempore. It transmits the Journals of the Provisional and the First and Second Congresses of the Confederate States.

Mr. BACON. I understand, but I wish to know what is the purpose of the transmission.

The PRESIDENT pro tempore. The papers were transmitted in order that they might be printed.

Mr. HALE. I think it is in reply to some resolution adopted by the Senate asking the Secretary of War to send in these papers.

Mr. BACON. That is what I wished to know.

Mr. HALE. It is a matter of historic value, and if it goes to the Committee on Printing they will report as to the printing.

Mr. BATE. Let it be printed and lie on the table, please.

The PRESIDENT pro tempore. There are seven octavo volumes.

Mr. BATE. Oh, no; just the communication from the Secretary of War.

The PRESIDENT pro tempore. The communication will be printed and referred, with the accompanying papers, to the Committee on Printing.

Mr. FORAKER subsequently said: Mr. President, I understand that while I was absent from the Senate for a few minutes the Chair laid before the Senate the papers transmitted by the Secretary of War in response to a Senate resolution adopted on the 28th ultimo, calling for a copy of the Journals of the Provisional and the First and Second Congresses of the Confederate States of America, and that they were referred by the Chair to the Committee on Printing.

I ask that that reference may be reconsidered and that the papers may be printed as a Senate document. I think there will be no controversy as to the propriety of printing the document. It is something which has been prepared by the War Department at a very great expense of time and trouble.

Mr. BATE. I think that is all we desire on this side about it.

The PRESIDENT pro tempore. And without any further order in relation to the printing?

Mr. FORAKER. I understand that it is not necessary to make any order under the rule. It is a document prepared by the War Department, called for by the Senate, and transmitted to the Senate in response to a resolution adopted by the Senate. The document is one entirely proper to be printed and the purpose in asking for it was to have it printed. So I—

The PRESIDENT pro tempore. What the Chair was asking was as to the future in addition to the number to be printed under that order, and as to how many additional copies the Senator would desire to have printed? There is a limit fixed by the rule to the number that can be printed as a Senate document.

Mr. FORAKER. Let it be printed as a Senate document. Then, after we have had a chance to look at it, if we want to have additional copies we can adopt a resolution providing for the printing of additional copies for the use of the Senate and also for the use of the House.

Mr. BATE. For the present I think that is the correct course.

Mr. ALDRICH. What are the papers?

Mr. FORAKER. Copies of the Journals of the Provisional and the First and Second Congresses of the Confederate States.

Mr. GALLINGER. Is that the document which the Chair stated is in seven octavo volumes?

The PRESIDENT pro tempore. It is.

Mr. GALLINGER. It seems to me that some committee ought to look at it before it is ordered printed. Does the rule apply to this document that if the printing exceeds the cost of \$500 the question shall be referred to the Committee on Printing?

The PRESIDENT pro tempore. It does not. When the request is made that it be printed as a Senate document there is no limit as to the cost.

Mr. FORAKER. It is the same as in the case of any other Senate document.

The PRESIDENT pro tempore. The same as in the case of any other Senate document.

Mr. FORAKER. It is a document prepared by the War Department; it comes under the rule, and it is one, I think, the public will be interested in seeing.

Mr. GALLINGER. Mr. President, I am quite clear in the opinion that this will be a document of much interest to Congress and to the people of the country, and yet it is a fact that one of the most striking and startling extravagances of Congress is in the matter of printing. Our homes and our committee rooms are filled with books and documents that are never consulted. I wish that there might be some way devised whereby we could economize somewhat in the item of printing.

So far as this particular document is concerned, I shall be very glad indeed to have a copy of it, and if the Senator from Ohio is clear in the opinion that it ought to be printed, of course I shall interpose no objection.

Mr. FORAKER. I feel that way about it. It has been prepared under the supervision of the War Department, and it belongs to the history of the country. I think it ought to be printed.

Mr. BATE. I ask if this is the same document that was presented a while ago and went over?

The PRESIDENT pro tempore. It is the same. It was referred to the Committee on Printing without an order to print.

Mr. BATE. So I understood.

The PRESIDENT pro tempore. The Senator from Ohio asks that that reference may be reconsidered and that it may be printed as a Senate document.

Mr. BATE. Does the Senator from Ohio indicate the number of copies that shall be printed?

Mr. FORAKER. No; I simply ask that the usual number of copies may be printed—that is quite a considerable number—and after it is in document form and we have had a chance to look at it we can provide for the printing of further copies, whatever number may be necessary.

Mr. BATE. I think the first printing should be as suggested and then we can provide afterwards for additional copies if necessary.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio to reconsider the vote by which the document was referred to the Committee on Printing? The Chair hears none. Is there any objection to the request of the Senator from Ohio that the papers be printed as a Senate document? The Chair hears no objection, and that order is made.

Does the Senator, after it is printed as a document, desire any reference of it?

Mr. FORAKER. No; I do not suppose any reference is necessary. It will be printed simply as a Senate document and will be distributed among Senators, each one having his allotment, as all other Senate documents are distributed.

ENGINEER CORPS OF THE ARMY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a General Staff report relating to the increase of the Engineer Corps of the Army, together with a draft of a proposed bill on that subject; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

RECESS APPOINTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information relative to recess appointments of Army officers; which, with the accompanying papers, was ordered to lie on the table, and be printed.

Mr. TILLMAN subsequently said: I have examined the papers sent by the Secretary of War in answer to the Senate resolution, and in order to facilitate the understanding of their contents by the members of the Senate in the morning before they come here, I ask that they may be printed in the RECORD as well as printed as a document. Otherwise Senators could not see them or get hold of them until they came to the Senate.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). The Senator from South Carolina asks unanimous consent that the papers to which he refers may be printed in the RECORD. Is there objection?

Mr. ALLISON. What is the document?

Mr. TILLMAN. It is the answer of the Secretary of War to the resolution of the Senate in regard to the appointment of certain officers, and my sole purpose in asking that it may be printed in the RECORD is that Senators may see it in the morning, which otherwise they would not have an opportunity of doing. It has already been ordered printed as a document.

Mr. ALLISON. Is it a very long document?

Mr. TILLMAN. It is not a long document, sir. I have examined it, and it will not take two pages of the RECORD.

Mr. ALLISON. I shall not object then, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the document referred to will be printed in the RECORD.

The papers referred to are as follows:

WAR DEPARTMENT,
Washington, January 29, 1904.

To the Senate:

I have the honor to reply to the following resolution of the Senate passed January 26, 1904:

"Resolved, That the Secretary of War be, and he is hereby, instructed to send to the Senate information in the nature of answers to the following questions:

"First. What officers in the Army were appointed during the recess of the Senate occurring between March 19, 1903, to November 9, 1903? Were commissions issued these officers; and if so, of what character? What officers failed of confirmation during the special session beginning November 9 and ending December 7, 1903? Have these officers been reappointed, and have commissions been issued to them? If so, what is the character of the commission and what authority of law is there for its being issued?"

(1) A list of the officers in the Army appointed during the recess of the Senate occurring between March 19, 1903, and November 9, 1903, is annexed hereto, marked "A."

The customary recess commissions were issued to these officers, in terms expiring at the end of the next session of the Senate.

(2) The only information which the Secretary of War has as to what officers have failed of confirmation is derived from the Senate. By comparing

the list of nominations sent to the Senate with the list of confirmations communicated by the Senate to the President it appears that the officers named in Schedule B, annexed hereto, had not been confirmed at noon on the first Monday of December, 1903.

(3) All the officers specified in Schedule B have been reappointed, and recess commissions, of the character specified above, have been issued to them. It is the understanding of this Department that the authority of law therefor is Article II, section 2, paragraph 3, of the Constitution, which reads as follows:

"The President shall have power to fill all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session."

Very respectfully,

ELIHU ROOT,
Secretary of War.

[Three inclosures.]

WAR DEPARTMENT,
OFFICE OF THE ADJUTANT-GENERAL,
Washington, January 27, 1904.

Respectfully returned to the Chief of Staff with the following information, called for by the within resolution of the Senate of January 26, 1904:

First. A list of officers in the Army appointed during the recess of the Senate occurring between March 19 and November 9, 1903. The names of all officers of the Army appointed during the recess specified is, with only two exceptions, correctly given in the list of Executive nominations received by the Senate November 11, 1903, and published in the CONGRESSIONAL RECORD of that date. The list thus published is inclosed to save the time of transcribing all the names.

The two officers receiving recess appointments whose names do not appear in this list are Second Lieut. F. E. Gignoux, Artillery Corps, promoted to grade of first lieutenant, and who resigned during the recess and was out of service when the Senate met, and Squadron Sergt. Maj. Horace Higgins, Twelfth Cavalry, promoted to be a second lieutenant of infantry, but not nominated in consequence of evidence of moral delinquency filed in the Department prior to the meeting of the Senate. Commissions, signed by the President, were issued to all of these officers of the character usually designated "recess commissions," each of which specified: "This commission to continue in force during the pleasure of the President of the United States for the time being and until the end of the next session of the Senate."

Second. A list of such of these officers as failed of confirmation during the special session of the Senate beginning November 9 and ending December 7, 1903, is inclosed. These officers were reappointed December 7, 1903. A copy of the President's order appointing them follows the list. This order of appointment was followed by recess commissions dated December 7, 1903, to all of these officers. These recess commissions were of the same character as those issued during the recess preceding November 9, 1903, that is to say, to continue in force "for the time being and until the end of the next session of the Senate."

E. R. HILLS,
Acting Adjutant-General.

SCHEDULE A.—NOMINATIONS.

Executive nominations received by the Senate November 11, 1903.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

To be Lieutenant-General.

Maj. Gen. Samuel B. M. Young, United States Army, August 8, 1903, vice Miles, retired from active service.

To be major-generals.

Brig. Gen. Samuel S. Sumner, United States Army, July 26, 1903, vice Davis, retired from active service.

Brig. Gen. Leonard Wood, United States Army, August 8, 1903, vice Young, appointed Lieutenant-General.

To be brigadier-generals.

Col. Jared A. Smith (since retired from active service), Corps of Engineers, April 13, 1903, vice Wade, appointed major-general.

Col. Jacob B. Rawles (since retired from active service), Artillery Corps, April 14, 1903, vice Smith, retired from active service.

Col. Stephen W. Groesbeck (since retired from active service), judge-advocate, April 16, 1903, vice Woodson, retired from active service.

Col. John B. Myrick (since retired from active service), Artillery Corps, April 17, 1903, vice Groesbeck, retired from active service.

Col. Louis H. Rucker (since retired from active service), Eighth Cavalry, April 18, 1903, vice Myrick, retired from active service.

Col. Theodore A. Baldwin (since retired from active service), Seventh Cavalry, April 19, 1903, vice Rucker, retired from active service.

Col. William P. Rogers (since retired from active service), Thirtieth Infantry, April 20, 1903, vice Baldwin, retired from active service.

Col. Peter C. Hains, Corps of Engineers, April 21, 1903, vice Rogers, retired from active service.

Col. John H. Page (since retired from active service), Third Infantry, July 26, 1903, vice Sumner, appointed major-general.

Col. Charles A. Woodruff (since retired from active service), assistant commissary-general, July 27, 1903, vice Page, retired from active service.

Col. William L. Haskin (since retired from active service), Artillery Corps, July 28, 1903, vice Charles A. Woodruff, retired from active service.

Col. Charles W. Miner (since retired from active service), Sixth Infantry, July 29, 1903, vice Haskin, retired from active service.

Col. James M. J. Sanno (since retired from active service), Eighteenth Infantry, July 30, 1903, vice Miner, retired from active service.

Col. Charles F. Robe (since retired from active service), Ninth Infantry, July 31, 1903, vice Sanno, retired from active service.

Col. James W. Reilly (since retired from active service), Ordnance Department, August 1, 1903, vice Robe, retired from active service.

Col. Edwin B. Atwood (since retired from active service), Assistant Quartermaster-General, August 2, 1903, vice Reilly, retired from active service.

Col. Frank G. Smith (since retired from active service), Artillery Corps, August 3, 1903, vice Atwood, retired from active service.

Col. George B. Rodney (since retired from active service), Artillery Corps, August 4, 1903, vice Smith, retired from active service.

Col. Almond B. Wells (since retired from active service), First Cavalry, August 5, 1903, vice Rodney, retired from active service.

Col. Peter J. A. Cleary (since retired from active service), Assistant Surgeon-General, August 6, 1903, vice Wells, retired from active service.

Col. John B. Babcock (since retired from active service), Assistant Adjutant-General, August 7, 1903, vice Cleary, retired from active service.

Col. Charles A. Coolidge (since retired from active service), Seventh Infantry, August 8, 1903, vice Wood, appointed major-general.

Col. Cyrus S. Roberts (since retired from active service), Second Infantry, August 8, 1903, vice Babcock, retired from active service.

Col. J. Milton Thompson (since retired from active service), Twenty-third Infantry, August 9, 1903, vice Coolidge, retired from active service.

Col. Calvin De Witt (since retired from active service), Assistant Surgeon-General, August 9, 1903, vice Roberts, retired from active service.

Col. Carle A. Woodruff (since retired from active service), Artillery Corps, August 10, 1903, vice Thompson, retired from active service.

Col. David H. Kinzie (since retired from active service), Artillery Corps, August 10, 1903, vice De Witt, retired from active service.

Col. John L. Tiernon (since retired from active service), Artillery Corps, August 11, 1903, vice Carle A. Woodruff, retired from active service.

Col. James Miller (since retired from active service), Twenty-second Infantry, August 11, 1903, vice Kinzie, retired from active service.

Col. David J. Craigie (since retired from active service), Seventeenth Infantry, August 12, 1903, vice Tiernon, retired from active service.

Col. Alpheus H. Bowman (since retired from active service), Twenty-fifth Infantry, August 12, 1903, vice Miller, retired from active service.

Col. Edmund Rice (since retired from active service), Nineteenth Infantry, August 13, 1903, vice Craigie, retired from active service.

Col. Charles G. Penney (since retired from active service), Twenty-ninth Infantry, August 13, 1903, vice Bowman, retired from active service.

Col. Jesse C. Chance (since retired from active service), Fourth Infantry, August 14, 1903, vice Rice, retired from active service.

Col. Theodore F. Forbes (since retired from active service), Twenty-seventh Infantry, August 14, 1903, vice Penney, retired from active service.

Col. Daniel D. Wheeler (since retired from active service), Assistant Quartermaster-General, August 15, 1903, vice Chance, retired from active service.

Col. Leon A. Matile (since retired from active service), Twenty-fourth Infantry, August 15, 1903, vice Forbes, retired from active service.

Col. Charles L. Cooper (since retired from active service), Fifth Cavalry, August 16, 1903, vice Wheeler, retired from active service.

Col. John A. Kress (since retired from active service), Ordnance Department, August 16, 1903, vice Matile, retired from active service.

Col. John Simpson (since retired from active service), Assistant Quartermaster-General, August 17, 1903, vice Cooper, retired from active service.

Col. Camillo C. Carr, Fourth Cavalry, August 17, 1903, vice Kress, retired from active service.

Col. Thomas H. Barry, Assistant Adjutant-General, August 18, 1903, vice Simpson, retired from active service.

PROMOTIONS IN THE ARMY.

ADJUTANT-GENERAL'S DEPARTMENT.

To be assistant adjutants-general with rank of colonel.

Lieut. Col. George Andrews, assistant adjutant-general, August 7, 1903, vice Babcock, appointed brigadier-general.

Lieut. Col. William A. Simpson, assistant adjutant-general, August 18, 1903, vice Barry, appointed brigadier-general.

INSPECTOR-GENERAL'S DEPARTMENT.

To be inspectors-general with rank of colonel.

Lieut. Col. Thomas T. Knox (since retired from active service), inspector-general, April 11, 1903, vice Vroom, appointed inspector-general with the rank of brigadier-general.

Lieut. Col. Stephen C. Mills, inspector-general, April 12, 1903, vice Burton, appointed inspector-general with the rank of brigadier-general.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

Lieut. Col. Enoch H. Crowder, judge-advocate, to be judge-advocate with the rank of colonel, April 13, 1903, vice Groesbeck, appointed brigadier-general.

Maj. John A. Hull, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, April 16, 1903, vice Crowder, promoted.

QUARTERMASTER'S DEPARTMENT.

To be assistant quartermasters-general with rank of colonel.

Lieut. Col. Forrest H. Hathaway, deputy quartermaster-general, April 12, 1903, vice Humphrey, appointed Quartermaster-General.

Lieut. Col. Joshua W. Jacobs, deputy quartermaster-general, August 2, 1903, vice Atwood, appointed brigadier-general.

Lieut. Col. John L. Clem, deputy quartermaster-general, August 15, 1903, vice Wheeler, appointed brigadier-general.

Lieut. Col. William S. Patten, deputy quartermaster-general, August 17, 1903, vice Simpson, appointed brigadier-general.

To be deputy quartermasters-general with rank of lieutenant-colonel.

Maj. John McE. Hyde, quartermaster, April 12, 1903, vice Hathaway, promoted.

Maj. George Ruhlen, quartermaster, August 2, 1903, vice Jacobs, promoted.

Maj. William H. Miller, quartermaster, August 15, 1903, vice Clem, promoted.

Maj. Samuel R. Jones, quartermaster, August 17, 1903, vice Patten, promoted.

To be quartermasters with rank of major.

Capt. John M. Carson, jr., quartermaster, April 12, 1903, vice Hyde, promoted.

Capt. Alfred M. Palmer, quartermaster, August 2, 1903, vice Ruhlen, promoted.

Capt. John Elston Baxter (heretofore borne on the Army Register as "John Baxter, jr."), quartermaster, August 15, 1903, vice Miller, promoted.

Capt. Moses G. Zahnski, quartermaster, August 17, 1903, vice Jones, promoted.

SUBSISTENCE DEPARTMENT.

Lieut. Col. William L. Alexander, deputy commissary-general, to be assistant commissary-general with the rank of colonel, July 27, 1903, vice Woodruff, appointed brigadier-general.

Maj. James N. Allison, commissary, to be deputy commissary-general with the rank of lieutenant-colonel, July 27, 1903, vice Alexander, promoted.

Capt. William H. Hart, commissary, to be commissary with the rank of major, July 27, 1903, vice Allison, promoted.

MEDICAL DEPARTMENT.

To be assistant surgeons-general with the rank of colonel.

Lieut. Col. Philip F. Harvey, deputy surgeon-general, August 6, 1903, vice Cleary, appointed brigadier-general.

Lieut. Col. Charles B. Byrne, deputy surgeon-general, August 9, 1903, vice De Witt, appointed brigadier-general.

Lieut. Col. Timothy E. Wilcox, deputy surgeon-general, September 22, 1903, vice Lippincott, retired from active service.

To be deputy surgeons-general with the rank of lieutenant-colonel.

Maj. George H. Torney, surgeon, August 6, 1903, vice Harvey, promoted.

Maj. Louis W. Crampton, surgeon, August 9, 1903, vice Byrne, promoted.

Maj. Edwin F. Gardner, surgeon, September 22, 1903, vice Wilcox, promoted.

To be surgeons with the rank of major.

Capt. William F. Lippitt, assistant surgeon, March 18, 1903, vice Gorgas, appointed assistant surgeon-general.

Capt. Merritte W. Ireland, assistant surgeon, August 3, 1903, vice Ten Eyck, retired from active service.

Capt. George M. Wells, assistant surgeon, August 6, 1903, vice Torney, promoted.
 Capt. Henry C. Fisher, assistant surgeon, August 9, 1903, vice Crampton, promoted.
 Capt. Henry A. Shaw, assistant surgeon, September 22, 1903, vice Gardner, promoted.

PAY DEPARTMENT.

To be paymasters with the rank of major.

Capt. Robert S. Smith, paymaster, February 19, 1903, vice Tucker, promoted.
 Capt. Seymour Howell, paymaster, June 25, 1903, vice Newbold, retired from active service.

CORPS OF ENGINEERS

To be colonels.

Lieut. Col. David P. Heap, Corps of Engineers, April 13, 1903, vice Smith, appointed brigadier-general.
 Lieut. Col. William A. Jones, Corps of Engineers, April 21, 1903, vice Hains, appointed brigadier-general.

To be lieutenant-colonels.

Maj. Ernest H. Ruffner, Corps of Engineers, April 13, 1903, vice Heap, promoted.
 Maj. Clinton B. Sears, Corps of Engineers, April 21, 1903, vice Jones, promoted.

To be majors.

Capt. George A. Zinn, Corps of Engineers, April 13, 1903, vice Ruffner, promoted.
 Capt. William C. Langfitt, Corps of Engineers, April 21, 1903, vice Sears, promoted.

To be captains.

First Lieut. William B. Ladue, Corps of Engineers, April 13, 1903, vice Zinn, promoted.
 First Lieut. William J. Barden, Corps of Engineers, April 21, 1903, vice Langfitt, promoted.

To be first lieutenants.

Second Lieut. Ernest D. Peck, Corps of Engineers, April 13, 1903, vice Ladue, promoted.
 Second Lieut. George R. Spalding, Corps of Engineers, April 21, 1903, vice Barden, promoted.
 Second Lieut. Elliott J. Dent, Corps of Engineers, June 4, 1903, vice Rhett, resigned.

ORDNANCE DEPARTMENT.

To be colonels.

Lieut. Col. John A. Kress (since retired from active service), Ordnance Department, August 1, 1903, vice Reilly, appointed brigadier-general.
 Lieut. Col. John G. Butler, Ordnance Department, August 16, 1903, vice Kress, appointed brigadier-general.

To be lieutenant-colonels.

Maj. Charles S. Smith, Ordnance Department, April 5, 1903, vice Varney, retired from active service.
 Maj. Stanhope E. Blunt, Ordnance Department, August 1, 1903, vice Kress, promoted.
 Maj. Frank Heath, Ordnance Department, August 16, 1903, vice Butler, promoted.

To be majors.

Capt. Lawrence L. Bruff, Ordnance Department, April 5, 1903, vice Smith, promoted.
 Capt. Charles H. Clark, Ordnance Department, August 1, 1903, vice Blunt, promoted.
 Capt. Frank E. Hobbs, Ordnance Department, August 16, 1903, vice Heath, promoted.

To be captains.

First Lieut. John H. Rice, Ordnance Department, April 5, 1903, vice Bruff, promoted.
 First Lieut. David M. King, Ordnance Department, August 1, 1903, vice Clark, promoted.
 First Lieut. Thales L. Ames, Ordnance Department, August 16, 1903, vice Hobbs, promoted.

SIGNAL CORPS.

To be captains.

First Lieut. Walter L. Clarke, Signal Corps, March 2, 1903, vice Greene, promoted.
 First Lieut. Basil O. Lenoir, Signal Corps, March 2, 1903, vice Reber, promoted.
 First Lieut. William Mitchell, Signal Corps, March 2, 1903, vice Squier, promoted.
 First Lieut. Henry W. Stamford, Signal Corps, March 2, 1903, to fill an original vacancy.
 First Lieut. Charles S. Wallace, Signal Corps, March 2, 1903, to fill an original vacancy.
 First Lieut. George S. Gibbs, Signal Corps, March 2, 1903, to fill an original vacancy.
 First Lieut. Charles de F. Chandler, Signal Corps, March 2, 1903, to fill an original vacancy.

CAVALRY ARM.

To be colonels.

Lieut. Col. John B. Kerr, United States Cavalry, assistant adjutant-general, March 30, 1903, vice Forbush, Twelfth Cavalry, retired from active service.
 Lieut. Col. Joseph H. Dorst, Twelfth Cavalry, April 15, 1903, vice Woodson, Third Cavalry, appointed brigadier-general.
 Lieut. Col. George S. Anderson, Sixth Cavalry, April 18, 1903, vice Rucker, Eighth Cavalry, appointed brigadier-general.
 Lieut. Col. Earl D. Thomas, Thirteenth Cavalry, April 19, 1903, vice Baldwin, Seventh Cavalry, appointed brigadier-general.
 Lieut. Col. Martin B. Hughes, Tenth Cavalry, August 5, 1903, vice Wells, First Cavalry, appointed brigadier-general.
 Lieut. Col. Clarence A. Stedman, Fourth Cavalry, August 16, 1903, vice Cooper, Fifth Cavalry, appointed brigadier-general.
 Lieut. Col. Edgar Z. Steever, United States Cavalry, assistant adjutant-general, August 17, 1903, vice Carr, Fourth Cavalry, appointed brigadier-general.

To be lieutenant-colonels.

Maj. George F. Chase, Seventh Cavalry, April 15, 1903, vice Dorst, Twelfth Cavalry, promoted.
 Maj. William H. Beck, Eighth Cavalry, April 15, 1903, vice Steever, Third Cavalry, detailed as assistant adjutant-general.

Maj. Peter S. Bomus, First Cavalry, April 18, 1903, vice Anderson, Sixth Cavalry, promoted.

Maj. James Parker, United States Cavalry, assistant adjutant-general, April 19, 1903, vice Thomas, Thirteenth Cavalry, promoted.

Maj. Joseph Garrard, Ninth Cavalry, April 22, 1903, vice Sprole, First Cavalry, deceased.

Maj. Frank U. Robinson, Second Cavalry, May 25, 1903, vice West, Fifth Cavalry, detailed as inspector-general.

Maj. Otto L. Hein, Third Cavalry, August 5, 1903, vice Hughes, Tenth Cavalry, promoted.

Maj. George H. Paddock, Fifth Cavalry, August 16, 1903, vice Stedman, Fourth Cavalry, promoted.

Maj. Samuel W. Fountain, United States Cavalry, assistant adjutant-general, August 23, 1903, vice Parker, Thirteenth Cavalry, detailed as assistant adjutant-general.

To be majors.

Capt. Curtis B. Hoppin, Second Cavalry, March 23, 1903, vice Craig, Fifteenth Cavalry, retired from active service.

Capt. Loyd S. McCormick, United States Cavalry, commissary, April 15, 1903, vice Chase, Seventh Cavalry, promoted.

Capt. Henry L. Ripley, Third Cavalry, April 15, 1903, vice Beck, Eighth Cavalry, promoted.

Capt. Jacob G. Galbraith, First Cavalry, April 18, 1903, vice Bomus, First Cavalry, promoted.

Capt. James B. Erwin, Fourth Cavalry, April 22, 1903, vice Garrard, Ninth Cavalry, promoted.

Capt. George H. Morgan, Third Cavalry, April 27, 1903, vice Gale, Ninth Cavalry, detailed as inspector-general.

Capt. Daniel H. Boughton, Third Cavalry, May 25, 1903, vice Robinson, Second Cavalry, promoted.

Capt. Horatio G. Sickel, Seventh Cavalry, July 16, 1903, vice Hare, Twelfth Cavalry, retired from active service.

Capt. Andrew G. Hammond, Eighth Cavalry, August 5, 1903, vice Hein, Third Cavalry, promoted.

Capt. Franklin O. Johnson, Third Cavalry, August 16, 1903, vice Paddock, Fifth Cavalry, promoted.

Capt. Herbert J. Slocum, United States Cavalry, quartermaster, August 26, 1903, vice Swift, First Cavalry, detailed as assistant adjutant-general.

To be captains.

First Lieut. Robert B. Powers, Seventh Cavalry, March 23, 1903, vice Hoppin, Second Cavalry, promoted.

First Lieut. Francis H. Pope, Second Cavalry, April 4, 1903, vice Merillat, Fifteenth Cavalry, retired from active service.

First Lieut. Matthew E. Hanna, Second Cavalry, April 15, 1903, vice Ripley, Third Cavalry, promoted.

First Lieut. George E. Mitchell, Seventh Cavalry, April 17, 1903, vice Hawkins, Thirteenth Cavalry, detailed as commissary.

First Lieut. Pierce A. Murphy, Seventh Cavalry, April 18, 1903, vice Galbraith, First Cavalry, promoted.

First Lieut. Frederick T. Arnold, Fourth Cavalry, April 22, 1903, vice Erwin, Fourth Cavalry, promoted.

First Lieut. James N. Munro, Fourteenth Cavalry, April 27, 1903, vice Morgan, Third Cavalry, promoted.

First Lieut. William S. Valentine, Second Cavalry, May 16, 1903, vice Overton, Fifteenth Cavalry, deceased.

First Lieut. Henry C. Smither, First Cavalry, May 17, 1903, vice Summerlin, Fifth Cavalry, resigned.

First Lieut. Roy B. Harper, Seventh Cavalry, May 25, 1903, vice Boughton, Third Cavalry, promoted.

First Lieut. Thomas A. Roberts, Tenth Cavalry, July 16, 1903, vice Sickel, Seventh Cavalry, promoted.

First Lieut. Edgar A. Sirmyer, Tenth Cavalry, August 5, 1903, vice Hammond, Eighth Cavalry, promoted.

First Lieut. Frank E. McCoy, Tenth Cavalry, August 16, 1903, vice Johnson, Third Cavalry, promoted.

First Lieut. Chalmers G. Hall, Fifth Cavalry, September 19, 1903, vice Fenton, Thirteenth Cavalry, detailed as paymaster.

First Lieut. Clarence R. Day, Fourteenth Cavalry, September 28, 1903, vice Fleming, Fifth Cavalry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. George F. Bailey, Eighth Cavalry, February 25, 1903, vice Orton, Second Cavalry, promoted.

Second Lieut. Robert Sterrett, Fourth Cavalry, March 1, 1903, vice Morrow, Ninth Cavalry, appointed judge-advocate.

Second Lieut. William B. Benzieshausen, Fifth Cavalry, March 23, 1903, vice Powers, Seventh Cavalry, promoted.

Second Lieut. Kyle Rucker, Fourteenth Cavalry, April 4, 1903, vice Pope, Second Cavalry, promoted.

Second Lieut. George Garity, Second Cavalry, April 15, 1903, vice Hanna, Second Cavalry, promoted.

Second Lieut. Emory S. West, Sixth Cavalry, April 17, 1903, vice Mitchell, Seventh Cavalry, promoted.

Second Lieut. Ralph C. Caldwell, Eleventh Cavalry, April 18, 1903, vice Murphy, Seventh Cavalry, promoted.

Second Lieut. George M. Lee, Seventh Cavalry, April 22, 1903, vice Arnold, Fourth Cavalry, promoted.

Second Lieut. Eben Swift, jr., Fifth Cavalry, April 27, 1903, vice Munro, Fourteenth Cavalry, promoted.

Second Lieut. Edgar N. Coffey, Twelfth Cavalry, May 15, 1903, vice Valentine, Second Cavalry, promoted.

Second Lieut. James S. Butler, Twelfth Cavalry, May 17, 1903, vice Smither, First Cavalry, promoted.

Second Lieut. Solomon L. Jeffers, Twelfth Cavalry, May 25, 1903, vice Harper, Seventh Cavalry, promoted.

Second Lieut. Harry S. Terrell, Eighth Cavalry, July 16, 1903, vice Roberts, Tenth Cavalry, promoted.

Second Lieut. Albert E. Phillips, Eighth Cavalry, August 5, 1903, vice Sirmyer, Tenth Cavalry, promoted.

Second Lieut. Granville B. Fortescue, Fourth Cavalry, August 16, 1903, vice McCoy, Tenth Cavalry, promoted.

Second Lieut. John Alden Degen, Fourth Cavalry, September 17, 1903, vice Brees, Twelfth Cavalry, detailed in the Signal Corps.

Second Lieut. Arthur N. Pickel, Twelfth Cavalry, September 17, 1903, vice Johnston, Fifteenth Cavalry, detailed in the Signal Corps.

Second Lieut. Brice P. Disque, Fifth Cavalry, September 17, 1903, vice Hemphill, Third Cavalry, detailed in the Signal Corps.

Second Lieut. Alvin S. Perkins, Eleventh Cavalry, September 17, 1903, vice Butler, First Cavalry, detailed in the Signal Corps.

Second Lieut. Robert M. Barton, Ninth Cavalry, September 19, 1903, vice Hall, Fifth Cavalry, promoted.

Second Lieut. Walter J. Scott, Tenth Cavalry, September 28, 1903, vice Day, Fourteenth Cavalry, promoted.
 Second Lieut. Richard W. Walker, Eighth Cavalry, October 15, 1903, vice Foley, Fifth Cavalry, dismissed.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Abner H. Merrill, Artillery Corps, April 14, 1903, vice Rawles, appointed brigadier-general.
 Lieut. Col. William Ennis, Artillery Corps, assistant adjutant-general, April 17, 1903, vice Myrick, appointed brigadier-general.
 Lieut. Col. George S. Grimes, Artillery Corps, July 19, 1903, vice Vose, retired from active service.
 Lieut. Col. John M. K. Davis, Artillery Corps, July 23, 1903, vice Haskin, appointed brigadier-general.
 Lieut. Col. Benjamin K. Roberts, Artillery Corps, August 3, 1903, vice Smith, appointed brigadier-general.
 Lieut. Col. James O'Hara (since retired from active service), Artillery Corps, August 4, 1903, vice Rodney, appointed brigadier-general.
 Lieut. Col. Asher C. Taylor, Artillery Corps, August 10, 1903, vice Woodruff, appointed brigadier-general.
 Lieut. Col. Henry W. Hubbell, Artillery Corps, August 10, 1903, vice Kinzie, appointed brigadier-general.
 Lieut. Col. William F. Stewart, Artillery Corps, August 11, 1903, vice Tiermon, appointed brigadier-general.
 Lieut. Col. Anthony W. Vogdes, Artillery Corps, November 1, 1903, vice O'Hara, retired from active service.

To be lieutenant-colonels.

Maj. Ephraim T. C. Richmond, Artillery Corps, April 14, 1903, vice Merrill, promoted.
 Maj. Ramsay D. Potts, Artillery Corps, inspector-general, July 19, 1903, vice Grimes, promoted.
 Maj. Elbridge B. Hills, Artillery Corps, July 28, 1903, vice Davis, promoted.
 Maj. Sydney W. Taylor, Artillery Corps, assistant adjutant-general, July 31, 1903, vice Hills, detailed as assistant adjutant-general.
 Maj. Charles Humphreys, Artillery Corps, August 3, 1903, vice Roberts, promoted.
 Maj. Luigi Lomia, Artillery Corps, August 4, 1903, vice O'Hara, promoted.
 Maj. Alexander D. Schenck, Artillery Corps, August 10, 1903, vice Taylor, promoted.
 Maj. Sedgwick Pratt, Artillery Corps, August 10, 1903, vice Hubbell, promoted.
 Maj. John McClellan, Artillery Corps, August 11, 1903, vice Stewart, promoted.
 Maj. Harry R. Anderson, Artillery Corps, August 14, 1903, vice Taylor, detailed as assistant adjutant-general.
 Maj. Robert H. Patterson, Artillery Corps, November 1, 1903, vice Vogdes, promoted.

To be majors.

Capt. Henry H. Ludlow, Artillery Corps, April 14, 1903, vice Richmond, promoted.
 Capt. William R. Hamilton, Artillery Corps, April 14, 1903, vice Best, deceased.
 Capt. Charles W. Foster, Artillery Corps, July 28, 1903, vice Hills, promoted.
 Capt. Clarence Deems, Artillery Corps, July 31, 1903, vice Hoskins, detailed as inspector-general.
 Capt. John V. White, Artillery Corps, August 3, 1903, vice Humphreys, promoted.
 Capt. Erasmus M. Weaver, Artillery Corps, August 4, 1903, vice Lomia, promoted.
 Capt. Eli D. Hoyle, Artillery Corps, August 10, 1903, vice Schenck, promoted.
 Capt. Granger Adams, Artillery Corps, August 10, 1903, vice Pratt, promoted.
 Capt. Frederick Marsh, Artillery Corps, August 11, 1903, vice McClellan, promoted.
 Capt. Charles G. Woodward, Artillery Corps, August 14, 1903, vice Anderson, promoted.
 Capt. Edward E. Gayle, Artillery Corps, August 14, 1903, vice White, detailed as assistant adjutant-general.
 Capt. Hamilton Rowan, Artillery Corps, November 1, 1903, vice Patterson, promoted.

To be captains.

First Lieut. Percy P. Bishop, Artillery Corps, April 14, 1903, vice Ludlow, promoted.
 First Lieut. Henry J. Hatch, Artillery Corps, April 14, 1903, vice Hamilton, promoted.
 First Lieut. Elmer J. Wallace, Artillery Corps, May 2, 1903, vice Nugent, detailed as quartermaster.
 First Lieut. William F. Hase, Artillery Corps, July 28, 1903, vice Foster, promoted.
 First Lieut. William R. Doores, Artillery Corps, July 31, 1903, vice Bridgman, retired from active service.
 First Lieut. Alfred A. Starbird, Artillery Corps, July 21, 1903, vice Deems, promoted.
 First Lieut. James F. Howell, Artillery Corps, August 3, 1903, vice White, promoted.
 First Lieut. John C. Goodfellow, Artillery Corps, August 4, 1903, vice Weaver, promoted.
 First Lieut. John T. Geary, Artillery Corps, August 10, 1903, vice Hoyle, promoted.
 First Lieut. Guy T. Scott, Artillery Corps, August 10, 1903, vice Adams, promoted.
 First Lieut. Morrell M. Mills, August 11, 1903, vice Marsh, promoted.
 First Lieut. Charles R. Lloyd, jr., Artillery Corps, August 14, 1903, vice Woodward, promoted.
 First Lieut. Edward Carpenter, Artillery Corps, August 14, 1903, vice Gayle, promoted.
 First Lieut. Henry M. Merriam, Artillery Corps, August 27, 1903, vice Chase, detailed as paymaster.
 First Lieut. Oliver L. Spaulding, jr., Artillery Corps, August 27, 1903, vice Bottoms, detailed as commissary.
 First Lieut. Hanson B. Black, Artillery Corps, Ordnance Department, August 27, 1903, vice Cole, detailed as quartermaster.
 First Lieut. Conrad H. Lanza, Artillery Corps, November 1, 1903, vice Rowan, promoted.

To be first lieutenants.

Second Lieut. Allan Lefort, Artillery Corps, April 14, 1903, vice Bishop, promoted.
 Second Lieut. Joseph Matson, Artillery Corps, April 14, 1903, vice Hatch, promoted.

Second Lieut. Jesse G. Langdon, Artillery Corps, May 2, 1903, vice Wallace, promoted.

Second Lieut. Francis H. Lincoln, Artillery Corps, June 2, 1903, vice McCoach, resigned.

Second Lieut. Daniel F. Craig, Artillery Corps, July 28, 1903, vice Hase, promoted.

Second Lieut. Robert B. Mitchell, Artillery Corps, July 31, 1903, vice Starbird, promoted.

Second Lieut. William H. Wilson, Artillery Corps, August 3, 1903, vice Howell, promoted.

Second Lieut. Edward D. Powers, Artillery Corps, August 4, 1903, vice Goodfellow, promoted.

Second Lieut. Nathan J. Shelton, Artillery Corps, August 7, 1903, vice Gignoux, resigned.

Second Lieut. Charles E. N. Howard, Artillery Corps, August 10, 1903, vice Geary, promoted.

Second Lieut. Edwin C. Long, Artillery Corps, August 10, 1903, vice Scott, promoted.

Second Lieut. Augustus B. Warfield, Artillery Corps, August 11, 1903, vice Mills, promoted.

Second Lieut. Howard L. Landers, Artillery Corps, August 14, 1903, vice Lloyd, promoted.

Second Lieut. Claudius M. Seaman, Artillery Corps, August 14, 1903, vice Carpenter, promoted.

Second Lieut. Hugh J. B. McElgin, Artillery Corps, August 27, 1903, vice Merriam, promoted.

Second Lieut. Arthur L. Fuller, Artillery Corps, August 27, 1903, vice Spaulding, promoted.

Second Lieut. Francis H. Lomax, Artillery Corps, September 20, 1903, vice Green, deceased.

Second Lieut. William H. Burt, Artillery Corps, November 1, 1903, vice Lanza, promoted.

INFANTRY ARM.

To be colonels.

Lieut. Col. John J. O'Connell, Third Infantry, April 20, 1903, vice Rogers, Thirtieth Infantry, appointed brigadier-general.

Lieut. Col. Samuel R. Whitall, Twenty-seventh Infantry, July 26, 1903, vice Page, Third Infantry, appointed brigadier-general.

Lieut. Col. James Regan, Ninth Infantry, July 23, 1903, vice Miner, Sixth Infantry, appointed brigadier-general.

Lieut. Col. John B. Rodman (since retired from active service), Tenth Infantry, July 30, 1903, vice Sanno, Eighteenth Infantry, appointed brigadier-general.

Lieut. Col. Harry L. Haskell, Twelfth Infantry, July 31, 1903, vice Robe, Ninth Infantry, appointed brigadier-general.

Lieut. Col. Daniel Cornman, Twenty-fourth Infantry, August 8, 1903, vice Coolidge, Seventh Infantry, appointed brigadier-general.

Lieut. Col. Charles B. Hall, Thirtieth Infantry, August 8, 1903, vice Roberts, Second Infantry, appointed brigadier-general.

Lieut. Col. Joseph W. Duncan, Thirteenth Infantry, August 9, 1903, vice Thompson, Twenty-third Infantry, appointed brigadier-general.

Lieut. Col. Henry Wygant, Sixth Infantry, August 11, 1903, vice Miller, Twenty-second Infantry, appointed brigadier-general.

Lieut. Col. Francis W. Mansfield, First Infantry, August 12, 1903, vice Craigie, Seventeenth Infantry, appointed brigadier-general.

Lieut. Col. P. Henry Ray, Eighth Infantry, August 12, 1903, vice Bowman, Twenty-fifth Infantry, appointed brigadier-general.

Lieut. Col. Benjamin C. Lockwood, Twenty-ninth Infantry, August 13, 1903, vice Rice, Nineteenth Infantry, appointed brigadier-general.

Lieut. Col. Philip Reade, Twenty-third Infantry, August 13, 1903, vice Penney, Twenty-ninth Infantry, appointed brigadier-general.

Lieut. Col. John T. Van Orsdale, Seventeenth Infantry, August 14, 1903, vice Chance, Fourth Infantry, appointed brigadier-general.

Lieut. Col. James A. Buchanan, Eleventh Infantry, August 14, 1903, vice Forbes, Twenty-seventh Infantry, appointed brigadier-general.

Lieut. Col. Joseph F. Huston, Nineteenth Infantry, August 15, 1903, vice Matile, Twenty-fourth Infantry, appointed brigadier-general.

Lieut. Col. William H. W. James, Twenty-fifth Infantry, October 31, 1903, vice Rodman, Twenty-fifth Infantry, retired from active service.

To be lieutenant-colonels.

Maj. Leven C. Allen, Sixteenth Infantry, March 15, 1903, vice Baldwin, Sixteenth Infantry, deceased.

Maj. James E. Macklin, Eleventh Infantry, April 20, 1903, vice O'Connell, Third Infantry, promoted.

Maj. William L. Pitcher, Eighth Infantry, May 25, 1903, vice Williams, Twenty-eighth Infantry, detailed as inspector-general.

Maj. Herbert S. Foster, Twelfth Infantry, July 23, 1903, vice Whitall, Twenty-seventh Infantry, promoted.

Maj. John C. Dent, Twenty-fourth Infantry, July 29, 1903, vice Regan, Ninth Infantry, promoted.

Maj. George K. McGunnegle, Twenty-sixth Infantry, July 30, 1903, vice Rodman, Tenth Infantry, promoted.

Maj. Edgar B. Robertson, Ninth Infantry, July 31, 1903, vice Haskell, Twelfth Infantry, promoted.

Maj. Charles A. Booth, Seventeenth Infantry, August 8, 1903, vice Cornman, Twenty-fourth Infantry, promoted.

Maj. Henry A. Greene, United States Infantry, assistant adjutant-general, August 8, 1903, vice Hall, Thirtieth Infantry, promoted.

Maj. Edwin B. Bolton, Twenty-fourth Infantry, August 9, 1903, vice Duncan, Thirteenth Infantry, promoted.

Maj. James S. Pettit, United States Infantry, inspector-general, August 11, 1903, vice Wygant, Sixth Infantry, promoted.

Maj. Charles L. Hodges, Twenty-third Infantry, August 12, 1903, vice Mansfield, First Infantry, promoted.

Maj. Robert H. R. Loughborough, Sixth Infantry, August 12, 1903, vice Ray, Eighth Infantry, promoted.

Maj. John G. Ballance, United States Infantry, assistant adjutant-general, August 13, 1903, vice Lockwood, Twenty-ninth Infantry, promoted.

Maj. Frank Taylor, Fifteenth Infantry, August 13, 1903, vice Reade, Twenty-third Infantry, promoted.

Maj. Richard T. Yeatman, Twenty-second Infantry, August 14, 1903, vice Van Orsdale, Seventeenth Infantry, promoted.

Maj. Thomas F. Davis, Twenty-eighth Infantry, August 14, 1903, vice Buchanan, Eleventh Infantry, promoted.

Maj. Daniel H. Brush, Twenty-fifth Infantry, August 15, 1903, vice Huston, Nineteenth Infantry, promoted.

Maj. Charles J. Crane, United States Infantry, assistant adjutant-general, August 21, 1903, vice Pettit, detailed assistant adjutant-general.

Maj. Hobart K. Bailey, United States Infantry, inspector-general, October 31, 1903, vice James, Twenty-fifth Infantry, promoted.

To be majors.

Capt. John Newton, Sixteenth Infantry, March 15, 1903, vice Allen, Sixteenth Infantry, promoted.

Capt. Samuel W. Dunning, Sixteenth Infantry, March 19, 1903, vice Lovering, Twenty-ninth Infantry, detailed as inspector-general.
 Capt. Joseph M. T. Partello, Twenty-third Infantry, April 17, 1903, vice Febiger, Seventh Infantry, detailed as inspector-general.
 Capt. Lewis H. Strother, Twenty-sixth Infantry, April 20, 1903, vice Macklin, Eleventh Infantry, promoted.
 Capt. Francis P. Fremont, Second Infantry, May 25, 1903, vice Pitcher, Eighth Infantry, promoted.
 Capt. Charles M. Truitt, Twenty-eighth Infantry, June 23, 1903, vice Edwards, Twenty-third Infantry, retired from active service.
 Capt. George Bell, jr., Fifteenth Infantry, July 26, 1903, vice Foster, Twelfth Infantry, promoted.
 Capt. Charles J. T. Clarke, Tenth Infantry, July 29, 1903, vice Dent, Twenty-fourth Infantry, promoted.
 Capt. Warren H. Cowles, Twenty-fourth Infantry, July 30, 1903, vice McGunnegle, Twenty-sixth Infantry, promoted.
 Capt. John S. Parke, jr., Twenty-first Infantry, July 31, 1903, vice Robertson, Ninth Infantry, promoted.
 Capt. Frank B. McCoy, Seventeenth Infantry, August 8, 1903, vice Booth, Seventeenth Infantry, promoted.
 Capt. Elias Chandler, First Infantry, August 9, 1903, vice Bolton, Twenty-fourth Infantry, promoted.
 Capt. Charles R. Noyes, Ninth Infantry, August 12, 1903, vice Hodges, Twenty-third Infantry, promoted.
 Capt. Charles W. Abbott, jr., Twelfth Infantry, August 12, 1903, vice Longborough, Sixth Infantry, promoted.
 Capt. Richard M. Blatchford, Eleventh Infantry, August 13, 1903, vice Taylor, Fifteenth Infantry, promoted.
 Capt. John H. Beacom, Sixth Infantry, August 14, 1903, vice Yeatman, Twenty-second Infantry, promoted.
 Capt. Willis T. May (heretofore borne as "Will T. May"), Fifteenth Infantry, August 14, 1903, vice Davis, Twenty-eighth Infantry, promoted.
 Capt. Henry W. Hovey, Twenty-fourth Infantry, August 14, 1903, vice Nichols, Twenty-first Infantry, detailed as inspector-general.
 Capt. Lawrence J. Hearn, Twenty-first Infantry, August 15, 1903, vice Brush, Twenty-fifth Infantry, promoted.
 Capt. Walter K. Wright, Seventh Infantry, August 26, 1903, vice Evans, Twentieth Infantry, detailed as assistant adjutant-general.
 Capt. Charles B. Hardin, Eighteenth Infantry, August 26, 1903, vice Starr, Twenty-fifth Infantry, detailed as assistant adjutant-general.
 Capt. Edwin P. Pendleton, Twenty-third Infantry, August 26, 1903, vice Dunning, Twenty-ninth Infantry, detailed as assistant adjutant-general.
 Capt. Harry A. Leonhauser, Twenty-fifth Infantry, September 3, 1903, vice Liggett, Twenty-first Infantry, detailed as assistant adjutant-general.

To be captains.

First Lieut. G. Maury Crallé, Twentieth Infantry, March 15, 1903, vice Newton, Sixteenth Infantry, promoted.
 First Lieut. Joseph F. Gohn, Fourteenth Infantry, March 19, 1903, vice Dunning, Sixteenth Infantry, promoted.
 First Lieut. James H. Bradford, jr., Nineteenth Infantry, April 17, 1903, vice Partello, Twenty-third Infantry, promoted.
 First Lieut. David L. Stone, Twenty-second Infantry, April 20, 1903, vice Strother, Twenty-sixth Infantry, promoted.
 First Lieut. Alfred W. Bjornstad, Twenty-ninth Infantry, May 1, 1903, vice McKenna, Twenty-eighth Infantry, resigned.
 First Lieut. Patrick A. Connolly, Twenty-first Infantry, May 25, 1903, vice Dowdy, Twenty-sixth Infantry, retired from active service.
 First Lieut. John B. Schoeffel, Ninth Infantry, May 25, 1903, vice Fremont, Second Infantry, promoted.
 First Lieut. Walter T. Bates, Twenty-sixth Infantry, June 2, 1903, vice Shuttleworth, Twenty-seventh Infantry, detailed as quartermaster.
 First Lieut. Englebert G. Owenshine, Sixteenth Infantry, June 23, 1903, vice Truitt, Twenty-eighth Infantry, promoted.
 First Lieut. Percy M. Cochran, Nineteenth Infantry, July 26, 1903, vice Bell, Fifteenth Infantry, promoted.
 First Lieut. George N. Bomford, Sixth Infantry, July 29, 1903, vice Clarke, Tenth Infantry, promoted.
 First Lieut. Benjamin P. Nicklin, Ninth Infantry, July 29, 1903, vice Hodges, Twenty-second Infantry, detailed as quartermaster.
 First Lieut. John W. French, Twenty-fifth Infantry, July 30, 1903, vice Cowles, Twenty-fourth Infantry, promoted.
 First Lieut. Cromwell Stacey, Thirtieth Infantry, July 31, 1903, vice Parke, Twenty-first Infantry, promoted.
 First Lieut. William A. Cavanaugh, Eighth Infantry, August 7, 1903, vice Hart, Seventeenth Infantry, detailed as quartermaster.
 First Lieut. George M. Grimes, Twentieth Infantry, August 8, 1903, vice McCoy, Seventeenth Infantry, promoted.
 First Lieut. Thomas R. Harker, Fifteenth Infantry, August 9, 1903, vice Chandler, First Infantry, promoted.
 First Lieut. John F. Wilkinson, Sixth Infantry, August 12, 1903, vice Noyes, Ninth Infantry, promoted.
 First Lieut. Frank D. Wickham, Twelfth Infantry, August 12, 1903, vice Abbot, Twelfth Infantry, promoted.
 First Lieut. William B. Folwell, First Infantry, August 13, 1903, vice Blatchford, Eleventh Infantry, promoted.
 First Lieut. Bryan Conrad, Fifteenth Infantry, August 14, 1903, vice Beacom, Sixth Infantry, promoted.
 First Lieut. William K. Naylor, Ninth Infantry, August 14, 1903, vice May, Fifteenth Infantry, promoted.
 First Lieut. William H. Oury, Twelfth Infantry, August 14, 1903, vice Hovey, Twenty-fourth Infantry, promoted.
 First Lieut. Austin F. Prescott, Seventh Infantry, August 15, 1903, vice Hearn, Twenty-first Infantry, promoted.
 First Lieut. Edgar A. Fry, Thirteenth Infantry, August 15, 1903, vice Brown, Fourth Infantry, deceased.
 First Lieut. Harry A. Eaton, Eighth Infantry, August 22, 1903, vice Weigel, Eleventh Infantry, detailed as quartermaster.
 First Lieut. Campbell King, First Infantry, August 26, 1903, vice Wright, Seventh Infantry, promoted.
 First Lieut. Tenney Ross, Third Infantry, August 26, 1903, vice Hardin, Eighteenth Infantry, promoted.
 First Lieut. George C. Martin, Second Infantry, August 26, 1903, vice Pendleton, Twenty-third Infantry, promoted.
 First Lieut. Robert O. Van Horn, Twelfth Infantry, August 27, 1903, vice Creary, Twelfth Infantry, detailed as paymaster.
 First Lieut. Ezekiel J. Williams, Fifth Infantry, September 3, 1903, vice Leonhauser, Twenty-fifth Infantry, promoted.
 First Lieut. Moor N. Falls, Twelfth Infantry, September 14, 1903, vice Perry, Thirtieth Infantry, retired from active service.
 First Lieut. Joseph W. Glidden, Nineteenth Infantry, September 23, 1903, vice Lowe, Twenty-fifth Infantry, retired from active service.
 First Lieut. John R. Hannay, Twenty-second Infantry, September 28, 1903, vice Wren, Seventeenth Infantry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. Franklin S. Leisenring, Eleventh Infantry, February 4, 1903, vice Ridenour, Sixteenth Infantry, promoted.
 Second Lieut. Charles F. Andrews, Seventh Infantry, February 10, 1903, vice Humphrey, Seventeenth Infantry, promoted.
 Second Lieut. Allan L. Briggs, Seventh Infantry, February 18, 1903, vice Enoch, Twenty-fifth Infantry, promoted.
 Second Lieut. Solomon B. West, Twenty-second Infantry, February 23, 1903, vice Comer, Twenty-fifth Infantry, resigned.
 Second Lieut. William M. True, Sixteenth Infantry, March 4, 1903, vice Maxey, Eighteenth Infantry, promoted.
 Second Lieut. James M. Petty, Twentieth Infantry, March 15, 1903, vice Crallé, Twentieth Infantry, promoted.
 Second Lieut. Martin Novak, Nineteenth Infantry, March 19, 1903, vice Gohn, Fourteenth Infantry, promoted.
 Second Lieut. John B. Shuman, Twenty-eighth Infantry, April 10, 1903, vice Densmore, Tenth Infantry, dismissed.
 Second Lieut. Charles G. Lawrence, Fifteenth Infantry, April 11, 1903, vice Campbell, Twenty-first Infantry, dismissed.
 Second Lieut. Frederic G. Kellond, Nineteenth Infantry, April 17, 1903, vice Bradford, Nineteenth Infantry, promoted.
 Second Lieut. William P. Kitts, Twenty-first Infantry, April 20, 1903, vice Stone, Twenty-second Infantry, promoted.
 Second Lieut. Eugene P. Crowne, Fourth Infantry, May 1, 1903, vice Bjornstad, Twenty-ninth Infantry, promoted.
 Second Lieut. Henry M. Fales, Twenty-first Infantry, May 7, 1903, vice Faulkner, Eighth Infantry, resigned.
 Second Lieut. William C. Fitzpatrick, Seventh Infantry, May 25, 1903, vice Connolly, Twenty-first Infantry, promoted.
 Second Lieut. Herbert L. Evans, Ninth Infantry, May 25, 1903, vice Schoeffel, Ninth Infantry, promoted.
 Second Lieut. Walter Harvey, Sixteenth Infantry, June 2, 1903, vice Bates, Twenty-sixth Infantry, promoted.
 Second Lieut. Frank B. Davis, Fifth Infantry, June 23, 1903, vice Owenshine, Sixteenth Infantry, promoted.
 Second Lieut. Harry D. Mitchell, Sixteenth Infantry, July 23, 1903, vice Dunn, Eleventh Infantry, deceased.
 Second Lieut. Ode C. Nichols, Fourth Infantry, July 25, 1903, vice Bushfield, Seventeenth Infantry, dismissed.
 Second Lieut. Kirwin T. Smith, Sixth Infantry, July 26, 1903, vice Cochran, Nineteenth Infantry, promoted.
 Second Lieut. William W. Bessell, Twenty-sixth Infantry, July 29, 1903, vice Bomford, Sixth Infantry, promoted.
 Second Lieut. Frank C. Burnett, Tenth Infantry, July 29, 1903, vice Nicklin, Ninth Infantry, promoted.
 Second Lieut. Collin H. Ball, Twenty-Third Infantry, July 30, 1903, vice French, Twentieth Infantry, promoted.
 Second Lieut. A. Owen Seaman, Eleventh Infantry, July 31, 1903, vice Stacey, Thirtieth Infantry, promoted.
 Second Lieut. Clifford U. Leonori, Twenty-first Infantry, August 5, 1903, vice Valentine, Fourth Infantry, resigned.
 Second Lieut. Benjamin H. Pope, Eighth Infantry, August 7, 1903, vice Cavanaugh, Eighth Infantry, promoted.
 Second Lieut. Julian L. Dodge, Twenty-fifth Infantry, August 8, 1903, vice Grimes, Twentieth Infantry, promoted.
 Second Lieut. Herman Glade, Fourth Infantry, August 9, 1903, vice Harker, Fifteenth Infantry, promoted.
 Second Lieut. Frank S. Bowen, Sixth Infantry, August 12, 1903, vice Wilkinson, Sixth Infantry, promoted.
 Second Lieut. Ward Dabney, First Infantry (subject to examination required by law), August 12, 1903, vice Wickham, Twelfth Infantry, promoted.
 Second Lieut. Paul M. Goodrich, Ninth Infantry, August 13, 1903, vice Folwell, First Infantry, promoted.
 Second Lieut. Frank H. Kalde, Eighth Infantry, August 14, 1903, vice Conrad, Fifteenth Infantry, promoted.
 Second Lieut. William W. Taylor, jr., Twenty-second Infantry, August 14, 1903, vice Naylor, Ninth Infantry, promoted.
 Second Lieut. Russell C. Hand, Tenth Infantry, August 14, 1903, vice Oury, Twelfth Infantry, promoted.
 Second Lieut. Henry A. Bell, Twenty-second Infantry, August 15, 1903, vice Prescott, Seventh Infantry, promoted.
 Second Lieut. Bruno T. Scher, Fifth Infantry, August 15, 1903, vice Fry, Thirteenth Infantry, promoted.
 Second Lieut. George A. Herbst, Twenty-third Infantry, August 22, 1903, vice Eaton, Eighth Infantry, promoted.
 Second Lieut. Philip J. Lauber, Twenty-fifth Infantry, August 26, 1903, vice King, First Infantry, promoted.
 Second Lieut. Thomas M. Hunter, Tenth Infantry, August 26, 1903, vice Ross, Third Infantry, promoted.
 Second Lieut. Gad Morgan, Fifteenth Infantry, August 26, 1903, vice Martin, Second Infantry, promoted.
 Second Lieut. Elverton E. Fuller, Twelfth Infantry, August 27, 1903, vice Van Horn, Twelfth Infantry, promoted.
 Second Lieut. William S. Neely, Twenty-second Infantry, September 3, 1903, vice Williams, Fifth Infantry, promoted.
 Second Lieut. Frank H. Adams, Sixteenth Infantry, September 14, 1903, vice Falls, Twelfth Infantry, promoted.
 Second Lieut. George C. Lewis, Third Infantry, September 17, 1903, vice Voris, Eighth Infantry, detailed in Signal Corps.
 Second Lieut. William H. Patterson, Tenth Infantry, September 17, 1903, vice Kumpe, Twenty-eighth Infantry, detailed in Signal Corps.
 Second Lieut. David A. Lindsay, First Infantry, September 17, 1903, vice Jeunet, First Infantry, detailed in Signal Corps.
 Second Lieut. Leonard J. Mygatt, Nineteenth Infantry, September 17, 1903, vice Goodale, Nineteenth Infantry, detailed in Signal Corps.
 Second Lieut. Elliott M. Norton, Sixth Infantry, September 17, 1903, vice Briggs, Fourteenth Infantry, detailed in Signal Corps.
 Second Lieut. Roscoe H. Hearn, Sixteenth Infantry, September 17, 1903, vice Fitzpatrick, Ninth Infantry, detailed in Signal Corps.
 Second Lieut. Nels Anderson, Seventh Infantry, September 23, 1903, vice Glidden, Nineteenth Infantry, promoted.

INFANTRY ARM.

George A. Detchemendy, late captain, Twenty-second Infantry, United States Army, to be captain of infantry, May 9, 1903.

TO BE SECOND LIEUTENANTS Corps of Engineers.

1. Cadet Douglas MacArthur.
2. Cadet Charles T. Leeds.
3. Cadet Harold C. Fiske.
4. Cadet Max C. Tyler.
5. Cadet Ulysses S. Grant, 3d.
6. Cadet Julian L. Schley.

9. Cadet William H. Rose.
10. Cadet Ferdinand Williams.
12. Cadet Richard C. Moore.
14. Cadet Lewis M. Adams.

Cavalry Arm.

5. Cadet Charles Telford.
 8. Cadet Levi G. Brown.
 16. Cadet William N. Nichols.
 18. Cadet Olan C. Aleshire.
 19. Cadet Emil P. Laurson.
 20. Cadet Frederick E. Shnyder.
 30. Cadet Thomas F. Van Natta, jr.
 34. Cadet James A. Mars.
 35. Cadet George L. Morrison.
 36. Cadet Orville N. Tyler.
 37. Cadet James A. Shannon.
 38. Cadet Allan M. Pope.
 40. Cadet Reynolds J. Powers.
 43. Cadet John C. Montgomery.
 44. Cadet James S. Jones.
 47. Cadet Edward M. Zell.
 51. Cadet Dorsey R. Rodney.
 52. Cadet Alexander M. Milton.
 53. Cadet Hugh S. Johnson.
 61. Cadet Carl Boyd.
 63. Cadet Stephen W. Winfree.
 64. Cadet Ephraim F. Graham.
- Thomas L. Sherburne, of Louisiana, late second lieutenant, United States Army, July 16, 1903, vice Caldwell, Eleventh Cavalry, promoted.

Artillery Corps.

11. Cadet Owen G. Collins.
13. Cadet Scott Baker.
15. Cadet Frederic H. Smith.
17. Cadet Marion W. Howze.
23. Cadet George W. Cocheu.
24. Cadet Charles H. Patterson.
25. Cadet Lewis Turtle.
26. Cadet Henry S. Kilbourne, jr.
27. Cadet Clifford Jones.
28. Cadet Wilford J. Hawkins.
29. Cadet Louis C. Brinton, jr.
31. Cadet Thomas E. Selfridge.
32. Cadet Henning F. Colley.
33. Cadet Paul D. Bunker.
39. Cadet Quinn Gray.
45. Cadet Louis R. Dice.
46. Cadet William M. Colvin.
54. Cadet Francis M. Hinkle.

Infantry Arm.

21. Cadet George A. Lynch.
22. Cadet Grayson M-P. Murphy.
41. Cadet Samuel M. Parker.
42. Cadet Robert M. Lyon.
48. Cadet Francis H. Farnum.
49. Cadet Benjamin E. Grey.
50. Cadet Elvid Hunt.
55. Cadet Benjamin F. McClellan.
56. Cadet Campbell B. Hodges.
57. Cadet Jacob W. S. Wuest.
58. Cadet Max B. Garber.
59. Cadet Leo I. Samuelson.
60. Cadet Corbit S. Hoffman.
62. Cadet Walter V. Gallagher.
65. Cadet Clifton M. Butler.
66. Cadet Edmund L. Bull.
67. Cadet Truman W. Carrithers.
68. Cadet George F. Rozelle, jr.
69. Cadet Arthur E. Ahrends.
70. Cadet Charles F. Severson.
71. Cadet Harry S. Grier.
72. Cadet Reuben C. Taylor.
73. Cadet Charles B. Moore.
74. Cadet Clark Lynn.
75. Cadet Cornelius Stockmar Bendel.
76. Cadet Robert E. Boyers.
77. Cadet Burt W. Phillips.
78. Cadet Ben F. Ristine.
79. Cadet Albert Gilmor.
80. Cadet George R. Guild.
81. Cadet Stuart A. Howard.
82. Cadet John F. Franklin.
83. Cadet William C. Russell.
84. Cadet Roland W. Boughton.
85. Cadet John S. Upham.
86. Cadet Keith S. Gregory.
87. Cadet Irving M. Madison.
88. Cadet Ellery Farmer.
89. Cadet Everett N. Bowman.
90. Cadet Homer N. Preston.
91. Cadet Jesse Gaston.
92. Cadet Edward A. Brown.
93. Cadet Charles F. Smith.

Infantry Arm, with rank from June 13, 1903.

George Edgar Nelson, of Vermont.
 Stephen Morris Barlow, from at large.
 Jesse Duncan Elliott, of Alabama.
 Edward Himmelwright Tarbuton, of Maryland.
 Carroll Borden Hodges, from at large.
 Fitzhugh Berry Alderdice, of Maryland.
 William Goodlett Motlow, of Tennessee.

*INFANTRY ARM.**To be second lieutenants, to rank from October 9, 1903.*

Sergt. James M. Churchill, Forty-second Company, Coast Artillery, vice Chamberlin, Second Infantry, promoted.
 Corpl. Philip H. Bagby, Forty-first Company, Coast Artillery, vice Whitson, Twenty-seventh Infantry, promoted.
 Sergt. Luther E. Jones, Twenty-ninth Company, Coast Artillery, vice Johnson, Eighth Infantry, promoted.
 Sergt. Andrew D. Chaffin, Company B, Twenty-ninth Infantry, vice Barlow, Fourth Infantry, resigned.
 Private Ernest B. Smalley, Company L, Twentieth Infantry, vice Grinstead, Twenty-third Infantry, promoted.

Sergt. Henry W. Bunn, Company G, Twenty-second Infantry, vice Williams, Twenty-sixth Infantry, promoted.

Sergt. (First Class) Frederick W. Boschen, Hospital Corps, vice McClelland, Eighteenth Infantry, promoted.

Sergt. Charles W. Stewart, Troop I, Second Cavalry, vice Kistler, Eighteenth Infantry, resigned.

Corpl. Emil Engel, Troop D, Eleventh Cavalry, vice Graham, Fifteenth Infantry, promoted.

Corpl. Louis Farrell, Company K, Twenty-seventh Infantry, vice Jeunet, First Infantry, promoted.

Sergt. Charles O. Schudt, Company L, Nineteenth Infantry, vice Danforth, Tenth Infantry, promoted.

Corpl. Fred W. Pitts, Company H, Second Battalion of Engineers, vice Mills, Seventh Infantry, promoted.

Sergt. Emmett Addis, Casual Detachment, Eleventh Cavalry, vice Williams, Eleventh Infantry, promoted.

Sergt. Harry L. King, Twenty-sixth Company, Coast Artillery, vice Bugbee, First Infantry, promoted.

Sergt. James B. Nalle, Forty-seventh Company, Coast Artillery, vice Goodale, Sixteenth Infantry, promoted.

Corpl. William F. Robinson, jr., Company E, Second Battalion of Engineers, vice Frank, Twenty-first Infantry, promoted.

Sergt. John J. Burleigh, Thirteenth Company, Coast Artillery, vice Bury, First Infantry, promoted.

Sergt. Manuel M. Garrett, Coast Artillery, vice Leissenring, Eleventh Infantry, promoted.

Sergt. Gordon A. Dennis, One hundred and twentieth Company, Coast Artillery, vice Andrews, Seventh Infantry, promoted.

Squadron Sergt. Maj. Arthur G. Hixson, Fourth Cavalry, vice Briggs, Seventh Infantry, promoted.

Corpl. Augustine A. Hofmann, Forty-second Company, Coast Artillery, vice West, Twenty-second Infantry, promoted.

Sergt. Henry S. Brinkerhoff, jr., Sixty-sixth Company, Coast Artillery, vice Lull, Thirteenth Infantry, transferred to the Cavalry Arm.

Battalion Sergt. Maj. Fitzgerald S. Turton, Sixteenth Infantry, vice True, Sixteenth Infantry, promoted.

Sergt. James Blyth, Company I, Eighteenth Infantry, vice Molony, Fourteenth Infantry, resigned.

Corpl. Frank C. McCune, Troop F, Fourteenth Cavalry, vice Petty, Twentieth Infantry, promoted.

Sergt. Edwin Gunner, Sixth Company, Coast Artillery, vice Novak, Nineteenth Infantry, promoted.

Sergt. Resolve P. Palmer, Company D, Sixth Infantry, vice Davis, Twenty-fifth Infantry, transferred to the Cavalry Arm.

Private Edward E. McCammon, Company E, Fourteenth Infantry, vice Sartoris, Tenth Infantry, resigned.

Sergt. Paul H. McDonald, Troop L, Twelfth Cavalry, vice Shuman, Twenty-eighth Infantry, promoted.

Q. M. Sergt. Philip Remington, Company E, Seventeenth Infantry, vice Smith, Seventeenth Infantry, dismissed.

Sergt. Frank L. Beals, Fourth Company, Coast Artillery, vice Lawrence, Fifteenth Infantry, promoted.

Corpl. Charles H. Rich, Troop E, Twelfth Cavalry, vice Kellond, Nineteenth Infantry, promoted.

Sergt. Paul C. Potter, Thirtieth Company, Coast Artillery, vice Caughey, Twenty-ninth Infantry, honorably discharged.

Corpl. Albert T. Rich, Troop E, Twelfth Cavalry, vice Kitts, Twenty-first Infantry, promoted.

Battalion Sergt. Maj. David P. Wood, Fifteenth Infantry, vice Crowne, Fourth Infantry, promoted.

TO BE SECOND LIEUTENANT, INFANTRY ARM.

First Sergt. William F. Harrell, Sixty-ninth Company, Coast Artillery, June 12, 1903.

CAVALRY ARM.

Alden M. Graham, late a private, Troop B, Fourth Cavalry, to be second lieutenant, February 2, 1901.

NOTE.—The person herein named was nominated to the Senate for the above-named appointment December 5, 1901, as Arthur M. Graham, and was confirmed December 18, 1901. This message is submitted to correct an error in the name of the nominee.

*INSPECTOR-GENERAL'S DEPARTMENT.**To be inspectors-general with the rank of brigadier-general.*

Col. Peter D. Vroom (since retired from active service), Inspector-General, April 11, 1903 (for a period of four years), vice Breckinridge, appointed major-general, United States Army.

Col. George H. Burton, Inspector-General, April 12, 1903 (for a period of four years), vice Vroom, retired from active service.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

Capt. Walter A. Bethel, Artillery Corps, acting judge-advocate, United States Army, to be judge-advocate with rank of major, July 15, 1903, vice Hull, promoted.

QUARTERMASTER'S DEPARTMENT.

Kensley J. Hampton, of Kentucky, late assistant quartermaster, United States Volunteers, to be quartermaster with the rank of captain, April 21, 1903, vice Carson, promoted.

*MEDICAL DEPARTMENT.**To be assistant surgeons with the rank of first lieutenant.*

James Irving Maybee, of Michigan, May 18, 1903.
 George Pullen Peed, of Virginia, late major and surgeon, United States Volunteers, July 10, 1903.

Henry Denny Thomason, of Michigan, late major and surgeon, United States Volunteers, July 10, 1903.

Ralph Stribling Porter, of Illinois, late major and surgeon, United States Volunteers, July 10, 1903.

Percy Lancelot Jones, of Tennessee, late captain and assistant surgeon, United States Volunteers, July 10, 1903.

Fred Wheeler Palmer, of Michigan, late captain and assistant surgeon, United States Volunteers, July 10, 1903, vice Richards, resigned.

Edward Bright Vedder, of Pennsylvania, July 10, 1903, vice Harris, promoted.

Henry Flanagan Pipes, of West Virginia, July 10, 1903, vice Wood, appointed brigadier-general, United States Army.

Charles Lovelace Foster, of the District of Columbia, July 10, 1903, vice Banister, promoted.

John Robert Bosley, of Maryland, July 10, 1903, vice Poindexter, retired from active service.

Robert Courtenay Loving, of Kentucky, July 10, 1903, vice Woodruff, promoted.

Chester Jewett Stedman, of West Virginia, July 10, 1903, vice Swift, promoted.

Orville Graham Brown, of the District of Columbia, July 10, 1903, vice Shillock, promoted.

George Frederick Juenemann, of Maryland, July 10, 1903, vice Wetherill, wholly retired.

Joseph Franklin Siler, of Alabama, July 10, 1903, vice Rafferty, promoted.

Arthur Maunder Whaley, of Michigan, July 10, 1903, vice Millhoff, resigned.

Theodore Lamson, of Massachusetts, October 8, 1903, vice Mason, promoted.

Craig Richard Snyder, of Illinois, October 13, 1903, vice Glennan, promoted.

Ernest Grey Bingham, of Alabama, October 13, 1903, vice Bradley, promoted.

James Downie Heysinger, of Pennsylvania, October 13, 1903, vice Ten Eyck, promoted.

Lloyd Llewellyn Smith, of New Jersey, October 23, 1903, vice Cloud, retired from active service.

John Braiden Huggins, of New York, October 13, 1903, vice Wilcox, promoted.

Edgar William Miller, of Iowa, October 13, 1903, vice Pinkham, resigned.

William Henry Tefft, of New York, October 13, 1903, vice Frick, promoted.

To be chaplains.

Rev. John Aloysius Ferry, of New York, June 4, 1903, vice McKinnon, deceased.

Rev. Andrew C. Murphy, of Illinois, September 17, 1903, vice Kelly, retired from active service.

Rev. David Law Fleming, of Colorado, late chaplain First Colorado Volunteer Infantry, September 18, 1903, vice McKeon, resigned.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Norman H. Davis, Twenty-fifth Infantry, from the Infantry Arm to the Cavalry Arm, March 27, 1903, with rank from October 19, 1902.

Second Lieut. George E. Nelson, First Infantry, from the Infantry Arm to the Cavalry Arm, July 11, 1903, with rank from June 13, 1903.

Second Lieut. Arthur G. Hixson, Eighth Infantry, from the Infantry Arm to the Cavalry Arm, October 26, 1903, with rank from October 9, 1903.

SCHEDULE B.

List of officers holding recess commissions dated December 7, 1903, who failed of confirmation during the special session of the Senate beginning November 9, 1903.

[The officers whose names are preceded by an asterisk (*) have been retired from active service.]

| No. | Name. | Rank. | Date of rank. |
|-----|------------------------|---|---------------------|
| 1 | Leonard Wood | Major-general | August 8, 1903. |
| 2 | *Charles A. Coolidge | Brigadier-general | Do. |
| 3 | *Cyrus S. Roberts | Do. | Do. |
| 4 | *J. Milton Thompson | Do. | August 9, 1903. |
| 5 | *Calvin De Witt | Do. | Do. |
| 6 | *Carle A. Woodruff | Do. | August 10, 1903. |
| 7 | *David H. Kinzie | Do. | Do. |
| 8 | *John L. Tiernon | Do. | August 11, 1903. |
| 9 | *James Miller | Do. | Do. |
| 10 | *David J. Craigie | Do. | August 12, 1903. |
| 11 | *Alpheus H. Bowman | Do. | Do. |
| 12 | *Edmund Rice | Do. | August 13, 1903. |
| 13 | *Charles G. Penney | Do. | Do. |
| 14 | *Jesse C. Chance | Do. | August 14, 1903. |
| 15 | *Theodore F. Forbes | Do. | Do. |
| 16 | *Daniel D. Wheeler | Do. | August 15, 1903. |
| 17 | *Leon A. Matile | Do. | Do. |
| 18 | *Charles L. Cooper | Do. | August 16, 1903. |
| 19 | *John A. Kress | Do. | Do. |
| 20 | *John Simpson | Do. | August 17, 1903. |
| 21 | Camillo C. Carr | Do. | Do. |
| 22 | Thomas H. Barry | Do. | August 18, 1903. |
| 23 | William A. Simpson | Assistant adjutant-general with the rank of colonel. | Do. |
| 24 | John L. Clem | Assistant quartermaster-general with the rank of colonel. | August 15, 1903. |
| 25 | William S. Patten | Do. | August 17, 1903. |
| 26 | William H. Miller | Deputy quartermaster-general with the rank of lieutenant-colonel. | August 15, 1903. |
| 27 | Samuel R. Jones | Do. | August 17, 1903. |
| 28 | John Elston Baxter | Quartermaster with the rank of major. | August 15, 1903. |
| 29 | Moses G. Zalinski | Do. | August 17, 1903. |
| 30 | Charles B. Byrne | Assistant surgeon-general with the rank of colonel. | August 9, 1903. |
| 31 | Timothy E. Wilcox | Do. | September 22, 1903. |
| 32 | Louis W. Crampton | Deputy surgeon-general with the rank of lieutenant-colonel. | August 9, 1903. |
| 33 | Edwin F. Gardner | Do. | September 22, 1903. |
| 34 | Henry C. Fisher | Surgeon with the rank of major. | August 9, 1903. |
| 35 | Henry A. Shaw | Do. | September 22, 1903. |
| 36 | John G. Butler | Colonel in the Ordnance Department. | August 16, 1903. |
| 37 | Frank Heath | Lieutenant-colonel in the Ordnance Department. | Do. |
| 38 | Frank E. Hobbs | Major in the Ordnance Department. | Do. |
| 39 | Thales L. Ames | Captain in the Ordnance Department. | Do. |
| 40 | Clarence A. Stedman | Colonel of cavalry | Do. |
| 41 | Edgar Z. Steever | Do. | August 17, 1903. |
| 42 | George H. Paddock | Lieutenant colonel of cavalry. | August 16, 1903. |
| 43 | Samuel W. Fountain | Do. | August 26, 1903. |
| 44 | Franklin O. Johnson | Major of cavalry | August 16, 1903. |
| 45 | Herbert J. Slocum | Do. | August 23, 1903. |
| 46 | Frank R. McCoy | Captain of cavalry | August 16, 1903. |
| 47 | Chalmers G. Hall | Do. | September 19, 1903. |
| 48 | Clarence R. Day | Do. | September 28, 1903. |
| 49 | Granville R. Fortesque | First lieutenant of cavalry | August 16, 1903. |
| 50 | John Alden Degen | Do. | September 17, 1903. |
| 51 | Arthur N. Pickel | Do. | Do. |
| 52 | Brice P. Disque | Do. | Do. |

List of officers holding recess commissions dated December 7, 1903, etc.—Cont'd.

| No. | Name. | Rank. | Date of rank. |
|-----|---------------------------|--|---------------------|
| 53 | Alvin S. Perkins | First lieutenant of cavalry | September 17, 1903. |
| 54 | Robert M. Barton | Do. | September 19, 1903. |
| 55 | Walter J. Scott | Do. | September 23, 1903. |
| 56 | Richard W. Walker | Do. | October 15, 1903. |
| 57 | Asher C. Taylor | Colonel in the Artillery Corps. | August 10, 1903. |
| 58 | Henry W. Hubbell | Do. | Do. |
| 59 | William F. Stewart | Do. | August 11, 1903. |
| 60 | Anthony W. Vogdes | Do. | November 1, 1903. |
| 61 | Alexander D. Schenck | Lieutenant-colonel in the Artillery Corps. | August 10, 1903. |
| 62 | Sedgwick Pratt | Do. | Do. |
| 63 | John McClellan | Do. | August 11, 1903. |
| 64 | Harry R. Anderson | Do. | August 14, 1903. |
| 65 | Robert H. Patterson | Do. | November 1, 1903. |
| 66 | Eli D. Hoyle | Major in the Artillery Corps | August 10, 1903. |
| 67 | Granger Adams | Do. | Do. |
| 68 | Frederick Marsh | Do. | August 11, 1903. |
| 69 | Chas. G. Woodward | Do. | August 14, 1903. |
| 70 | Edward E. Gayle | Do. | Do. |
| 71 | Hamilton Rowan | Do. | November 1, 1903. |
| 72 | John T. Geary | Captain in the Artillery Corps | August 10, 1903. |
| 73 | Guy T. Scott | Do. | Do. |
| 74 | Morrell M. Mills | Do. | August 11, 1903. |
| 75 | Charles R. Lloyd, jr. | Do. | August 14, 1903. |
| 76 | Edward Carpenter | Do. | Do. |
| 77 | Henry M. Merriam | Do. | August 27, 1903. |
| 78 | Oliver L. Spaulding, jr. | Do. | Do. |
| 79 | Hanson B. Black | Do. | Do. |
| 80 | Conrad H. Lanza | Do. | November 1, 1903. |
| 81 | Chas. E. N. Howard | First lieutenant in the Artillery Corps. | August 10, 1903. |
| 82 | Edwin C. Long | Do. | Do. |
| 83 | Augustus B. Warfield | Do. | August 11, 1903. |
| 84 | Howard L. Landers | Do. | August 14, 1903. |
| 85 | Claudius M. Seaman | Do. | Do. |
| 86 | Hugh J. B. McElgin | Do. | August 27, 1903. |
| 87 | Arthur L. Fuller | Do. | Do. |
| 88 | Francis H. Lomax | Do. | September 20, 1903. |
| 89 | William H. Burt | Do. | November 1, 1903. |
| 90 | Daniel Cornman | Colonel of infantry | August 8, 1903. |
| 91 | Charles B. Hall | Do. | Do. |
| 92 | Joseph W. Duncan | Do. | August 9, 1903. |
| 93 | Henry Wygant | Do. | August 11, 1903. |
| 94 | Francis W. Mansfield | Do. | August 12, 1903. |
| 95 | P. Henry Ray | Do. | Do. |
| 96 | Benjamin C. Lockwood. | Do. | August 13, 1903. |
| 97 | Philip Reade | Do. | Do. |
| 98 | John T. Van Orsdale | Do. | August 14, 1903. |
| 99 | James A. Buchanan | Do. | Do. |
| 100 | Joseph F. Huston | Do. | August 15, 1903. |
| 101 | *William H. W. James | Do. | October 31, 1903. |
| 102 | Charles A. Booth | Lieutenant-colonel of infantry. | August 8, 1903. |
| 103 | Henry A. Greene | Do. | Do. |
| 104 | Edwin B. Bolton | Do. | August 9, 1903. |
| 105 | James S. Pettit | Do. | August 11, 1903. |
| 106 | Charles L. Hodges | Do. | August 12, 1903. |
| 107 | Robert H. R. Loughborough | Do. | Do. |
| 108 | John G. Ballance | Do. | August 13, 1903. |
| 109 | Frank Taylor | Do. | Do. |
| 110 | Richard T. Yeatman | Do. | August 14, 1903. |
| 111 | Thomas F. Davis | Do. | Do. |
| 112 | Daniel H. Brush | Do. | August 15, 1903. |
| 113 | Charles J. Crane | Do. | August 21, 1903. |
| 114 | Hobart K. Bailey | Do. | October 31, 1903. |
| 115 | Frank B. McCoy | Major of infantry. | August 8, 1903. |
| 116 | Elias Chandler | Do. | August 9, 1903. |
| 117 | Charles R. Noyes | Do. | August 12, 1903. |
| 118 | Charles W. Abbot, jr. | Do. | Do. |
| 119 | Richard M. Blatchford. | Do. | August 13, 1903. |
| 120 | John H. Beacom | Do. | August 14, 1903. |
| 121 | Willis T. May | Do. | Do. |
| 122 | Henry W. Hovey | Do. | Do. |
| 123 | Lawrence J. Hearn | Do. | August 15, 1903. |
| 124 | Walter K. Wright | Do. | August 26, 1903. |
| 125 | Charles B. Hardin | Do. | Do. |
| 126 | Edwin P. Pendleton | Do. | Do. |
| 127 | Harry A. Leonhaeuser. | Do. | September 3, 1903. |
| 128 | George M. Grimes | Captain of infantry | August 8, 1903. |
| 129 | Thomas R. Harker | Do. | August 9, 1903. |
| 130 | John F. Wilkinson | Do. | August 12, 1903. |
| 131 | Frank D. Wickham | Do. | Do. |
| 132 | William B. Folwell | Do. | August 13, 1903. |
| 133 | Bryan Conrad | Do. | August 14, 1903. |
| 134 | William K. Naylor | Do. | Do. |
| 135 | William H. Oury | Do. | Do. |
| 136 | Austin F. Prescott | Do. | August 15, 1903. |
| 137 | Edgar A. Fry | Do. | Do. |
| 138 | Harry A. Eaton | Do. | August 22, 1903. |
| 139 | Campbell King | Do. | August 26, 1903. |
| 140 | Tenney Ross | Do. | Do. |
| 141 | George C. Martin | Do. | Do. |
| 142 | Robert O. Van Horn | Do. | August 27, 1903. |
| 143 | Ezekiel J. Williams | Do. | September 3, 1903. |
| 144 | Moor N. Falls | Do. | September 14, 1903. |
| 145 | Joseph W. Glidden | Do. | September 23, 1903. |
| 146 | John R. R. Hannay | Do. | September 28, 1903. |
| 147 | Julian L. Dodge | First lieutenant of infantry | August 8, 1903. |
| 148 | Herman Glade | Do. | August 9, 1903. |
| 149 | Frank S. Bowen | Do. | August 12, 1903. |
| 150 | Ward Dabney | Do. | Do. |
| 151 | Paul M. Goodrich | Do. | August 13, 1903. |
| 152 | Frank H. Kalde | Do. | August 14, 1903. |

List of officers holding recess commissions dated December 7, 1903, etc.—Cont'd.

| No. | Name. | Rank. | Date of rank. |
|-----|----------------------|------------------------------|---------------------|
| 153 | Wm. W. Taylor, jr. | First lieutenant of infantry | August 14, 1903. |
| 154 | Russell C. Hand | do | Do. |
| 155 | Henry A. Bell | do | August 15, 1903. |
| 156 | Bruno T. Scher | do | Do. |
| 157 | George A. Herbst | do | August 22, 1903. |
| 158 | Philip J. Lauber | do | August 26, 1903. |
| 159 | Thomas M. Hunter | do | Do. |
| 160 | Gad Morgan | do | Do. |
| 161 | Elverton E. Fuller | do | August 27, 1903. |
| 162 | William S. Neely | do | September 3, 1903. |
| 163 | Frank H. Adams | do | September 14, 1903. |
| 164 | George C. Lewis | do | September 17, 1903. |
| 165 | William H. Patterson | do | Do. |
| 166 | David A. Lindsay | do | Do. |
| 167 | Leonard J. Mygatt | do | Do. |
| 168 | Elliott M. Norton | do | Do. |
| 169 | Roscoe H. Hearn | do | Do. |

WHITE HOUSE, Washington, December 7, 1903.

The persons above named are hereby appointed to the offices set opposite their respective names, to rank respectively from the several dates specified in the recess commissions heretofore held by them, which expired at the end of the extraordinary session of the Senate convened on the 9th day of November, 1903.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT, Secretary of War.

REWARD OF DISTINGUISHED ARMY SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill containing provisions for the reward of distinguished service in the American Army; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

SLOOP CHARLOTTE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Charlotte*, Joseph Ingham, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 98) to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution extending the thanks of Congress to the people of Wisconsin for the statue of James Marquette; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Chapter No. 6566 of the Epworth League, of Farmland, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Missionary Society, of the Woman's Christian Temperance Union, of the Ossian Class of the Methodist Episcopal Church, and of the congregations of the Methodist Episcopal and United Brethren churches, all of Ossian, in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Post No. 86, Department of Indiana, Grand Army of the Republic, of Jeffersonville, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a memorial of the Nordyke & Marmon Company, of Indianapolis, Ind., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of the Blanton Milling Company, of Indianapolis; of the Hoosier Flour Mills, of Indianapolis, and of S. Bash & Co., of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Cigar Makers' Local Union No. 399, American Federation of Labor, of Vincennes, Ind., remonstrating against any change being made in the duty on tobacco imported from Cuba; which was referred to the Committee on Finance.

Mr. PLATT of New York presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation creating a commission to consider and recommend legislation for the development of the American merchant marine; which was referred to the Committee on Commerce.

Mr. HOAR presented petitions of Post No. 199, of Revere; of John A. Logan Post, No. 186, of Cambridge; of Preston Post, No. 188, of Beverly Farms; of William H. Bartlett Post, No. 3, of Taunton; of Post No. 76, of Plymouth; of Post No. 61, of Webster; of Moses Ellis Post, No. 117, of Massachusetts; of Charles Sumner Post, No. 101, of Groveland; of Old Concord Post, No. 180, of Concord; of A. W. Bartlett Post, No. 49, of Newburyport; of Colonel Prescott Post, No. 18, of Ashland; of Robert A. Bell Post, No. 134, of Boston; of Richard Borden Post, No. 46, of Fall River; of A. B. R. Sprague Post, No. 24, of Grafton; of E. K. Wilcox Post, No. 16, of Springfield, and of Reno Post, No. 9, of Hudson, all of the Department of Massachusetts, Grand Army of the Republic, and of John Spear, of Pepperell, all in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of the Northwest Sabbath Association of Portland, Oreg., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. ALLEE presented a petition of the Woman's Christian Temperance Union of Georgetown, Del., and a petition of the congregation of the Presbyterian Church of Georgetown, Del., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BURROWS presented a petition of the Board of Commerce of Detroit, Mich., praying for a reorganization of the consular service; which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the New York Zoological Society, of New York City, praying for the enactment of legislation providing for the protection of the Calaveras grove of big trees in the State of California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Young Men's League of the First Presbyterian Church of Oakland; of sundry citizens of San Rafael, and of the Woman's Home Christian Missionary Society of Long Beach, all in the State of California, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Pastors' Union of San Jose, Cal., praying for the enactment of legislation granting lands in severalty to Indians who are not in the possession of land in northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation to increase the building of American ships; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation providing for the adoption of the metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. SMOOT presented a petition of the Commercial Club of Salt Lake City, Utah, praying that an appropriation be made for the improvement of the inner harbor at San Pedro, Cal.; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of sundry citizens of Freedom, N. H., praying for the enactment of legislation providing for the construction of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. MCOMAS presented a petition of Local Division No. 6, Ancient Order of Hibernians, of Baltimore, Md., praying for the enactment of legislation providing for the erection of a statue at Washington, D. C., to Commodore Barry, "the father of the American Navy;" which was referred to the Committee on the Library.

He also presented a petition of Lincoln Post, No. 7, Grand Army of the Republic, of Baltimore, Md., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Middletown, Md., praying for an investigation of the charges made and filed

against the Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DUBOIS presented petitions of sundry inmates of the Soldiers' Home of Boise, of sundry citizens of Boise, of sundry citizens of Kootenai County, and of sundry citizens of Harrison, all in the State of Idaho, and of the Young People's Society of Christian Endeavor of the Church of the Covenanters, of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. MARTIN presented a petition of the board of directors of the Chamber of Commerce of Richmond, Va., praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PATTERSON presented a petition of Local Union No. 3, Amalgamated Woodworkers' International Union, of Denver, Colo., praying for the appointment of a court of arbitration to settle labor disputes; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented sundry memorials of citizens of Joliet, Ill., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist Association of Middle Creek, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of Aaron Weider Post, No. 75, of Fairburg; of Major Sam Hays Post, No. 477, of Summer Hill; of Marissa Post, No. 430, of Marissa; of Matt Starr Post, No. 378, of Jacksonville; of Coleman Post, No. 508, of Mount Vernon, and of Harryman Post, No. 582, of Okawville, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. ALGER presented a petition of the Young People's Society of Christian Endeavor of the Jefferson Avenue Presbyterian Church, of Detroit, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of H. W. Lawton Post, No. 452, of Detroit; of Post No. 38, of Saginaw; of Henry H. Knapp Post, No. 284, of Michigan; of Charles O. Twist Post, No. 396, of Michigan; of Phil McKernan Post, No. 53, of Michigan, and of General O. M. Poe Post, No. 433, of Michigan, all of the Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. SCOTT presented a petition of sundry citizens of Sherrard, W. Va., praying for the enactment of legislation providing for the construction of good roads throughout the country; which was referred to the Committee on Agriculture and Forestry.

Mr. HOPKINS presented memorials of sundry citizens of Jacksonville, Fla., Kankakee, Rockford, Mount Olive, and Peotone, all in the State of Illinois, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Hubbard Post, No. 164, of Belvidere; of Batavia Post, No. 48, of Batavia; of Carter Van Vleck Post, No. 174, of Bushnell; of James A. Sexton Post, No. 759, of Chicago Heights; of William McKinley Post, No. 701, of Chicago; of Farragut Post, No. 602, of Chicago; of Washington Post, No. 573, of Chicago; of General W. B. Hazen Post, No. 7, of Chicago; of Joseph P. Sasley Post, No. 542, of Camp Point; of J. L. Parks Post, No. 518, of Craborchard; of Veteran Post, No. 49, of Elgin; of Yates Post, No. 88, of Effingham; of Forrest Post, No. 114, of Forrest; of Kittoe Post, No. 5020, of Galena; of Homer Post, No. 263, of Homer; of Barnes Post, No. 395, of Kingston; of Whipple Post, No. 414, of Kankakee; of Lake Forrest Post, No. 676, of Lake Forrest; of James Mayes Post, No. 480, of Mount Erie; of Post No. 471, of Milford; of Harley Wayne Post, No. 169, of Marengo; of Post No. 469, of Macedonia; of Walter Blanchard Post, No. 386, of Naperville; of Post No. 419, of Nashville; of W. A. Babcock Post, No. 416, of Onarga; of Colonel John Bryner Post, No. 67, of Peoria; of L. W. Sheppard Post, No. 623, of Quincy; of Post No. 546, of Rochelle; of Will Enderston Post, No. 729, of Rock Falls; of Post No. 510, of Sandwich; of Randal Post, No. 568, of Trenton; of Williams Post, No. 25, of Watseka; of Hesse Post, No. 223, of Winchester; of Lasater Post, No. 570, of Will Shoal, and of Post No. 374, of Waukegan, all of the Department of Illinois, Grand Army of the Republic, in the State of

Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the Cairo Woman's Club, of Cairo; of the Kenwoods Woman's Club of the Church of New Jerusalem, of Chicago; of the Woman's Christian Temperance Union of Utica, and of sundry citizens of Chicago, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. SPOONER presented a petition of the congregation of the Methodist Episcopal Church of Waupaca, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of District Lodge, Good Templars' Mutual Benefit Association, of Waupaca, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Good Roads' Association of Marinette County, Wis., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of sundry citizens of Bridgewater, Mass., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying that an appropriation be made for the erection of a new custom-house at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Massachusetts Board of Trade, of Boston, Mass., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for an arbitration treaty between the United States and Great Britain, for the reorganization of the consular service of the United States, for the restoration of the American merchant marine, and also praying that an appropriation be made for the destruction of derelicts at sea; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Massachusetts State Board of Trade, of Boston, Mass., praying for the enactment of legislation providing for the revision of the present postal rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry shipowners, shipbuilders, and shipmasters of Boston, Mass., remonstrating against the admission of any foreign-built vessel to American registry except prizes of war or vessels forfeited for violation of the laws of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for the restoration of the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the ratification of a treaty of arbitration between this country and the United Kingdom of Great Britain and Ireland; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Gloucester, Mass., praying for the enactment of legislation providing for the removal of derelicts at sea; which was ordered to be laid on the table.

Mr. BATE presented sundry papers to accompany the bill (S. 807) for the relief of the heirs of J. L. Kirkpatrick; which were referred to the Committee on Claims.

Mr. GAMBLE presented a petition of the Woman's Home Missionary Society of Huron, S. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Conference of the Methodist

Episcopal Church of Deadwood, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes; which was referred to the Committee on Military Affairs.

Mr. FOSTER of Washington presented a petition of the congregation of the Presbyterian Church of Clarkston, Wash., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce, of Spokane, Wash., praying for the enactment of legislation relative to unjust discrimination in railroad rates; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of Connecticut. I have here a petition which is of a good deal of importance, with reference to the Government buying land for the landless Indians of northern California. It is signed by Colonel Pratt, of the Carlisle Institute, and by a large number of persons who have been connected with the Indian service. I think the petition will be found to be very interesting, and I ask that it may be printed as a document.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the petition sent to the desk by him may be printed as a Senate document. Is there objection? The Chair hears none, and that order is made.

Mr. PLATT of Connecticut presented a petition of the Chamber of Commerce of Everett, Wash., praying that an appropriation be made for the education of all school children of the Tulalip Indian Reservation, in the State of Washington; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Ancient Order of Hibernians of Norwich, Conn., praying that an appropriation be made for the erection of a monument to the memory of Commodore John Barry, the father of the American Navy; which was referred to the Committee on the Library.

He also presented a petition of the congregation of the Congregational Church of Goshen, Conn., and a petition of sundry citizens of Putnam, Conn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HALE presented a petition of the executive council of the Philadelphia Board of Trade, of Philadelphia, Pa., praying for the enactment of legislation creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes; which was referred to the Committee on Commerce.

He also presented a petition of the First Battalion of the Ohio Naval Brigade, of Toledo, Ohio, praying for the enactment of legislation providing for the establishment of a naval training station at Put in Bay Island on the Great Lakes; which was referred to the Committee on Naval Affairs.

Mr. MITCHELL presented a petition of the National Good Roads Association of Oregon, praying that an appropriation be made for the Lewis and Clark Centennial Exposition, to be held in Portland, Oreg., in 1905; which was referred to the Committee on Appropriations.

Mr. FRYE presented a petition of the regents of the University of Wisconsin, Madison, Wis., praying for the enactment of legislation to increase the Federal aid to agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 3, Amalgamated Wood Workers' International Union, of Denver, Colo., praying for the enactment of legislation providing for an investigation of the martial-law proclamation of the governor of that State; which was referred to the Committee on the Judiciary.

He also presented a petition of Kit Carson Post, No. 2, Department of the District of Columbia, Grand Army of the Republic, of Washington, D. C., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Leta Brown and 23 other citizens of Roswell, Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and elections.

THE CENSUS BUREAU.

Mr. FAIRBANKS. I present a communication from the Secretary of the Department of Commerce and Labor, transmitting a letter from the Director of the Census regarding the building

now occupied by the Census Bureau and the public future needs of that Bureau in the way of quarters. I move that the communication and accompanying papers be printed as a document and referred to the Committee on Public Buildings and Grounds. The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7287) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Clarke and Choctaw, Ala., in section 7, township 9, range 1 west of St. Stephens meridian;

A bill (H. R. 5761) to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River; and

A bill (H. R. 7288) to authorize the Mobile and West Alabama Railway Company to construct and maintain a bridge across the Black Warrior River in Tuscaloosa County, Ala., in section 3, township 21 south, range 9 west of Huntsville meridian.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3331) to authorize the Vulcan Coal Company, of Vulcan, W. Va., to bridge the Tug Fork of the Big Sandy River at Vulcan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, 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. 1834) granting an increase of pension to John W. Paul;

A bill (S. 2123) granting a pension to Ashley C. Riggs;

A bill (H. R. 1316) granting an increase of pension to George W. Day;

A bill (H. R. 5367) granting an increase of pension to Franklin Moore; and

A bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 727) granting a pension to George W. Witherell;

A bill (S. 3362) granting an increase of pension to Daniel H. Wallace; and

A bill (S. 935) granting a pension to Mary S. Clark.

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

A bill (H. R. 198) granting an increase of pension to Emmett Cole;

A bill (H. R. 2040) granting a pension to James Anderson;

A bill (H. R. 6342) granting an increase of pension to Thomas Springer;

A bill (H. R. 165) granting an increase of pension to Thomas Adelsperger;

A bill (H. R. 1906) granting an increase of pension to George W. Blanchard;

A bill (H. R. 3272) granting an increase of pension to Elizabeth Hardy;

A bill (H. R. 5718) granting an increase of pension to Adolph Heiser;

A bill (H. R. 2553) granting an increase of pension to George Wintz;

A bill (H. R. 4323) granting an increase of pension to Mary Wurtz;

A bill (H. R. 4276) granting an increase of pension to Hamilton E. Burritt;

A bill (H. R. 812) granting an increase of pension to Charles F. Emery;

A bill (H. R. 195) granting a pension to Michael Landy;

A bill (H. R. 660) granting an increase of pension to John S. Sines;

A bill (H. R. 4759) granting an increase of pension to David P. McDonald;

A bill (H. R. 4915) granting an increase of pension to James W. Hibbert;

A bill (H. R. 6028) granting an increase of pension to Anson Heffron;

A bill (H. R. 689) granting an increase of pension to Edgar Chapman;

A bill (H. R. 6442) granting an increase of pension to James P. Wallace;

A bill (H. R. 1883) granting a pension to Harriet A. Cook;

A bill (H. R. 6947) granting an increase of pension to Joseph H. Cooper; and

A bill (H. R. 8728) granting a pension to Matilda Lafferty.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 475) granting a pension to Alfred C. Isachsen, submitted an adverse report, which was agreed to; and the bill was postponed indefinitely.

Mr. McCUMBER (for Mr. BURTON), 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. 1796) granting an increase of pension to Matthew Woodworth;

A bill (S. 1803) granting an increase of pension to John M. Morgan;

A bill (H. R. 5865) granting an increase of pension to Joshua Harlan;

A bill (H. R. 2809) granting an increase of pension to John Watt; and

A bill (H. R. 4526) granting an increase of pension to William J. Shepard.

Mr. McCUMBER (for Mr. BURTON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1483) granting an increase of pension to James W. Black;

A bill (H. R. 3411) granting an increase of pension to William J. Hart;

A bill (H. R. 6061) granting an increase of pension to Alpheus D. Brown; and

A bill (H. R. 5883) granting an increase of pension to David Warentz.

Mr. McCUMBER (for Mr. TALIAFERRO), 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. 3480) granting an increase of pension to Sweptston B. W. Stephens;

A bill (S. 3415) granting an increase of pension to Manluff W. Reynolds; and

A bill (S. 2322) granting a pension to Adolphus N. Pacetty.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5534) granting an increase of pension to Adaline Shaw Lovejoy;

A bill (H. R. 2822) granting an increase of pension to Louiza Phillips; and

A bill (H. R. 4946) granting a pension to James F. Wheeler.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7799) granting an increase of pension to John O. Rice;

A bill (H. R. 7798) granting an increase of pension to Andrew Black;

A bill (H. R. 219) granting a pension to Minerva J. Burton; and

A bill (H. R. 249) granting an increase of pension to Mollie J. Mitchell.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 4136) granting an increase of pension to Caleb Arnett, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 2359) to correct the military record of James W. Houser, reported it without amendment, and submitted a report thereon.

He also, 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. 1272) granting an increase of pension to Samuel Rollins;

A bill (S. 2490) granting a pension to Naomi Green;

A bill (S. 2278) granting an increase of pension to Harriet H. Howlett;

A bill (S. 1392) granting an increase of pension to Mary A. Hughes;

A bill (H. R. 6582) granting an increase of pension to Harry Haller; and

A bill (H. R. 4045) granting a pension to Minnie Gusler.

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

A bill (H. R. 3521) granting an increase of pension to John Hawker;

A bill (H. R. 3172) granting an increase of pension to Robert E. Pogue;

A bill (H. R. 6020) granting an increase of pension to William P. Conner;

A bill (H. R. 561) granting an increase of pension to Eri Summy;

A bill (H. R. 4625) granting a pension to Theresa B. Nash;

A bill (H. R. 7515) granting a pension to Rebecca A. Mathias;

A bill (H. R. 2301) granting an increase of pension to George McDonald;

A bill (H. R. 7374) granting an increase of pension to Jabez Perkins;

A bill (H. R. 6005) granting an increase of pension to George B. Davis; and

A bill (H. R. 8123) granting a pension to Eliza S. Smith.

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. 1230) granting an increase of pension to Henry Wilfong;

A bill (S. 3527) granting an increase of pension to Jerningham Boone;

A bill (S. 3267) granting an increase of pension to Mary V. Carson;

A bill (S. 2043) granting an increase of pension to Andrew J. Williams; and

A bill (S. 3569) granting an increase of pension to John A. Chamberlain.

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

A bill (S. 2838) granting a pension to Louisa Lyon;

A bill (S. 1642) granting an increase of pension to Blanche L. Chunn; and

A bill (H. R. 2019) granting a pension to Mary Gwynn.

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

A bill (H. R. 134) granting a pension to Wilhelmina Miller;

A bill (H. R. 5617) granting an increase of pension to William P. Hereford;

A bill (H. R. 5818) granting an increase of pension to Philip Snow;

A bill (H. R. 3345) granting an increase of pension to Charles P. Clarke; and

A bill (H. R. 5720) granting an increase of pension to William T. Filler.

Mr. BURNHAM, 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. 3839) granting an increase of pension to George B. Abbott;

A bill (S. 360) granting an increase of pension to Mary Lucetta Arnold; and

A bill (S. 1530) granting an increase of pension to Theron T. Lamphere.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 3788) granting an increase of pension to Linus S. Ludington, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9029) granting a pension to Georgie S. Barbour;

A bill (H. R. 734) granting an increase of pension to Henry S. McAlister;

A bill (H. R. 727) granting an increase of pension to James K. Blye;

A bill (H. R. 2111) granting an increase of pension to Henry D. Towsley;

A bill (H. R. 8729) granting an increase of pension to Gustus S. Remick;

A bill (H. R. 3337) granting an increase of pension to Mary A. Craigue;

A bill (H. R. 1859) granting an increase of pension to Patrick Cannon;

A bill (H. R. 1855) granting a pension to Harriett B. Riley;

A bill (H. R. 2016) granting an increase of pension to George Gardner; and

A bill (H. R. 2932) granting a pension to Dudley R. W. Williams.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (H. R. 6352) granting a pension to Mary Huff, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon.

A bill (H. R. 4457) granting an increase of pension to Mary E. Meldrum;

A bill (H. R. 754) granting a pension to John M. Lawton; and
A bill (H. R. 6994) granting an increase of pension to Theresa Neblich.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (H. R. 8916) granting an increase of pension to Susie C. G. Seabury, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

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

A bill (H. R. 2912) granting an increase of pension to Elizabeth A. Jones;

A bill (H. R. 2916) granting an increase of pension to Francis S. Howard; and

A bill (H. R. 4629) granting an increase of pension to Thomas C. Pond.

Mr. FOSTER of Washington, 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. 3656) granting an increase of pension to William Turner;

A bill (S. 2966) granting a pension to William Conover;

A bill (S. 2221) granting a pension to Carlotta E. Hooper; and

A bill (S. 2969) granting a pension to Henry Dority.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 294) granting a pension to Vincent de Frietas, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 2882) to regulate appointments and promotions in the municipal government of the District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on the Judiciary, to whom was referred the bill (S. 8117) to expedite business in the district court of the United States for the district of Oregon, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 4707) granting a pension to Margaret J. Snook; and

A bill (S. 71) granting an increase of pension to Asia Burgess.

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

A bill (H. R. 5299) granting an increase of pension to Sarah E. Wheeler;

A bill (H. R. 5531) granting an increase of pension to Marvin Nash;

A bill (H. R. 6071) granting an increase of pension to Abraham C. Null;

A bill (H. R. 5528) granting a pension to Maria Lindhorst; and

A bill (H. R. 3435) granting an increase of pension to John M. Pratt.

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

A bill (H. R. 5555) granting an increase of pension to James R. Hauptly;

A bill (S. 3470) granting an increase of pension to Richard Wiks;

A bill (S. 3413) granting a pension to Henry P. Howard;

A bill (S. 2863) granting an increase of pension to David C. Coleman; and

A bill (S. 2200) granting an increase of pension to Charles R. Collins.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3405) granting an increase of pension to Mary F. Pentzer, reported it with amendments, and submitted a report thereon.

THE DAWES COMMISSION.

Mr. BATE, from the Select Committee on the Five Civilized Tribes of Indians, to whom was referred the letter of the Secretary of the Interior, transmitting a memorial of members of the Dawes Commission in regard to certain representations made especially to the Senate by R. C. Adams as attorney for the Delawares concerning the Commission and its action in connection with the making of the Delaware segregation and concerning the members of the Commission in their personal as well as their official capacity, asked to be discharged from its further considera-

tion, and that it be referred to the Committee on Indian Affairs; which was agreed to.

REPORT OF COMMISSIONER OF PATENTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the annual report of the Commissioner of Patents for the year 1903, asked to be discharged from its further consideration, and that it be referred to the Committee on Patents; which was agreed to.

REPORTS OF LIBRARIAN OF CONGRESS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 87) providing for the editions to be printed of the annual and special reports of the Librarian of Congress, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that of the annual and special reports of the Librarian of Congress hereafter submitted to Congress, but including the report for 1903, there shall be printed and bound in cloth 7,250 copies, 750 copies for the use of the Senate, 1,500 copies for the use of the House of Representatives, and 5,000 copies for the use of the Library of Congress.

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

ADDITIONAL DISTRICT JUDGE IN PENNSYLVANIA.

Mr. PLATT of Connecticut. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3015) to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania, to report it favorably with amendments. The business has become very much congested there, and if there is no objection I should like to have the bill acted upon at the present time.

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on the Judiciary was in section 1, page 1, line 3, after the word "President," to strike out the words "of the United States;" so as to make the section read:

That the President, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the eastern district of Pennsylvania, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That this act shall take effect immediately.

The amendment was agreed to.

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

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

A. C. HAWLEY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CULLOM on the 28th ultimo, reported adversely thereon; and it was postponed indefinitely, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to place upon the messenger roll the name of A. C. Hawley, at an annual salary of \$1,440, to be paid from the contingent fund until otherwise provided for, he having been dropped through the reorganization of the committees.

THOMAS KENNEDY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CLAPP, by request, on the 13th ultimo, reported adversely thereon, and it was postponed indefinitely, as follows:

Resolved, That Thomas Kennedy be employed by the Sergeant-at-Arms as laborer in the Senate folding room, at a salary of \$340 per annum, to be paid from the contingent expenses of the Senate, the said employment to take effect January 15, 1904.

COURTS IN MINNESOTA.

Mr. NELSON. I am directed by the Committee on the Judiciary to report back favorably without amendment the bill (S. 707) to amend an act entitled "An act providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes," approved April 26, 1890. On account of the importance of the subject, I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend section 4 of the act, so as to read:

SEC. 4. That regular terms of the circuit and district courts shall be held as follows: For the first division, on the third Tuesday in May and the third Tuesday in November; for the second division, on the fourth Tuesday in April and the fourth Tuesday in October; for the third division, on the first

Tuesday in June and the first Tuesday in December; for the fourth division, on the first Tuesday in April and the first Tuesday in October; for the fifth division, on the second Tuesday in January and the second Tuesday in July; for the sixth division, on the first Tuesday in May and the second Tuesday in November.

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

LOUIS J. SOUER.

Mr. TELLER. I move that the Committee on Appropriations be discharged from the further consideration of the amendment submitted by myself on the 15th instant, proposing to credit the accounts of Louis J. Souer, collector of internal revenue for the collection district of Louisiana, with the sum of \$3,861.88, being the value of tax-paid spirit stamps forwarded by registered mail March 21, 1902, and destroyed by fire in a railway postal car, intended to be proposed to the general deficiency appropriation bill, and that it be referred to the Committee on Finance.

The motion was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. HOAR introduced a bill (S. 3959) granting a pension to Anna Mansfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 3960) for the relief of Mrs. S. A. Penniman; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3961) for the relief of D. Froneberger, for himself and as surviving partner of the firm of D. & C. Froneberger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 3962) for the relief of the estate of Antoine Decuir, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 3963) authorizing the Commissioner of Patents to renew the patent issued to Jacob Karr for quarter-second time mechanism; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

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

A bill (S. 3964) granting an increase of pension to Laura C. Dodge; and

A bill (S. 3965) granting an increase of pension to Nathaniel R. Kent (with accompanying papers).

Mr. PLATT of New York introduced a bill (S. 3966) to increase the limit of cost of the United States post-office at Kingston, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3967) for the erection of a public building at Oneonta, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT introduced a bill (S. 3968) granting an increase of pension to Joel Bee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3969) for the relief of John L. O'Mara; which was read twice by its title, and referred to the Committee on Military Affairs.

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

A bill (S. 3970) granting an increase of pension to Martha C. Kuhn;

A bill (S. 3971) granting a pension to William H. Rogers;

A bill (S. 3972) granting a pension to Thomas B. Collahan;

A bill (S. 3973) granting an increase of pension to Laura S. Picking; and

A bill (S. 3974) granting an increase of pension to John B. Wilcox (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 3975) to authorize the President to place the name of John Roop on the retired list of the United States Navy with the rank of first assistant engineer, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3976) providing for the erection of a statue of Abraham Lincoln at Washington, D. C.; which was read twice by its title, and referred to the Committee on the Library.

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

A bill (S. 3977) granting an increase of pension to Luther S. Baker;

A bill (S. 3978) granting an increase of pension to George W. Howard; and

A bill (S. 3979) granting an increase of pension to Sterling L. Parker.

Mr. BURROWS introduced a bill (S. 3980) to legalize and permit the maintenance of certain dams in and bridges over the St. Joseph River in the States of Indiana and Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FOSTER of Washington introduced a bill (S. 3981) for the erection of an additional suitable building, cistern, oil house, and other necessary improvements at the New Dungeness light-house, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3982) making an additional appropriation for the Battery Point post light, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3983) providing for additional employee's quarters at the Robinson Point post light station, State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 3984) to reorganize and increase the efficiency of the Hospital Corps of the Navy of the United States, and to define its duties and regulate its pay; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McCREARY introduced a bill (S. 3985) granting an increase of pension to Isabel F. Easum; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3986) granting a pension to Cynthia Speaks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN (by request) introduced a bill (S. 3987) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; which was read twice by its title, and referred to the Committee on Finance.

Mr. FORAKER introduced a bill (S. 3988) granting an increase of pension to John L. Hughes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3989) granting an increase of pension to Eugene Schilling; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3990) granting authority to the Secretary of the Navy, in his discretion, to restore certain midshipmen to the Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOPKINS introduced a bill (S. 3991) to provide for enlarging and improving the United States building at Aurora, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3992) granting a pension to Ada L. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 3993) for the relief of Edward Kershner; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3994) for the relief of the heirs of Michael Carling, assignee of Joseph R. Shannon, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3995) to remove the charge of desertion standing against James McGreevey; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3996) for the relief of the heirs of William A. Redman, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 3997) providing for the purchase of Mathews's portrait of Lincoln; which was read twice by its title, and referred to the Committee on the Library.

Mr. ALLEE introduced a bill (S. 3998) granting a pension to Henry Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3999) granting a pension to William H. Torbert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 4000) granting a pension to Rosannah J. Ross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 4001) granting a pension to Benjamin A. Proovost; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4002) granting an increase of pension to Susan E. Armitage; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced the following bills; which were sev-

erally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4003) to establish a fog signal at Quarry Point, Angel Island, Bay of San Francisco, California;

A bill (S. 4004) to establish at Cape Mendocino, California, quarters for the light keeper;

A bill (S. 4005) to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California;

A bill (S. 4006) to authorize the construction of quarters for light-house keepers at Point Conception, California; and

A bill (S. 4007) to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California.

Mr. HALE introduced a bill (S. 4008) for the relief of the Bath Iron Works and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4009) defining the power of the academic board at the Naval Academy with regard to the admission of candidates and the retention of deficient midshipmen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4010) providing for the admission of Arthur Mervyn Whitton to the character and privileges of a citizen of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PLATT of Connecticut, introduced a bill (S. 4011) for the relief of the heirs of Jenkins and Havens; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 4012) for the relief of the trustees of the Missionary Baptist Church, at Gravelly Springs, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 4013) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4014) to prevent the fraudulent sale of merchandise; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAY introduced a bill (S. 4015) for the relief of Michael Kries; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 4016) for the relief of John Moriarty; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PLATT of New York introduced a joint resolution (S. R. 38) for the purpose of carrying out the provisions of General Orders, No. 195, War Department, June 29, 1863, for the presentation of medals; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL submitted an amendment proposing to appropriate \$1,775,000 for an exposition to be held at the city of Portland, Oreg., in the year 1905, to celebrate the one hundredth anniversary of the exploration of the Oregon country by Lewis and Clark, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the envoy extraordinary and minister plenipotentiary to the Argentine Republic from \$10,000 to \$12,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$10,000 to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DUBOIS submitted an amendment providing for the issuance by the Secretary of the Interior of a patent in fee to Nora G. Hazlett, a Caddo Indian, for not to exceed 40 acres of the remaining 80 acres of the 160 acres of land heretofore allotted to her in the Territory of Oklahoma, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate \$441,580 for the purchase, installation, operation, and maintenance of a submarine military cable for connecting the headquarters, Department of Columbia, with military garrisons in Alaska, etc., intended to be proposed by him to the military appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate \$5,000 to pay such contingent expenses of the Choctaw and Chickasaw citizenship court and such of its officers as the Secretary of the Interior may deem proper, and also \$1,136.25, the amount of unexpended balance of the appropriation for contingent expenses as provided in the act of July 1, 1902, of \$5,000 remaining on the books of the Interior Department December 31, 1903, to the credit of the Choctaw and Chickasaw citizenship court; also \$2,680.65 for one stenographer to each of the three judges of the Choctaw and Chickasaw citizenship court to be appointed by them respectively, etc., intended to be proposed by him to the urgent deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

MALINDA GORDON.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Malinda Gordon, widow of Fred Gordon, late a laborer in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HISTORY OF DEPARTMENT OF JUSTICE.

Mr. PENROSE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed from stereotype plates and bound in cloth 2,000 copies of a history of the Department of Justice from 1789 to 1904, written by James S. Easby-Smith, including biographies of all the Attorneys-General and solicitors-general; and that there also be printed from plates, etched or engraved by Max and Albert Rosenthal, and bound in said history portraits of the Attorneys-General and solicitors-general, 1,300 copies for the use of the House of Representatives, 600 copies for the use of the Senate, and 200 copies for the Department of Justice.

PROCEEDINGS OF NEW PANAMA CANAL COMPANY.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the cost of translating the document entitled "Compagnie Nouvelle du Canal de Panama," which the Senate, under date of January 28, 1904, directed him to have translated.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th ultimo approved and signed the following acts:

- An act (S. 137) granting a pension to Hannah Kelly;
- An act (S. 215) granting a pension to Mary D. Perry; and
- An act (S. 368) granting an increase of pension to Charles M. Wilcox.

The message also announced that the President of the United States had on the 30th ultimo approved and signed the following acts:

An act (S. 2121) to amend an act entitled "An act providing for public printing and binding and the distribution of public documents;"

- An act (S. 484) granting a pension to Nancy S. Marsh;
- An act (S. 586) granting a pension to Annie H. Zoll;
- An act (S. 745) granting a pension to John Swenson;
- An act (S. 814) granting a pension to Mamie Thayer;
- An act (S. 1825) granting a pension to Josephine L. Webber;
- An act (S. 9) granting an increase of pension to David E. Burbank;

An act (S. 12) granting an increase of pension to Francis E. Chase;

An act (S. 13) granting an increase of pension to William E. Clark;

An act (S. 14) granting an increase of pension to Samuel M. Perry;

An act (S. 99) granting an increase of pension to Joel C. Shepperd;

An act (S. 182) granting an increase of pension to Charles F. Holt;

An act (S. 190) granting an increase of pension to Charles H. Bell;

An act (S. 451) granting an increase of pension to William T. Conant;

An act (S. 452) granting an increase of pension to Albert W. Bullock;

An act (S. 456) granting an increase of pension to Andrew J. Pierce;

An act (S. 458) granting an increase of pension to Charles Beattie;

An act (S. 471) granting an increase of pension to Silas Meserve;

An act (S. 473) granting an increase of pension to Byron D. Babcock;

An act (S. 478) granting an increase of pension to Olive J. Bailey;
 An act (S. 547) granting an increase of pension to Irving W. Coombs;
 An act (S. 555) granting an increase of pension to Royal A. S. Kingsley;
 An act (S. 565) granting an increase of pension to James E. Barnard;
 An act (S. 578) granting an increase of pension to John Bullamore;
 An act (S. 587) granting an increase of pension to Anson P. Williamson;
 An act (S. 589) granting an increase of pension to George E. McMullen;
 An act (S. 744) granting an increase of pension to Stephen Gascoigne;
 An act (S. 798) granting an increase of pension to James A. Templeton;
 An act (S. 821) granting an increase of pension to W. Neil Dennison;
 An act (S. 847) granting an increase of pension to John L. Beveridge;
 An act (S. 898) granting an increase of pension to John B. Carter;
 An act (S. 929) granting an increase of pension to Charles Stermer;
 An act (S. 930) granting an increase of pension to Ferdinand Wiedemann;
 An act (S. 937) granting an increase of pension to Rudolph Siebelist;
 An act (S. 959) granting an increase of pension to Andrew C. Ranard;
 An act (S. 1259) granting an increase of pension to John M. Stanyan;
 An act (S. 1334) granting an increase of pension to Amy C. Bosworth;
 An act (S. 1335) granting an increase of pension to Calvin Daws;
 An act (S. 1402) granting an increase of pension to William Paul;
 An act (S. 1429) granting an increase of pension to Elizabeth C. Paquin;
 An act (S. 1437) granting an increase of pension to Clarence E. Bullard;
 An act (S. 1491) granting an increase of pension to James A. Hoover;
 An act (S. 1497) granting an increase of pension to Walter F. Chase;
 An act (S. 1498) granting an increase of pension to Winslow P. Eayrs;
 An act (S. 1559) granting an increase of pension to Marie A. Rask;
 An act (S. 1826) granting an increase of pension to Mary E. Cutts;
 An act (S. 1827) granting an increase of pension to Harris A. P. Lewis; and
 An act (S. 1938) granting an increase of pension to Aldridge Patterson.

STATUE OF JAMES MARQUETTE.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES,
 January 30, 1904.

Resolved by the House of Representatives (the Senate concurring). That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary and explorer.

Resolved. That the statue be accepted, to remain in the National Statuary Hall, in the Capitol of the nation, and that a copy of these resolutions, signed by the presiding officers of the House of Representatives and Senate, be forwarded to his excellency the governor of the State of Wisconsin.

Mr. QUARLES. Mr. President, I rise to ask unanimous consent for the present consideration of the concurrent resolution.

I desire only to state that in 1893 the proposition embodied in the resolution was passed upon by both Houses of Congress, and the State of Wisconsin was thereby authorized to present this marble of Pere Marquette, notwithstanding the fact that he was not technically a resident of the State. In 1896 the marble was presented, and it was accepted by the Senate of the United States with appropriate speeches and ceremonies.

The present resolution is only a complimentary tender of thanks to the people of the State of Wisconsin for the presentation of this marble. The Senate having twice expressed its views upon this subject, and this being nothing but a complimentary resolution, I can see no reason, sir, why any committee of this body should be troubled with it.

I therefore ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The concurrent resolution was considered by unanimous consent, and agreed to.

REMOVAL OF SNOW AND ICE.

The joint resolution (H. J. Res. 98) to provide for the removal of snow and ice from the streets, cross walks, and gutters of the District of Columbia was read twice by its title.

Mr. GALLINGER. Mr. President, that is an emergency matter, and I ask present consideration for it.

The PRESIDENT pro tempore. It will be read to the Senate. The joint resolution was read, as follows:

Resolved, etc., That the sum of \$5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the removal of snow and ice from the streets, cross walks, and gutters in the District of Columbia, one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. HALE. There is so much confusion in the Chamber that we do not know even what measure this is.

The PRESIDENT pro tempore. It is a joint resolution from the House appropriating \$5,000 for clearing the streets of snow and ice.

Mr. HALE. Now, let me ask the chairman of the Committee on Appropriations whether all the appropriations for removing snow and ice, which become at times here very serious obstructions to travel, are made by piecemeal—whether we wait until a snowstorm comes and blocks the streets and stops business to a degree and interferes with travel? Does Congress always appropriate piecemeal as the occasion comes around? If it does, why is it not better somewhere on some appropriation bill to provide a sum large enough to cover an entire session of Congress?

We have been in Washington put to the greatest inconvenience for the last month. We had one fall of snow, ice formed, it was difficult to get to business places, travel becoming very hard, and as that lasted it merged into another storm with a great deposit of snow in Washington days ago. Now we are appropriating four or five days after the evil has fallen upon us for relieving it.

I should be glad to see the Commissioners entrusted with a fund for an entire season, so that the moment a snowstorm begins at once hundreds of men, if necessary, could be put on, and we can do as they do in other cities and not wait for the slow process of the snow melting and removing itself.

I suggest to the chairman of the Committee on Appropriations, not in any way finding fault with him, because these matters originate in the other branch, that we had better provide in some of the general appropriation bills for a fund which the Commissioners of the District of Columbia can use at once and not wait for days and days of delay after every storm.

Mr. ALLISON. Mr. President, the suggestions of the Senator from Maine as respects this particular matter of snow and ice I think are wise. We have been dealing with this question for a good many years on the District of Columbia appropriation bill. Snow has fallen and ice has accumulated during all these years, and as the Senator from Wisconsin [Mr. SPOONER] says to me, that will probably be the case in the future. Of course I will not prophesy as to that.

We did for several years increase the appropriation as it came from the House from \$1,000 to \$5,000. Uniformly the House replied to us that if additional appropriations were needed they would be supplied, so that we yielded. I think that was the case in two or three instances at least, perhaps more. An appropriation of \$1,000 was inserted in the District of Columbia appropriation bill originally for the purpose of removing snow and ice.

At the beginning of this session there was a special appropriation made of \$5,000 for this purpose. I believe it was all expended either during the pendency of the first storm or the following. Then came another storm last week. I believe beginning on Thursday. The Senator from Maine will correct me if I make a mistake. It continued on Friday. The House of Representatives, on Friday, passed the joint resolution which has just been laid before the Senate, but passed it too late in the day for consideration in this body. The pressure was so great on Friday that we reluctantly adjourned over until to-day, which is Monday, leaving the snow and ice hanging.

Mr. HALE. In the air?

Mr. ALLISON. Not in the air, but on the trees and streets and sidewalks. Now, this is the first opportunity we have had to act upon the joint resolution. The Chair has kindly laid it before the Senate, and whilst I agree with the Senator from Maine that it comes rather late, it is better now than not at all. In the future I shall be glad to have the Senator from Maine exert his

power upon the Committee on Appropriations to secure a reasonable permanent appropriation for this purpose and place it in the hands of the Commissioners of the District of Columbia. I think that ought to be done.

The joint resolution was ordered to a third reading, read the third time, and passed.

NEBRASKA SENATORIAL INVESTIGATION.

Mr. DIETRICH. Mr. President, I rise to a question of personal privilege. By a Federal grand jury at Omaha I have recently been indicted for alleged violation of the laws of the United States, and on a trial of the indictments before a Federal court at Omaha was discharged by the Federal judge without the cause being heard upon its merits, upon the ground that my acts were no violation of the Federal law.

Before taking further part in the deliberations of this body I owe a duty to the Senate, whose honor has been assailed, to the State which in part I represent, whose credit has been attacked, and to myself, whose integrity has been impugned. If guilty of the least of these charges, I deserve to be driven from this high place in disgrace and receive the severest penalty of the criminal law. Confident in my innocence, I desire to submit the whole matter to the Senate.

The reason of my being denied a full trial was clearly brought out in a published statement made by ex-United States Senator Charles F. Manderson, from which I will quote the following:

When the bribery case was brought on for trial the purpose of the district attorney was apparent. He knew that DIETRICH was not a Senator of the United States until he had qualified by taking the oath of office. In an opening statement he put unnecessary and suspicious emphasis upon the fact that while DIETRICH was elected Senator in March he did not take the oath until December, and the transactions complained of were during the spring and summer months. This statement challenged the attention of both counsel and court to the fact that the Government would of necessity have its case dismissed at the close of the testimony for the prosecution, and the opportunity would thus be given to those disposed to smirch the Senator to give testimony that would be uncontradicted by him and by witnesses he might bring into court, for the reason that none of them would be heard and the jury would be instructed by the court at the end of the Government's testimony to return a verdict of not guilty.

There was nothing for DIETRICH's counsel to do except to challenge the attention of the court to the statement of the prosecutor, and demand that if the case was to be dismissed at the end of the testimony for the prosecution, that it should be done before those interested in Senator DIETRICH's downfall could air their animosities upon the witness stand. I knew that this course was strongly deprecated by Senator DIETRICH, and his attorneys would have been glad to have had a full trial upon the merits, but, as Judge Vandever said, referring to the statement of District Attorney Summers: "Evidence has been rendered unnecessary, and it is the duty of the jury to find him not guilty."

Mr. President, I shall make no remarks in extenuation, nor shall I present any defense, except that which is sustained by the best of evidence. I strongly deprecate that I could not have had a full trial upon the merits of the case, and in order that I may have an opportunity to establish my innocence upon the facts and evidence, as well as upon the law, I ask that the resolution which I send to the desk may be adopted.

The PRESIDENT pro tempore. The Senator from Nebraska submits a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That the President pro tempore shall appoint a committee of five to investigate and report to the Senate all the facts connected with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of the building used at this time for a post-office in that city, and particularly to investigate and report as to the action of CHARLES H. DIETRICH, a Senator from Nebraska, in connection with such appointment and leasing, with power to send for persons and papers and to employ a stenographer; and the expense of such investigation shall be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. The resolution will necessarily have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HOAR. Mr. President, I suggest to the Senator from Nebraska that he strike out from the resolution the last clause and have the resolution in that form now adopted. Subsequently, by a separate resolution, he can obtain authority for the committee to take testimony.

Mr. DIETRICH. I ask that the change suggested by the Senator from Massachusetts be made in the resolution.

The PRESIDENT pro tempore. The Senator from Nebraska modifies his resolution by striking out the last two lines.

Mr. LODGE. Let the resolution be read as it will stand when modified.

The PRESIDENT pro tempore. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

Resolved, That the President pro tempore shall appoint a committee of five to investigate and report to the Senate all the facts connected with the appointment of Jacob Fisher as postmaster at Hastings, Nebr., and the leasing of the building used at this time for a post-office in that city, and particularly to investigate and report as to the action of CHARLES H. DIETRICH, a Senator from Nebraska, in connection with such appointment and leasing.

Mr. TILLMAN. It seems to me, Mr. President, that this resolution clearly belongs to one of our regular committees, the Com-

mittee on Privileges and Elections, because it involves the rights, privileges, and honor of the Senator from Nebraska. That, it seems to me, is the proper committee to which the resolution should go. I move that as an amendment.

Mr. BURROWS. Mr. President, I think the Senator from South Carolina will, upon reflection, conclude that this matter does not belong to the Committee on Privileges and Elections, as it does not relate to the question of the election of a Senator or a privilege, but relates to a charge against a Senator in this body. I have examined very thoroughly the precedents from the beginning, and I know of no instance where a question of this kind has been referred to the Committee on Privileges and Elections. In the case of Senator Matthews, of Ohio, and in the cases of other Senators in every instance the matter was considered by a special committee composed of five or seven Senators. That is the usual course. I therefore hope the Senator from South Carolina will withdraw his amendment.

Mr. TILLMAN. I have no other desire regarding the matter except to expedite the investigation as much as possible. I merely thought that, instead of having a special committee of five appointed, as we already had a regular committee, the matter would be taking its usual course by being referred to the regular standing committee. But of course I want to take whatever is the usual course.

Mr. BURROWS. The course I have suggested is the usual course. As to the suggestion of the Senator that it would expedite action upon the resolution by referring it to the Committee on Privileges and Elections, I think it would rather retard it, because that committee has all it can do at the present time.

Mr. TILLMAN. I withdraw the amendment.

The PRESIDENT pro tempore. The amendment is withdrawn. The question is on agreeing to the resolution as it has been modified. The resolution as modified was agreed to.

The PRESIDENT pro tempore subsequently appointed Mr. HOAR, Mr. PLATT of Connecticut, Mr. SPOONER, Mr. COCKRELL, and Mr. PETTUS as the committee provided for in the resolution submitted by Mr. DIETRICH.

REPORT OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a letter from the Secretary of War, dated January 23, 1904, accompanied by the annual report of the Philippine Commission, dated December 23, 1903, and the appendixes thereto, submitted in compliance with the provisions of the act of Congress entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippines, and for other purposes," approved July 1, 1902, and the act entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, February 1, 1904.

CLAIMS OF ARIZONA COUNTIES.

Mr. SMOOT. I ask unanimous consent for the present consideration of the joint resolution (S. R. 11) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona.

Mr. HALE. Has the morning business been concluded, Mr. President?

Mr. MORGAN. I prefer to get through with the morning business before proceeding with other matters.

The PRESIDENT pro tempore. There is one resolution lying on the table.

Mr. HALE. I suggest to the Senator from Utah that he wait until the conclusion of the morning business.

Mr. SMOOT. I thought it had been concluded.

Mr. HALE. No.

Mr. SMOOT. Then I will withhold the request for the present.

WILLIAM D. CRUM.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution submitted by the Senator from South Carolina [Mr. TILLMAN], coming over from a previous day; which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on the 29th of January, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, instructed to send to the Senate information in regard to the appointment of William D. Crum as collector of the port of Charleston, S. C., and that he answer specifically the following questions:

First. Is William D. Crum now holding a commission as collector? If so, give date, and send to the Senate a verbatim copy thereof.

Second. Was his second appointment made in accordance with law; and if so, what law?

Third. Is there any law or precedent for the holding of an office of this kind by a "de facto" official?

Fourth. Is it the contention or intention to claim and exercise the authority to make such appointments during a constructive recess, as this appears to be?

Mr. ALDRICH. The Senator from South Carolina is not in his place at present. I am not sure but that he would be willing to have the resolution referred to the Committee on Finance.

Mr. TILLMAN entered the Chamber.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from South Carolina to the fact that a resolution has just been read before the Senate, submitted by the Senator, calling upon the Secretary of the Treasury for information as to the appointment of Mr. Crum.

Mr. TILLMAN. Mr. President, upon fuller investigation of the information already furnished by the Secretary of the Treasury and the present status of this matter, I feel that the Senate already has all that it needs for the intelligent disposition of the case.

There is, however, another resolution which I had the honor to offer, which was sent by the Senate to the Secretary of War, bearing upon the question of a constructive recess and the issuing of commissions of some kind to certain officers of the Army, which I understand has not yet been responded to.

The PRESIDENT pro tempore. The Chair will state that it was responded to this morning.

Mr. TILLMAN. I had not heard of it. If that information is already here, I should like to have it laid before the Senate.

The PRESIDENT pro tempore. It has already been laid before the Senate, and ordered to be printed.

Mr. TILLMAN. Then I ask that it be now read, so that I may determine what course I may wish to take in reference to the pending resolution.

The PRESIDENT pro tempore. The letter of the Secretary of War has been sent out to be printed. It is quite a lengthy document.

Mr. TILLMAN. Well, Mr. President, possibly I had better let the whole thing go over until to-morrow, when the reply of the Secretary of War will be printed, and we can get the whole subject together and act on it. I ask that the resolution may go over, retaining its place, until to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

CLAIMS OF ARIZONA COUNTIES.

Mr. SMOOT. I now renew my request for unanimous consent of the Senate for the present consideration of Senate joint resolution No. 11.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 11) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona. It authorizes the Auditor for the State and other Departments to examine all claims which may be presented in proper form by the different counties in Arizona Territory, and to ascertain the amount due each of said counties on account of legal costs and expenses incurred from March 3, 1889, to June 30, 1899, in the prosecution of Indians under the act of March 2, 1885 (23 Stats., p. 385), for which the United States is liable under act of March 3, 1889 (Stat. L., v. 25, p. 1004), and which have been paid by said counties, the amounts so found to be certified by the Secretary of the Treasury to the Speaker of the House for a deficiency appropriation.

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

CONSIDERATION OF PANAMA TREATY.

Mr. CULLOM. Mr. President, I desire to say that I am anxious that the Senate shall proceed to the consideration of the Panama treaty very soon, and that if there are any addresses to be made by Senators before we go into executive session I hope they will be prepared to make them as the opportunity offers. The general discussion has proceeded for a good while, but not to the extent it ought to have gone in occupying the time of the Senate daily. I hope hereafter Senators will be ready to speak in open session, if that is the place for them to speak, as opportunity may present itself. I say this because I am very anxious that we shall very soon get into executive session for the consideration of the Panama treaty.

PURCHASE FROM NEW PANAMA CANAL COMPANY.

Mr. MORGAN. Mr. President, I desire to call up Senate resolution No. 57.

The PRESIDENT pro tempore. The Senator from Alabama calls up a resolution, which will be read.

Mr. MORGAN. I have made a little modification of it, and I will ask the Secretary to read the resolution as modified.

The PRESIDENT pro tempore. The Senator from Alabama has modified his resolution, and it will be read as modified.

The Secretary read the resolution submitted by Mr. MORGAN December 15, 1903, as modified, as follows:

Resolved, That the Attorney-General is directed to inform the Senate whether he has made, or is making, on behalf of the United States, a purchase from the New Panama Canal Company of any property rights, privileges, or concessions that were granted by the Republic of Colombia to N. B. Wyse for the construction of a canal at Panama, or any interest in the Panama Railroad, or any part of the stock of the Panama Railroad Company chartered under the laws of New York; and if such purchase has been made, or is being attempted or negotiated, under what state or government is the sale of any or all such property authorized to be made by the New Panama Canal Company?

2. And that he will inform the Senate as to the terms of such proposed purchase, or consummated purchase, including the sum to be paid for such property and canal rights and privileges, and that he will send to the Senate copies of all papers relating thereto, so as to inform the Senate fully as to the entire transaction.

3. That he will inform the Senate as to any participation of the Government of France in such purchase or sale, whether the same is proposed or consummated, and whether any and what agreement has been entered into between France and the authorities now exercising the powers of the government on the Isthmus of Panama in respect of said purchase and sale of the property and rights of the New Panama Canal Company.

Mr. MORGAN. Mr. President, it is my purpose, in asking the Senate to vote this resolution, to get the facts that are not yet within the reach of the Senate which affect our duty in acting upon article 22 of the Hay-Varilla treaty.

I will present facts that are of record in support of the resolution, which, I believe, will demonstrate the necessity for its adoption. I think they will be found sufficient to enable us at least to avoid the unwise and humiliating connection with the New Panama Canal Company that the Hay-Varilla treaty forces upon the United States.

It is my purpose to present truly and upon facts of record what is our duty in the state of affairs now existing in Panama and that recently existed in Colombia, and to prevent, if I can, the unnecessary and unwarranted intrusion of the New Panama Canal Company into the treaty relations we are engaged in establishing between the people of Panama and the United States.

To do this I will examine and present the facts now of record that relate to the foundation of the claim of that company to the grossly unjust demands set up in this treaty and to its persistent interference with our Government in its efforts to construct an isthmian canal.

For, whatever else is done or accomplished by the Hay-Varilla treaty, there is no reason or justice in so shaping it that it shall confer upon the New Panama Canal Company any other benefits or advantages than it is entitled to under the concessions it holds from Colombia. When these are fully secured to it justice will be done.

When the full measure of their rights under the obligations of their contracts is secured to them our duty will be performed. That company has no claim to our regard or sympathy for any service they have rendered to the United States or any other country. On the contrary, it has been an incubus on the French people that has stripped millions of them of the fruits of their toil by fraud, amounting to robbery, and is now demanding for its membership what rightfully belongs to those people, most of whom belong to the laboring classes.

If we must deal with them in this treaty, as I claim that there is no just reason or excuse for doing, let us give them all they can justly demand when they have complied with the obligations of their contracts.

I invite the scrutiny of the Senate and of all persons to the history I will give of the operations and dealings of those who own and control the New Panama Canal Company, taken from the undisputed records.

In what condition was the canal question when this company first intruded itself into the policy of the United States and undertook to control it?

The importance of this inquiry and of a full response to it can not be exaggerated.

The Clayton-Bulwer treaty did not apply to Colombia. It applied in its operative provisions only to the political division known as "Central America," which never included Panama. When that treaty was abrogated every international difficulty as to the construction of an isthmian canal disappeared.

The President who cleared away these obstructions and by his wise forecast opened the way along the valley of the San Juan River, which the people approved with rejoicing and with gifts of money to construct the canal, was William McKinley.

The Senate had twice rejected treaties with Colombia to construct a canal at Panama, once in the Administration of President Johnson and again in that of President Grant.

The people considered that route as condemned; and it was. But when Congress in both Houses had adopted the Nicaragua route in different Congresses by such majorities as are seldom given to any measure, the Panama Canal Company appeared and urged its demands upon us, first under the lead of De Lesseps and the

old company. Then came the New Panama Canal Company, with Bonnardel, Hutin, Cromwell, and Bunau-Varilla as its leaders and promoters. The purpose of these men was to gain absolute control of the movement and to turn over the wreck of the Panama Canal to the United States for the highest possible price, through the assistance of Marroquin. De Lesseps's efforts to destroy our policies were directed to the breaking down of a competitive waterway through Nicaragua, in which he failed, and his company went into bankruptcy.

In the Hay-Herran treaty these plans were thus formulated: The New Panama Canal Company was to get the sum of \$40,000,000; Colombia was interested to the amount of \$10,000,000, the price of her concessions, and \$1,000,000, the price of her stock in the New Panama Canal Company, and \$4,500,000, the cash value of lands returned to her, and a perpetual annuity of \$250,000, to continue without end. To accomplish this raid it was necessary to destroy the project of the Nicaragua Canal, that McKinley had secured by the protocols of December 1, 1900.

He passed away, and his successor turned the whole power of the Administration in favor of the Panama route and against the Nicaragua route. Not questioning the right of the President to thus exercise his preference, I can safely say that it is not in the power of man to remove or to impair the great record that sustains the Nicaraguan route as being the most feasible and practicable route for an isthmian canal. No such record was ever made and none was ever sustained by higher authority in any controverted matter than that which rests upon the immutable foundation laid by Commodore Maury and built upon by many scores of the greatest engineers in the world.

I do not propose to surrender the final hope or purpose of the people of the United States to realize the value of the counsels of these great men in opening a canal on the Nicaragua route.

Especially will I not sacrifice the rights already secured by President McKinley and by the Spooner law for this vital, national purpose. Above all I will not assist in this work of fatal injury to the country by voting to destroy the great work he has done. I can see nothing but breach of faith and dishonor in such a course.

Treating the proposed canal at Panama as a work that will be undertaken, and hoping, against my own conviction, that it may be successfully accomplished, I feel as deep an interest as any member of this body that there shall not be added to the enormous physical difficulties that stand in the way of success any sort of connection with or responsibility for the scandalous reputation of the old and new Panama Canal companies on the part of the United States.

I wish to point out to the Senate a way in which the Panama Canal can be constructed without incurring on the part of the Senate any just accusation of complicity in those scandals, which have driven a Cabinet minister from office in the United States and have caused the resignation of an entire government in France, and have consigned so great a benefactor to the world as Ferdinand De Lesseps—an innocent man, as I hope and believe—to a felon's grave.

I wish to present record evidence that will establish the fact that the New Panama Canal Company, to which article 22 of this treaty secures great powers over the United States, that are backed by the power of France, has not only taken by succession and inheritance the crimes of the old company, and that its membership consists, in large part, of the persons who gave the old company its bad reputation, but that it has added a darker defamation and worse wrongs to that wretched history by its own acts.

The history of the new company has its origin in the wreck of the old company, that was brought about by some of its controlling men who are now the principal stockholders and managers of the New Panama Canal Company—the same men with whom we are now dealing.

To prove this I will quote from the final report of the Isthmian Canal Commission of November 1901, on page 83, and from the testimony of Hon. Samuel Pasco, given in the hearings before the Committee on Inter-oceanic Canals:

The liquidator [of the old company] found himself laboring under special legal difficulties, from which he obtained relief by the special law of the French Chambers, dated July 1, 1893. (See Appendix KK.) He finally secured the organization of a new company on the 20th of October, 1894, with a capital stock of 650,000 shares of 100 francs each. Six hundred thousand shares had been subscribed to be paid for in cash, and 50,000 shares were given as full-paid stock to the Colombian Government in compliance with the terms of the extension of the concession, dated December 23, 1890. Thus the cash capital of the company was 60,000,000 francs, or \$11,640,000, a sum deemed sufficient for the provisional operations contemplated.

The scandals connected with the failure of the old company, which had led to the prosecution and conviction of De Lesseps and other prominent persons, had made it difficult to secure even that amount. Suits had been brought against certain loan associations, administrators, contractors, and others who were supposed to have unduly profited by the extravagant management of the old company. A series of compromises were made with these persons, by which it was agreed that they should subscribe for stock in the new company on condition that the suits should be dropped. Whatever amount remained to make up the 60,000,000 francs, after deducting the sums

thus obtained and those to be obtained by public subscription, was to be subscribed by the liquidator. The stock was subscribed as follows, viz:

| | Francs. |
|--|-------------------|
| Eiffel | 10,000,000 |
| Crédit Lyonnais | 4,000,000 |
| Société Générale | 4,000,000 |
| Crédit Industriel et Commercial | 2,000,000 |
| Administrators of the old company | 7,855,000 |
| Artigue, Sonderegger & Co | 2,200,000 |
| Baratoux, Letellier & Co | 2,200,000 |
| Jacob heirs | 750,000 |
| Couvreur, Hersent & Co | 500,000 |
| Various persons to the number of 60, who had profited by syndicates created by the old company | 3,285,700 |
| Hugo Oberndorfer | 3,800,000 |
| Public subscription | 3,484,300 |
| The liquidator | 15,895,000 |
| Total | 60,000,000 |

(See fourth report of the liquidator to the court, dated November 26, 1895, pp. 8, 9, and 13.)

The old company and the liquidator had raised by the sale of stock and bonds the sum of \$246,706,431.68.

The securities issued to raise this money had a face value of \$435,559,332.80. The number of persons holding them is estimated at over 200,000.

Mr. Pasco testified as follows:

The CHAIRMAN. Is that report among the appendixes?

Mr. PASCO. No; it is not.

Senator MORGAN. Have you a copy of it?

Mr. PASCO. There was a copy in the possession of General Ernst, I think. He will be before you next week.

Senator MORGAN. Is it in French or English?

Mr. PASCO. I think it is in French. He and I had it there. We had all these reports and examined them.

Senator MORGAN. You of course had information upon this very important and rather peculiar situation, as to the men who were being pursued, I suppose, in the legal proceedings of course, probably civilly and probably criminally, for the purpose of compelling them to disgorge money that they had obtained from this company and had misused and squandered. You had the names of those people?

Mr. PASCO. That is the only list I know of.

Senator MORGAN. Are all of these mentioned here men of this character?

Mr. PASCO. I do not know the history of every subscription. There were compromises, and I do not know the history of all those compromises. I only know the fact that those suits and compromises were made and contributions were made to the stock of the company.

Senator MORGAN. Now, you saw enough in the proof before you, the evidence before you, to authorize you to make this very strong statement about them?

Mr. PASCO. This was prepared by General Ernst, and it is a part of the chapter on the Panama route.

Senator MORGAN. And the Commission authorized it?

Mr. PASCO. Oh, yes; it is stated as a part of the report of the Commission.

Senator MORGAN. It is a finding of fact by the Commission?

Mr. PASCO. Yes; this is the best information that the Commission had upon the subject.

Senator MORGAN. Who were these administrators of the old company who subscribed 7,855,000 francs?

Mr. PASCO. I can not tell you who they are.

Senator MORGAN. I do not mean the individuals. What office was it that they held? You call them the "administrators" of the old company. What is an administrator?

Mr. PASCO. I can not give you any information with reference to the stockholders other than there is there.

Senator MORGAN. Do you know what that means—"administrators of the old company?"

Mr. PASCO. No; I do not know what it means.

Senator MORGAN. Did you find anywhere in the statutes or charter of the old company any such office as "administrator?"

Mr. PASCO. No; I have not thought it necessary to examine.

Senator MORGAN. You have not examined into that?

Mr. PASCO. No, sir.

Senator MORGAN. "Various persons to the number of 60 who had profited by syndicates created by the old company." I wish you would explain that. How had they profited by the syndicates created by the old company?

Mr. PASCO. I suppose that is a part of the matter referred to on the previous page. It is an interesting fact in the history of these subscriptions, but it does not affect the fact that they had subscribed.

Senator MORGAN. Public subscription, 3,848,000 francs. I suppose that was by the general public.

Mr. PASCO. The general public put their money in.

Senator MORGAN. And then the liquidator comes in with 15,895,000 francs.

Mr. PASCO. Yes.

This proof might have been added to if our Commissioners had thought it worth while, but what they have stated is conclusive of the fact that this New Panama Canal Company was a forlorn hope to relieve a situation in France that demanded any remedy that would ease it. Frauds were to be forgiven; judgments and claims for damages were to be released; convictions were to be annulled; pardons were to be granted, and the robbers and convicts were to organize this new company and take over all the assets of the old company on their agreement to complete the canal. And these are the men we are dealing with.

To show the conditions that forced France to create this company, as the last hope of quelling serious public disturbance, I will quote from the work of Professor Keasbey (pp. 430-432) on isthmian canals, etc.

He says:

The pace grew quicker as the years went by, until 1887, when the funds ran short, and only about two-fifths of the canal had been dug.

To meet this fearful drain on the funds De Lesseps had first to call for fresh payments on the stock and issue new bonds. But these sources of revenue soon came to an end. The stock then began to be sold out at a large discount and fresh loans on the bonds could no longer be floated. De Lesseps continued to make fresh promises at every stockholders' meeting, but with so little to show for the money already spent the fears of the holders were not to be so easily averted. To stave off the inevitable crisis the press had to also be

bribed more liberally than ever, and to keep the condition of affairs from being brought up in the Chamber deputies and even dignified senators had to be hushed.

The company's affairs were now in a desperate condition, and at this juncture it was decided to abandon the sea-level project and resort to the lock system, thus reducing the amount of the excavation by 85,000,000 cubic yards. But this was a fatal modification, for only by promising a straight tide-level canal had De Lesseps won adherents to his Panama project at all, and even with this reduction in the amount of excavation the cost of the canal was now raised to something over \$300,000,000, according to the new estimates. A contract was nevertheless made with M. Eiffel, the famous engineer, to undertake the new works, and elaborate plans were presented. On this fresh basis the company then again applied to the Government for its approval of the lottery loan, but was again refused. An eloquent petition was then gotten up with 185,000 names attached, and this time the Government gave way and sanctioned the plan. The effort cost the company large sums, however, and it was all to no purpose after all, for on December 14, 1888, the final crash came and payments had to be suspended.

A parliamentary inquiry was at once instituted in the hope of saving the enterprise, but its revelations only brought about still more calamitous results, as we shall presently see. Work on the canal was soon after discontinued, and with all the funds that had passed through its hands the company had only succeeded in excavating between 15 and 20 miles of the least difficult portions of the canal, leaving still the most difficult portion to be dug through the interior.

The official liquidator then found that the canal had already cost over \$202,000,000, whereas De Lesseps had declared that \$120,000,000 would complete the work. Of this sum only \$160,000,000 had gone into the works, however, the rest having been paid out either in Paris or squandered in Panama. Salaries, profits, commissions, and the like swallowed up \$88,000,000, while something approaching \$32,000,000 had been paid for floating the various loans. The total expenses in Paris for the eight years amounted in themselves to over \$75,000,000. Or, as one of the committee on new proposals put it, one-third of the funds was spent legitimately, one-third was squandered, and one-third was stolen.

These extracts from Professor Keasbey's work are but a faint picture of the terrible condition of the people and Government in France that was created by the frauds and the failure of the old Panama Canal Company.

Who were the men that brought this ruin and disgrace upon France?

The report of Admiral Walker shows that they are, in large part, if not exclusively, the same men who, as contractors and directors of the old company, had robbed it of hundreds of millions of francs and then organized the New Panama Canal Company, and still own its stock, and that they are here now pushing its demands on the United States to aid them in recouping the money they put into it, for which we are asked to provide not less than 33 per cent profit. Unless all accounts are false, M. Bunau-Varilla was among the men who wrecked the old company, and he is now the minister plenipotentiary of the new company, engaged in making the supreme law for the people of the United States in this treaty, and largely for his own benefit.

This is the most startling adventure that has been attempted on any government in modern times, and I have found no parallel for it in older history.

I must ask the Senate and the President to pause and take breath at article 22 of this Hay-Varilla treaty, which is intended to force this outrage upon the country, and to consider the evidence I will produce to prove it. It will not take much longer time at most than was consumed in the very hurried final act of settling and signing that treaty, which enabled Bunau-Varilla and his associates to make the thrifty speculation in the bonds of the old Panama Canal Company on or about the same day on which it was signed.

Admiral Walker and his associates seem to have been easily put off in their researches into the frauds, felonies, convictions, and the pardons granted to the members of the New Panama Canal Company.

The lawyer on the Commission, Mr. Pasco, could not escape from making some mention of the matter, in the guarded language I have quoted from that report, but the Commission was very deferential to French reputations and contented itself with mentioning the fact that there were sixty persons in the list of the convicted and pardoned felons whose names are not given, and it is intimated in the report that the French Government was unwilling that those names should be disclosed. These sixty persons subscribed 3,285,700 francs to the stock of the New Panama Canal Company, the scapegoat for the sins of those malefactors that has been turned loose, not to perish in the wilderness, but to fatten in the rich pasture grounds of the United States.

If this resolution is adopted and fully answered, it will bring to light those refugees who are being so carefully concealed from observation, and some of our syndicated speculators in the bonds of the old company will be unearthed. If the stories that fill the newspapers as the intangible fogs sometimes saturate the atmosphere are true, M. Bunau-Varilla was among the contractors and officers who brought this ruin on the old Panama Company. He makes it his chief distinction, in commending himself to the President as envoy extraordinary from Panama, that he is "the champion of the old Panama Canal Company." Let us see, also, if he is justly accused of being one of its robbers.

Eiffel, a noted French engineer, was convicted in the French

courts of having defrauded the old company, and was heavily fined and sentenced to penal servitude for a long term.

He is to profit by section 22 of this treaty to the extent of not less than 33 per cent on his investment of 10,000,000 francs in the stock of the New Panama Canal Company, in addition to purchasing his pardon from the penitentiary by making that subscription.

This resolution of inquiry is directed to the Attorney-General, instead of the Secretary of State, for the reason that the President directed that all negotiations with the New Panama Canal Company should be conducted by the Department of Justice, at the time the Hay-Herran treaty was under consideration, and I have not learned that this arrangement has been altered with reference to the bargain that is to be made under the Hay-Varilla treaty with that company.

If any Senator can inform me that this matter is now in the hands of the Secretary of State, I will ask to change the resolution to meet that fact.

The resolution calls for information, in the absence of which it is impossible to act on article 22 of the Hay-Varilla treaty either with intelligence or safety.

No part of that treaty places a limit on the sum to be paid by the President for the concessions, rights, or property of the New Panama Canal Company, which, under the Spooner law, was limited not to exceed \$40,000,000.

That no limit whatever as to the price of these claims is fixed in the Hay-Varilla treaty is a portent of mischief that no one can fail to understand. It must mean that a greater sum than \$40,000,000 is demanded, or is likely to be demanded, by the New Panama Canal Company for these claims and properties, when the contemplated purchase is agreed upon and consummated, in which case the President will have the discretionary right, under article 22 of the treaty, to make an advance in the price to be paid for this property.

Even an honest and just claimant could not decently make such a demand; when it is made for the New Panama Canal Company its audacity is an insult to the country.

That article of the treaty first describes the property and the rights of every description that it permits that company to sell to the United States, and then, in the last paragraph, it provides that the title of the United States is to become absolute as to Panama when "a contemplated purchase" of these things from the New Panama Canal Company is "consummated." After granting to the United States the supreme and exclusive sovereignty over the canal zone, in article 3, to be paid for at the sum of \$10,000,000, why should we not be permitted to exercise the same right that Colombia had to compel the canal company to work out its contract? Why should that company become the real vendor of the rights ceded to the United States in article 3 of the treaty?

I will insert a copy of that treaty in an appendix to my remarks. [See Appendix A.]

The property and rights thus to be purchased from the canal company by the President include everything acquired by it under any law or concession of Colombia to Napoleon B. Wyse and his transferees or successors and some other property rights acquired from other sources, including the rights of that company in the stock and property of the Panama Railroad.

If the rights of Colombia in respect of these concessions passed to Panama, under a rule of law that Mr. Hay characterizes as rights that "run with the land," when we purchase that land and acquire supreme sovereignty over it, as we do in article 3 of this treaty, all the rights that Panama acquired from Colombia "run with the land," and also the rights acquired under the language of the grant.

The terms of this treaty establish the fact that at the date of the signature thereof by the contracting parties no purchase had been made by the United States of things described in article 22 of the treaty from the New Panama Canal Company. It is therein described as a "contemplated purchase" which remains to be made and "consummated." If any purchase had then been made, a contemplated purchase would be absurd. It could only be valid if an existing purchase should be set aside by the parties.

The terms and conditions of the purchase as to the claims, rights, or property described in article 22 are nowhere stated or alluded to in the treaty, and the Senate has no knowledge or official or unofficial information on the subject.

I can not reasonably expect to be compelled to vote upon the ratification of article 22 of the treaty with Panama when such information as this resolution calls for is withheld from the Senate. Yet, unless it is adopted, or unless the President will voluntarily give us the facts, this will prove to be the actual situation: The Senate is required to blindfold itself in ratifying a "contemplated purchase" of this property at a great price, and also to impose upon Congress a national obligation to appropriate the money to "consummate" the purchase.

I can think of no situation that would be more arbitrary or

more humiliating to the Senate on the part of the President than to withhold from this body the state of facts as to the contemplated purchase, which is known only to the President and his advisers, and yet to demand of the Senate that this contemplated contract shall be ratified or approved before its terms are known to us or, it may be, even to the President.

I will not dwell upon the relations of confidence that the Constitution creates between the President and the Senate when they are cooperating in the enactment of supreme law for the United States in conjunction with a foreign state.

This relation ought to prevent the withholding of any fact from the Senate on which it must necessarily pass in enacting a supreme law for the United States, or in enacting such a law with studied omissions in the text that he and the Panama Canal Company may fill at pleasure.

I am quite aware that the confidence of the relation that existed and was so conspicuously manifested by President Washington and his contemporaries and successors has given place to the evil spirit of political partisanship to such a degree that the President and the Senate are often found in severe political antagonism. I am quite satisfied that there is a spirit of political domination that frowns down all efforts of the minority in the Senate to gain information that might be inconvenient in the political policy of the President, and that such requests are regarded as being of the same class with the offense of lese majeste that is so firmly prosecuted in the European monarchies. But there are still rights and duties that should control our conduct in these highest matters of state that for one I will not voluntarily abandon, nor will they be denied to me, as a Senator, without protest.

The Senate is required by this treaty to enact a law that is void on its face for its uncertainty, or else it is only the delegation of power to the President to remove the uncertainty in the law by supplying all the terms of the contemplated contract of purchase in accordance with his own will and at his discretion, without submitting it to the Senate, as a part of the treaty-making power, or to Congress as the lawmaking power, either for consideration or concurrence. This is a domestic matter, in which no foreign government can participate.

If it is only a power of attorney to make such a contract of purchase and to inject it into the treaty after the Senate has ratified it, Panama has no right to assist in conferring such extra-official power upon the President of the United States by treaty, with the consent of the Senate, for that would be a simple act of municipal legislation.

But the power, or the act to be performed, is too indefinite to be made an enactment of supreme law. If it is anything in the form, substance, or spirit of a statute law, it is a bestowal of unlimited discretion upon the President to make a purchase of certain property from the New Panama Canal Company on such terms as to price and payment or such other terms as he may, in his discretion, see fit to make; and the Republic of Panama can not participate with our Senate in such an enactment.

If it stopped there and is only operative as a power of attorney it would be a discretion that might be in some way controlled by Congress, or in some way as yet unknown by the Senate before the action of the President would be finally completed or "consummated."

Instead of this the Senate is required, in advance of any action, declaration, or promise on his part as to what he proposes to do, to ratify all that he may do in making such a purchase and to make it a supreme law of the United States, so that Congress would be under a moral if not a legal obligation to "consummate" the purchase by paying the price for it that the President may see cause to bind Congress to pay.

If he agrees to pay \$40,000,000 for this property, which is the sum fixed as the maximum in the Spooner law, the time of payment and the question of title are also left to his discretion. Or, if he is willing to raise the price to any sum that meets the demands of the New Panama Canal Company, that price is foreordained if the Senate ratifies that treaty.

Comment on such a situation could not be otherwise than indignant and resentful on the part of Senators who respect the rights of the Senate, the Constitution, or the rights of a free people.

The peril of this situation is far greater than its absurdity when the facts and conditions that have made it the leading feature of the strange policy of the President in dealing with Panama are understood.

Admit that Panama is an established republic, independent of Colombia, which is not true under the principles of international law; and that the New Panama Canal Company has ceased to be a juridical citizen of Colombia, which is not true as matter of fact or law; and that Panama has the right which Colombia had to consent to the sale by the Panama Canal Company of the concessionary rights through the Wyse concession, and that they are severed from Colombia and have passed, irreclaimably, to Panama,

which is not true; and that such rights can be conferred on the United States by this treaty, which is not true. Admit all this, and we will only have reached the margin of the real purpose and effect of article 22 of the Hay-Varilla treaty. That article establishes another fixed qualification upon these rights, which is that we shall never own them until we have purchased and paid for them under agreement with the Panama Canal Company.

That treaty gives to Panama the power to deny to the United States the absolute right to the full ownership and possession even of the canal zone after we have paid her \$10,000,000 for it until we have made and "consummated" "the contemplated purchase" of the things that are mentioned in article 22 of the treaty from the New Panama Canal Company.

The Spooner law and the Hay-Herran treaty did not give to Colombia any such authority over our dealings with the New Panama Canal Company as this treaty gives to Panama.

In the Spooner law the sum to be paid for all the rights and property of the canal companies was not to exceed \$40,000,000. In this treaty there is no limit. In the Spooner law the purchase of that property was required to be arranged for before a treaty with Colombia could be made, and Colombia had no part in the terms of the purchase or anything else except to consent that the canal company might enter into agreement with the United States for its purchase.

Did Panama impose these fetters upon us in the majesty of her sovereign powers or are they self-imposed by the United States?

Did Panama require that we should first make the contemplated purchase from the Panama Canal Company, on its own terms, before our purchase of the canal zone from her should confer upon the United States the absolute right to the property for which we are required to pay her \$10,000,000 at the time of the exchange of ratifications of this treaty? And was this done for some great reason of state, that might be important to the glory and power of Panama and might be demanded by the nobility of her sentiment toward the New Panama Canal Company, or toward M. Bunau-Varilla, the envoy extraordinary and minister plenipotentiary of Panama, who signed the treaty with Mr. Hay? Panama had no purpose in prescribing this handicap on the United States, or in any other part of this proceeding, except to do the will of the Panama Canal Company.

This twenty-second article of the Hay-Varilla treaty introduces a third "high contracting power" into this factory for making supreme law for the United States that is a stranger to this country in every sense except as a conspirator against our Treasury and the peace and the welfare of the people.

THE PRESIDING OFFICER (Mr. PATTERSON in the chair). The Senator from Alabama will suspend. The hour of 2 o'clock having arrived, unless otherwise ordered, the Senate will proceed to the consideration of the unfinished business, which is Senate resolution 82, submitted by the Senator from Georgia [Mr. BACON].

Mr. CULLOM. I hope whatever is the order regularly may be laid aside until the Senator from Alabama concludes his remarks.

While I am up, Mr. President, I do not desire to call attention especially to what the Senator is saying, but I think he is getting a little outside of the rule in discussing the twenty-second article of the treaty which is before the Senate in executive session.

Mr. MORGAN. I am discussing the effect of the treaty, particularly one article of it, upon the people of the United States.

Mr. CULLOM. I know; but I submit to the Senator whether according to the rule he is not going beyond what under the practice prescribed he has a right to in the premises; in other words, whether he is not violating the rules of the Senate.

Mr. MORGAN. I am not criticising at all the treaty as a law document as it will be when it gets on the statute books of the United States as the supreme law.

Mr. CULLOM. The Senator is discussing the treaty.

Mr. MORGAN. I am not criticising the motives of anybody who has had any hand in negotiating it. I am merely showing, as well as I know how to show, that it is an act of injustice to the reputation of the people of the United States that the New Panama Canal Company should be allowed to intrude into it in any way whatever.

Mr. CULLOM. I understand; but I submit to the Senator on his own judgment whether, in discussing the twenty-second article of the treaty, which is now before the Senate in executive session, he is not overstepping the rule without authority from the Senate.

Mr. MORGAN. Now, let us test that by the next matter that I was going to say. This twenty-second article of the Hay-Varilla treaty—

THE PRESIDING OFFICER. The Senator from Alabama will suspend for a moment. The Senator from Illinois asks, as the Chair understands him, that the regular order be laid aside so that the Senator from Alabama may continue his remarks.

Mr. CULLOM. Certainly. I supposed that had been done.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered. The Senator from Alabama will proceed.

Mr. MORGAN. I am speaking now, and have been speaking, and will be speaking about what I call a third high contracting power that has been brought into this treaty, with power to regulate its destiny, with power to prevent its operation after we have ratified it, until that third power is satisfied in respect of an agreement that is contemplated to be made with it that it has been fully consummated.

Mr. CULLOM. While I think the Senator is outside of the rule governing executive and legislative sessions, yet I am not disposed to make the point if he will bear in mind that until otherwise authorized he shall keep within the rule of the Senate.

Mr. MORGAN. The point could have been more appropriately made fifty times during this debate than it can be made upon the proposition I am now advancing, for the reason that I am not discussing the act of either of the contracting powers to the treaty, but of a third high contracting power that is intruded into it by its provisions. I want to say that that third contracting power ought not to be allowed any day in court, except to receive justice at the hands of the people and Congress of the United States according to their contract.

This twenty-second article of the Hay-Varilla treaty introduces a third "high contracting power" into this factory for making supreme law for the United States that is a stranger to this country in every sense, except as a conspirator against our Treasury and the peace and the welfare of our people. The New Panama Canal Company is that high contracting power. It first contrives and has confirmed by an agreement between France and Panama—that is, outside of this treaty—that its rights and claims of every kind under the laws of Colombia shall be solemnly guaranteed and protected by Panama as the successor government to Colombia.

Then Panama agrees with the United States, in the Hay-Varilla treaty, that the rights of Colombia, under the Wyse concession and its extensions, for the construction of a canal at Panama shall not inure to the United States directly, but shall come through the New Panama Canal Company. With those rights and powers we could compel the New Panama Canal Company to complete the canal; but this treaty provides that we shall annul and surrender these rights and obligations, instead of having the right that Colombia had to compel that company to complete the canal or else to forfeit all of its concessionary rights, without compensation for any of its canal property, or else to sell them to the United States on fair terms. It is the canal company that is made the vendor of these alleged rights to the United States under this treaty, not Panama.

What reason can any just man give for requiring the United States not only to surrender these rights and powers to the Panama Canal Company but to become entirely subordinate to the power of that company and to force our Government to buy the property from it, instead of compelling that company to perform the contracts it made with Colombia, if we choose to require that this shall be done?

We engage with Panama, in this treaty, to purchase those rights at a sum to be agreed upon with the New Panama Canal Company, and until that is done and the purchase is consummated the rights of Colombia under the Wyse concessions are not to pass to the United States as against Panama.

This can mean nothing else but this: That until the United States purchases the canal property and railroad stock, at a price to be settled with the New Panama Canal Company, Panama will grant no canal concessions to us in absolute right.

When this treaty is ratified the Panama Canal Company will stand over us with a rod, and France will compel Panama to adhere to and execute the twenty-second article of the Hay-Varilla treaty in its letter.

When we are thus tied up by this treaty with Panama the digging of the canal will not be begun by the United States until the demands of the New Panama Canal Company as to the price of its property are paid, whatever that price may be.

Before the Senate can afford to enter that trap it should at least know the terms of the "contemplated purchase" of this property and the price we are to pay for it.

Other rights of other persons and of other states and corporations exist in that canal zone that are appurtenant to the land, such as the right of New York to protect the property of the Panama Railroad Company and of its stockholders, and their right to refuse to sell their stock and to surrender the property of the company to the United States. Why are we not required to purchase these rights before we can get a title to the railroad from Panama? Who do we ignore the rights of the New York corporation, while we set these French corporation wreckers in authority over the Government of the United States?

There is a meaning in this scheme that is far deeper and more to be sought after and unearthed than the mere inconsistency of this treaty provision.

The answer is plain enough. It is that the Panama Canal Company is the pet of the Government of the United States and the life—the *raison d'être*—of the Republic of Panama, and it must be provided for and settled with before this treaty can become operative in constructing a canal at Panama.

We are trifling with ourselves and with the American people when we assume that Panama has any interest of her own in shaping the terms of the contemplated contract we are to make for the purchase of the property and alleged concessions of the New Panama Canal Company acquired from Colombia?

Her interests are only to comply with the demands of the Panama Canal Company, that she does not dare to refuse.

She sells us the canal zone, within which these things are all located, and confers upon the United States the supreme and exclusive sovereignty over the canal zone in article 3 of the treaty, for which we pay Panama \$10,000,000 on the ratification of that treaty, but she annexes a condition to our purchase that we must first purchase and pay for the property of that company at the sum it may demand.

Why should Panama concern her mighty spirit with cares for the welfare of the New Panama Canal Company and proceed to qualify this grant of the 10-mile zone to us by adding, in article 22, that the grant should not be absolute until a contemplated purchase of the concessions and property of the New Panama Canal Company in that zone is consummated?

This demand of Panama in favor of the New Panama Canal Company as to that contemplated purchase is so strange, unseemly, and apparently unaccountable that it demands some explanation from the Government as to the facts and reasons that have caused us to tie our hands and submit to the will of Panama and the New Panama Canal Company and of France in the leading purpose of this treaty, which is to compel the United States to treat the New Panama Canal Company as the owner of the entire beneficial interest in the canal zone and in all the railroad and canal rights and property in that zone, and to pay Panama \$10,000,000 for the privilege of purchasing that interest from the New Panama Canal Company at such price as it shall choose to compel us to pay.

It is the privilege of purchasing these claims, concessions, and properties from the New Panama Canal Company for which we are to pay Panama \$10,000,000 that comprises the real consideration for that payment.

Panama's largest money interest in her bargain with the United States is the perpetual annuity of \$250,000.

If the concessions made by Colombia to N. B. Wyse and sold by him to the old Panama Canal Company and turned over to the New Panama Canal Company by the liquidator of the old company, with all the rights, duties, and obligations that were attached to them, have passed to Panama, the sale to the United States of the 10-mile canal zone in which these rights and properties exist conveys the property subject to these concessions, with all the duties, rights, and obligations appertaining thereto.

This result is accomplished in the third article of the treaty by conveying to the United States the supreme and exclusive sovereignty over the 10-mile zone.

Under this act of cession, for it is only that, the full power of Congress is established to legislate for that zone and everything and everybody in it. Congress, under our Constitution, in legislating with respect to the rights of the New Panama Canal Company, would be bound to respect and enforce all the vested rights of the New Panama Canal Company within that zone as they exist under the laws of Colombia.

If any of those rights are to be extinguished by purchase from the New Panama Canal Company, Congress must provide the laws under which such purchase can alone be made and the money can be appropriated to consummate it, and all future provisions of law applicable to any rights, duties, and obligations within that zone should be left open and without embarrassment to the legislative powers of Congress.

There is no right arising out of these concessions made by Colombia, no duty that they impose on Colombia or the canal companies, or on anybody else, which follows the transfer of the sovereignty of the 10-mile zone to the United States that the Congress is not as completely invested with the power to enforce and charged with the duty to respect under our Constitution as if the whole of Colombia had been ceded to and incorporated into the territory of the United States.

In the Hay-Herran treaty the United States was to have a perpetual lease, for canal purposes, of a 6-mile zone from the coast at Colon to the coast at Panama, as that treaty was interpreted by our Government.

In the Hay-Varilla treaty the supreme and exclusive sovereignty is ceded to the United States over a 10-mile zone, which lies between the 3-mile limit in the Caribbean Sea, off the Bay of Colon, and the 3-mile limit in the Pacific Ocean, off the Bay of Panama.

Within this 10-mile zone and out to these limits the sovereignty

of the United States is as supreme and exclusive as it is in our possessions in Alaska, New Mexico, or in any of our insular possessions.

Now, in this situation it became necessary for the purposes of the New Panama Canal Company that the powers of this nascent Republic should be employed in shaping this treaty so as to qualify and limit the sovereign powers of the United States over the canal zone, and so as to compel us to purchase its claims directly from that company at such a price as it would agree to take, and to reach this result the last paragraph of article 22 was inserted.

It has no other office, function, or meaning, and that alone is its fixed purpose.

The New Panama Canal Company has failed to get the \$40,000,000 from the Treasury of the United States in consequence of the defeat of the Hay-Herran treaty, and it determined not to lose it and, if possible, to increase that stipend under the Hay-Varilla treaty.

If this treaty is ratified with article 22 in it, that company will certainly succeed in getting the \$40,000,000, and will most likely be able to compel us to largely increase that sum.

Or, if it is ratified with article 22 stricken out, the New Panama Canal Company and the Republic of Panama have the assistance of France already pledged for the maintenance of all French interests in Panama, and especially that the Colombian concessions to the Panama Canal Company shall not expire until the 31st of October, 1910.

I again quote the language of M. Delcassé, the French minister of foreign affairs, in answer to an interpellation in the Chamber of Deputies, to prove this statement, as follows:

LATEST INTELLIGENCE—M. DELCASSÉ ON FOREIGN AFFAIRS.

PARIS, November 23, 1903.

In the course of the debate on the budget for foreign affairs in the Chamber of Deputies this afternoon M. Delcassé, the minister for foreign affairs, made an important statement on some of the questions of the day. He began by congratulating himself on the circumstance that all the political parties had expressed their opinion on all the questions of foreign politics. He now proposed to give the explanations of the Government with a brevity consonant with his functions, which demanded deeds rather than words, and with the reserve which those functions imposed upon him.

In reply to the inquiry whether the Government had officially recognized the new State of Panama, he gave the following particulars. On the 3d instant, for reasons as to which they were not called upon to express an opinion—

The Government of France would not express an opinion—

as it was not for them to interfere in the domestic affairs of another country, the Department of Panama constituted itself into an independent republic. Having received notification of that fact, and from the moment that the new Republic fulfilled the conditions necessary for the maintenance of order and security, they had only to consider what guarantees it offered from a French standpoint. They were not quite free from apprehension for a certain time.

For many months past it had been said at Bogota that the decision of the Colombian Government to grant an extension of six years from 1904 for the completion of the canal was contestable, and that in 1904 the concession might be declared to be forfeited. If that theory had on any occasion been officially formulated, it would never have received the sanction of France; but it was the strict duty of the French ministry to demand from the Government of Panama a preliminary assurance that all French interests, including the rights of the concession, would be respected. They had received the following formal and decisive assurance:

"The Republic of Panama solemnly, expressly, and definitely undertakes vigilantly to protect French interests, as also to maintain and to interpret in the most liberal spirit the contracts concluded before November 3. Those contracts referring to the Isthmus follow the transmission of sovereignty and bind the Republic of Panama. All those contracts are maintained, and particularly the contract prolonging the concession up to 1910."

M. Delcassé added that in these conditions all that remained for them to do was what, as a matter of fact, had already been done by the Government of the United States—namely, to permit the agents of France to enter into relations with all the agents of the new Republic of Panama.

Permit what?

The agents of France to enter into relations with all the agents of the new Republic of Panama.

No answer has been attempted to this dangerous and dishonoring situation in which our Government is placed by this treaty. The American people will not fail to see and understand this matter or resent the humiliation of having France called in by Panama and the canal company to coerce us into an utter subordination to this combination.

Panama pledges herself to France to maintain and interpret in the most liberal spirit the contracts made before November 3. This does not refer alone to contracts made with Colombia, but to contracts between the canal company and the United States.

If Senators will examine the official proceedings of that company of December 30, 1903, in connection with the statement of M. Delcassé, they will see that this pledge covers all contracts, including those heretofore made with the United States. They will also discover, in running these developments back to article 22 of this treaty, the most unworthy and humiliating chapter in American history.

It has been carefully withheld from public scrutiny and we are indebted to the garrulity of M. Bunau-Varilla and Assistant Secretary Loomis at the banquet of the Quill Club for what light we have on this unprecedented attitude of our Government.

Their flamboyant utterances would have been at once set down to the credit of the adage, "In vino veritas," but for the fact that the banquet was presided over by the Reverend Doctor Tipple.

The astonishment of the country was subdued to serious reflection when the President gave his open and official approval to what was said by these high functionaries. In the part of his oration that is most important, Mr. Loomis said:

WHAT MIGHT HAVE BEEN.

Reflect for a moment on the grave possibilities which confronted the Government as it peered into the future and sought to provide intelligently for the many serious complications and contingencies which the President foresaw. If the revolution in Panama had not occurred; if the American people, guided by the opinions of its most learned, efficient, and highly trusted engineers, contended that the Nicaragua route was an impracticable one; if the people and Congress of this country had insisted that we wait for a year or until such time as the politicians at Bogota were ready to negotiate a new canal treaty and in the meantime their Congress had declared invalid the renewal of the French concession, which might have happened on the Isthmus; I may safely assert without fear of contradiction by any well-informed person that the Government of France would not have stood serenely by and witnessed the pillage of thousands of her people through the act which Bogota politicians devised for the looting of the French company of \$40,000,000.

The moment that the cables flashed from Bogota to Paris the astounding news that the extension of the French concession was canceled a French squadron from Martinique would have borne down upon the Isthmus and, perhaps, landed marines at Colon and sent them across the Isthmus to Panama and along the line of the canal, to protect the interests and property of French citizens. There would in all probability have been an armed conflict between France and Colombia, or France at least would have felt herself compelled to hold the Isthmus for a long period. This would have wrought immediately and poignantly upon the sensibilities of the American people in respect to the Monroe doctrine, and we should no doubt have found ourselves viewing France with annoying apprehension. The French war ships might easily have been followed by those of England and Holland, and Panama, like the Balkan States, might well have been expected to furnish the spark to set half the world in flames.

What could have been the threatened situation at Panama that caused Loomis and Varilla to look back at what was so darkly ominous and to shudder at our narrow escape? It was the same that hurried our Atlantic and Pacific fleets to Panama and Colon with an array of naval power that was never before exhibited by the United States. It was the same that brought the fleet under Admiral Robley Evans to Hawaii from the Chinese station at a moment when our interests in Manchuria and all of China gave our commercial people great anxiety. It was the same that caused M. Thiebaud to assail the French Government with bitter reproaches, before an assembled multitude in Paris, for not having sent warships to Panama in advance of the uprising there.

It was the demand of the New Panama Canal Company, assisted by the compact set forth in the answer of M. Delcassé to an inquiry in the French Chamber of Deputies on the 27th of November, which I have just read, that caused this warlike commotion and alarmed the fears of the Administration.

France made these demands on Panama, and they were conceded before the Hay-Varilla treaty was signed in such hot haste on the 18th day of November, 1903. It was only four days later when M. Delcassé made his official statement to the Chamber of Deputies, which I have just read to the Senate, announcing the compact with Panama and acknowledging its independence.

The signing of the treaty was such an extraordinary affair that it gave to the country the amusing idea that it was an opera bouffe performance, in which M. Bunau-Varilla held the title rôle.

The newspapers brought out the fact that it was signed while Amador and Boyd, who were joint commissioners with Bunau-Varilla to negotiate it, were en route by rail from New York to Washington for that purpose. They had never seen the proposed treaty and could not have known its provisions, and they must have been within two hours' travel from Washington, on a fast express train, when the treaty was taken to Mr. Hay's sick room and was signed by him and Varilla, who met his co-commissioners at the depot and informed them of the great coup he had achieved.

They deeply resented the affront, but restrained their indignation. It was soon stated in the newspapers that Varilla's exaltation over this strategy was due to the realization of millions of dollars in a deal in Panama Canal securities by the announcement that the treaty had been signed—a fact that has not been denied, so far as I am informed. But this financial success, of which Mr. Hay was ignorant, had nothing to do with his part in this semitragic act.

He was influenced doubtless by the same emergent policy of the Administration that caused Assistant Secretary Darling, of the Navy, to send orders ahead of time to Panama to be on the lookout for "the uprising" and to repel any interference with it.

Haste was required to put the Panama "uprising" in possession of the governing power there and in Colon, but greater dispatch was needed to prevent France from intervening and to pacify her with the provisions of article 22 of the Hay-Varilla treaty, and Mr. Hay "accepted the situation."

Mr. Hay must have known the facts that Loomis afterwards gave forth in momentous oracles at the Quill Club banquet.

They were dark surmises that France was preparing to appear at Panama with war ships to contest with the United States the occupation of Panama and for the protection of French interests, and especially the interests of the New Panama Canal Company, and, finally, as an ultimatum, to demand the extension of the

Wyse concession from 1904 to 1910, that had been conceived in fraud, sustained by war, in which we had given it aid, and nursed by Marroquin and kept alive by the blood of the people of Colombia.

The twenty-second article of this treaty and the compact between France and Panama secured these fruits of fraud and violence to the New Panama Canal Company and completed the triumph of Cromwell and Varilla. When it was signed he supposed that his triumph was complete, and our Government was in a more tranquil mood.

The fleets were dispersed and the United States guard at Panama went into camp to protect the Republic of Panama while the treaty should be matured in the Senatorial incubator, and Varilla and Loomis were permitted to explode their joy at the Quill Club banquet that we had escaped a war with France. It was not Colombia, it was France, that gave occasion for our grand display of naval power at Panama, and it is the surrender of the Administration to these demands of France, in article 23 of this treaty, that has suddenly ended our great war preparations, that included both the Army and the Navy in the projected military campaign at Panama.

The people could not take it seriously that all this war preparation was needed to protect Panama against Colombia, whose great General Reyes was in Washington suing for peace. They laughed at it as a political pageant, gotten up like the fight of Ransy Sniffle with the unseen foe, in Longstreet's Georgia Scenes.

They were mistaken. There was an enemy in sight; there was a *casus belli*; there was an ultimatum; there was a surrender and a capitulation, which is set forth in article 23 of the Hay-Varilla treaty.

Time was too short to admit of delay in the signature of the treaty on that fateful evening. France had to be placated and could not wait for the information even of the contemplated purchase of the property of the New Panama Canal Company. So it was postponed until a future time, but was safeguarded with a provision to which Panama assented, that our most important rights in Panama should not become absolute until the contemplated purchase of the things mentioned in article 23 is "consummated."

This article is as the apple of the eye to Cromwell, Varilla, and the pardoned felons of the New Panama Canal Company.

For one, I wish to know what it will cost us before I assist in its ratification. I am willing to assist in every movement, right or wrong in policy, to which the country is committed, even in pursuit of policies that my conscience can not approve, but I am not willing to join in a surrender to fraud and iniquity such as France requires us to accept in the twenty-second article of this treaty.

The wars of the Administration, even if they are wrong but have become unavoidable, demand my support as the bitter side of patriotic duty, but its surrenders to the New Panama Canal Company, on the demand of France, to avoid a threat of hostilities or the failure of a political exploit, is one thing I will not vote for.

I will now further identify M. Bunau-Varilla with the movement of the New Panama Canal Company by quoting an extract from his address at the Quill Club banquet.

He thus states the cause of the rejection by the Colombian Congress of the Hay-Herran treaty.

It is known now that the cause of that rejection was the plan to twist the articles of that convention with the Panama Canal Company, in order to declare forfeited the concession and practically rob the French shareholders of their property. Thus, on November 1, when the Colombian Congress was closed, it had succeeded in violently insulting the United States; it had exhibited the unmistakable intention of blackmailing the French company out of its properties, and, finally, it had sacrificed the very elements of the existence of the people of the Isthmus by destroying the possibility of the construction of the canal.

The result of these acts, which were virtually crimes, was to provoke on the Isthmus a revolution and throughout the whole world a feeling of indignation, which is shown by the fact that within thirty-five days after its birth the Republic was recognized and had entered into diplomatic relations with many of the nations of the earth.

Varilla and Cromwell have long been hunting in couples to destroy the Nicaragua Canal as the only means of foisting the property of the New Panama Canal Company on the United States.

To get credit for impartiality in what he calls a work for science he has affected to be in some sort the enemy of the New Panama Canal Company. If his enmity has any moral reason to support it, he has not alluded to it. If it is supported by any other reason, he can not assume, in the face of his public speeches, that a canal on that route is of doubtful success.

His alleged enmity to that company deceives no one, especially in the face of his diatribe against Colombia for endeavoring, as he says, to levy "blackmail" on that company.

In a lecture before the American Academy of Political and Social Science he says, among other accusations:

But all was futile and in vain, and certainly the violent desire of appropriating, thanks to a twist in the interpretation of the contracts between the Panama Canal Company and the Republic of Colombia, the property of the French company was too strong for the Bogota politicians, and in closing up

themselves in a fool's paradise they let the date of the 23d of September drop without having shown any disposition to comply with the requisites of vulgar courtesy toward the United States.

MASTERFUL PIECE OF ROGUERY.

Such a disposition of mind seems incredible, and we hesitate to think it possible that a nation can be represented by a legislative body who frames into law what is vulgarly known as criminal actions, blackmail, extortion, or conspiracy to obtain his neighbor's property fraudulently. There is not the slightest doubt, however, that it was so when we read the blackmailing bill of August 29, which is a public document; when we read another public document, official report, and a masterful piece of roguery, which the Bogota Congress heard before its dissolution at the end of October.

In this report the commission concluded, in hypocritical terms, by the recommendation of upsetting the prolongation from 1904 to 1910 of the Panama Canal concession, to reimburse the 5,000,000 francs by which the prolongation had been paid, and thus to acquire for nothing the whole property of the canal company in order to deal with free hands with the Republic of the United States, with whom they thought a satisfactory deal of the stolen goods could be easily made, thanks to a little commission on the price of the \$40,000,000.

This recalls the insolence of Genet, minister of France, but Genet criticised our Government for not responding in a sense of gratitude to France, while Varilla flatters the President, which makes all the difference. Washington dismissed Genet, while Roosevelt hugs Varilla to his bosom.

An enemy of the New Panama Canal Company would never have indulged in such violent criticisms of Colombia for claiming a fourth of the "blackmail" that he and Cromwell were trying to levy on the United States. It was an interested friend of the Panama Canal Company, whose pocket was threatened, that uttered these calumnies against Colombia.

He knew that the breach of all the contracts of that company ever made with Colombia had caused revolt and war in that Republic, and that the very demand that he was then pressing and is still urging for the extension of the Wyse concession from 1904 to 1910 was the cause of that war.

Colombia had waited for twenty-four years for the canal, under contracts with these French companies, and when they confessed their inability to complete the work, and, to avoid the forfeiture of their concessions, they were trying to close a "business arrangement" with the United States for the sale of property that had cost them less than \$12,000,000 for the sum of \$40,000,000, it was neither unjust nor in any sense improper that they should have been required to pay Colombia \$10,000,000 of their winnings in a game that never had an equal in depravity.

They had inflicted upon Colombia a debt of \$6,000,000 and the loss of 100,000 lives in their violation of the laws and constitution of that Republic in the subornation of Marroquin, and now they demand that Panama and the United States shall adopt and confirm that outrage in the ratification of this treaty under a threat of the displeasure of France.

That this person, while holding a diplomatic post near this Government, should be tolerated in the utterance of such abuse and imprecation toward an American Republic, whose minister was then recognized and residing at Washington, as Colombia's ministers have been received for three-quarters of a century, is far below the conceptions that the world has entertained of the dignity, sensibility, and honor of the grand Republic.

Now, no matter how little the extension of the concession from 1904 to 1910 is entitled to our respect, or what sacrifices of blood and money it has unjustly cost the people of Colombia, we take over the canal zone subject to the compact between France and Panama, as above set forth, and we confirm that concession.

I need not pause to denounce this intervention of France to control the construction of a canal through Panama. Every Senator who knows the history of Congress since 1880 will at once denounce this compact between France and Panama as being in contempt of the declarations of all our Presidents and Secretaries of State even further back than 1880 and of both Houses of Congress.

In this treaty we reverse and then expressly abandon this declared policy on the requirement of France and Panama.

I am not occupying the floor to-day to express any opinions of my own as to the propriety of the line of policy we are observing with reference to Panama or Colombia. My purpose is to lay before the Senate such matters in the history of these transactions as the known facts disclose and to obtain the information from the Government that will support or refute or will explain the true situation.

Before I enter upon the examination of the specific points of the inquiry made in this resolution, I will state, as briefly as possible, another result that is eagerly sought to be accomplished by the New Panama Canal Company, through the ratification of this treaty, as to which there must be some understanding that Congress should be informed about.

The fact I will now state is perfectly understood by the men who are exploiting this enterprise against our Treasury, and also for speculative purposes in the bonds and stocks of the old Panama Canal Company.

The ratification of this treaty will repeal every appropriation of

money in the Spooner law for the construction of a canal on the Nicaragua route, which result is earnestly desired by some who claim that they are patriotic.

That result being accomplished, the New Panama Canal Company will have destroyed its only competitor, and with France at its back and with our President's determination to have a canal at Panama or else no canal anywhere, the whole subject of a canal will be relegated to the condition it was in after the abrogation of the Clayton-Bulwer treaty, and the whole controversy will have to be again fought over. In that battle the Nicaragua route can not participate, for this treaty kills it. This treaty will then force Congress to consummate this "contemplated purchase," at the peril of having no canal.

This repeal of all the canal appropriations, under the effect of this treaty, destroys all the work that has been accomplished toward the construction of any canal.

I have no censures, but great commiseration for those who will assist in this fatal movement. It is both needless and destructive. But I can not forbear again to call the attention of Congress to the terrible situation this treaty will create, and to implore the law-making power to reach forth a mighty arm and exert all its just powers to relieve the country from a blunder that will be felt through many generations.

I will now turn to the facts that involve the New Panama Canal Company in full and direct responsibility for the last paragraph in article 22 of the Hay-Varilla treaty. In doing this I will make statements that are based upon the correspondence in reputable public journals, as the President does, and will ask the Government, in answer to the resolution before the Senate, to affirm or deny these statements. It is thus stated, and I therefore so assert:

1. That M. Bunau-Varilla was active and persistent in arranging to bring about and to promote the secession of Panama from Colombia, and that this plan was agreed to between him and influential persons in the United States, and conferences were held between them in New York about the time it was ascertained that the Colombian Congress was opposed to the ratification of the Hay-Herran treaty.

2. That in the capacity of an engineer in the employ of the old Panama Canal Company, and then as a contractor, he acquired considerable wealth, and when that company failed he was largely interested in its bonded indebtedness and its property, or in stock of the company, and is now, or was when he was sent as minister from Panama, largely interested in the contemplated purchase of the property of the New Panama Canal Company, that is provided for in article 22 of the Hay-Varilla treaty.

3. That M. Bunau-Varilla, in announcing his appointment as minister from Panama to the President of the United States and in later official functions, proclaimed himself as the champion of the Panama Canal and felicitated himself that his new official duties so closely corresponded with his splendid career in the promotion of that canal.

This also includes his writings and his public lectures, directed especially to the destruction of the Nicaragua route.

While it is not surprising that M. Varilla, as minister from Panama, appointed by cable while he was in New York, should provide for his personal interests in negotiating and signing the Hay-Varilla treaty, particularly in article 22, it is surprising that he was considered a fit person to assist in making a treaty that was intended to become the supreme law of the United States and to bestow on him and his associates such money as they might be able to wring from the Treasury of the United States under a "contemplated contract," upon which our treaty rights are made to depend.

If a Member of Congress should make such a contract with any other person, to get money out of the Treasury of the United States in that way, he would not easily escape condign punishment.

He is not, in that matter, amenable to our laws, but, under the laws of nations, he is *persona non grata*. He is not a fit person.

I will not trace further the connection of M. Varilla with the revolt in Panama, as a conspirator, except to say that he is a citizen of France and had no patriotic reason for attempting to free himself from the alleged oppressions of Colombia toward its people.

His interest in contracts on the canal, out of which he had grown rich, and the glory of a new raid on the Treasury of the United States, and of crushing out his old foe—the Nicaragua Canal—was enough to make him frantic, and I do not criticize him for being in that condition. But I do insist that the Senate in looking into his powers to formulate and agree to supreme laws that most deeply affect and rule 80,000,000 of our people shall scrutinize them carefully and faithfully, especially in connection with article 22 of this treaty. That article provides for immense benefits to Varilla and his associates and enables them to bring all the other purposes of this treaty to naught if it is adopted.

In the relations he held to that movement and to the Panama

Canal and to the money we are to pay for it and to this treaty, that compels the purchase of the property of the Panama Canal Company, old and new, and to the hurried negotiation and signing of this treaty that cut off the commissioners sent by Panama while they were en route by rail from New York to Washington, there is imperative reason why the Government should explain that transaction to the people. I hope to furnish that opportunity in the answer to this resolution. The President has taken Varilla into his confidence, with these imputations upon him, and has thereby engendered suspicion as to the right of M. Varilla to sell to us the alleged property of the people of Panama. Upon information which our people accept as being true, it is denied that he had any lawful authority to sell 500 square miles of the land of Panama to the United States.

Leaving the other matters connected with the Panama secession out of view for the present, I will now present to the Senate some other reasons why the President should inform the country as to the particular matter of the contemplated purchase of the concessions and property of the New Panama Canal Company within the canal zone ceded to the United States, as I have shown, and the consummation of that purchase, as a condition on which our purchase of any right or property from Panama is to become absolute. Why were not the terms and cost of that purchase settled with the canal company before the treaty that binds us to it was signed? What was the cause of this reckless and incautious haste?

I believe that it was, first, to assure France that we would accept the terms she had already imposed on Panama as a condition of the recognition of her independence, and that we would provide for them in the treaty now before the Senate, and would even go higher in our bid for the property if the canal company should so require.

Before this treaty can be safely considered, I submit that it is the plain duty of the Government to inform the Senate of the state of facts as to this contemplated purchase.

This duty seems so clear and obvious that the plainest person can see it, and the most astute mind can not furnish a satisfactory reason for withholding this information from the Senate.

I need not dwell on this matter, for everybody must see the necessity for this information in advance of the final action of the Senate on this treaty.

In the Committee on Foreign Relations the examination of this treaty has been without any light on this matter. Members of that committee were denied the privilege of moving an amendment to strike out article 22 of that treaty, and this is the first time I have had the opportunity to present the facts and reasons to sustain that motion. The Senate is still without information from official sources as to anything that has been done or is expected to be done in making or consummating the "contemplated purchase" provided for in that article.

With whom is the President to make this "contemplated purchase" of the property and other things claimed by the New Panama Canal Company?

Eiffel was a contractor for the locks, and he subscribed 10,000,000 francs to the stock of the new company.

The Crédit Lyonnais was heavily interested in contracts for work on the canal. It subscribed 4,000,000 francs.

Artigue, Sonderegger & Co. were contractors on the Culebra cut. They subscribed 2,200,000 francs.

Baratoux, Letellier & Co. had the contract on the Pacific cut of about 10 miles.

The Isthmian Canal Commission, in their final report, say:

All these contractors had engaged to complete the work intrusted to them before the close of the year 1889.

This group of defaulting contractors was compelled by public sentiment, and by the only hope of escape from heavy ameracements in suits pending against them and, in some cases, of convictions for felonies—such as were made in the French courts against Ferdinand De Lesseps and his son Charles—to agree that they would complete the canal, changing De Lesseps's plan from a sea-level canal to a canal with locks.

The New Panama Canal Company was organized under this agreement, as is stated in the report of the Isthmian Canal Commission, which I have already read to the Senate from pages 83 and 84 of their final report.

These are some of the most prominent despoilers of the old company, into whose hands this treaty delivers us, while France and Panama stand by to guarantee their demands on the United States.

But to make this statement more complete and accurate, and to show their breach of faith, I will copy the third section of article 5 of the agreement under which the New Panama Canal Company took over, without compensation, all the rights and property, of every kind, from the liquidator of the old company, under the orders of the French courts:

Third. The rights of every nature in the Panama Railroad belonging to the estate in liquidation and contributed by M. Gautron under section 4 of

this article shall become the property of the present company (the New Panama Canal Company) from and after the stockholders' meeting provided for by article 75 hereof without any pecuniary compensation, but upon the express condition that the canal be constructed within the time fixed by the agreement of concession. Upon default in completion within such time said rights shall revert to the estate in liquidation.

If, contrary to all expectation, the meeting in question should not take the necessary action for the completion of the canal, or if the course adopted by the meeting can not be carried out, the said rights in the railroad shall remain the property of the present company (the New Panama Railroad Company), but it shall pay into the estate in liquidation the sum of 20,000,000 francs by way of indemnity, and the share of profits set apart for the estate in liquidation shall be half the profits of the present company without other deductions than those provided in sections 2 and 3 of article 51 hereof.

Accordingly, said rights shall remain inalienable in the hands of the new company until either the payment of said sum of 20,000,000 francs or the entire completion of the canal.

These official facts show, in a light that is perfectly clear, first: That the New Panama Canal Company consists almost exclusively of men who had robbed the old company. Second, that those men had been coerced or induced by offers of pardon for these crimes, or by releases from judgments or liabilities to subscribe to the capital stock of the new company. Third, that they made the agreement with the court, to complete the canal, as I have above copied. Fourth, that Colombia was given 5,000,000 francs of paid-up stock in the new company as compensation for consenting to this arrangement. Fifth, that the company was organized by the payment of 60,000,000 francs or \$12,000,000 cash subscriptions of stock into its treasury.

Sixth, I will now quote from the sworn statement of M. Edouard Lampre, the secretary of the New Panama Canal Company, when he testified as a witness before the Committee on Inter-oceanic Canals, on the 11th day of January, 1902. I present this statement to prove that the subscribers to the stock of the New Panama Canal Company are men of wealth and are able, out of their private means and credit, to pay the \$90,000,000 it was then estimated that it would cost to complete the canal, and that with the use of all the property of the old company, including the railroad stock and the control of the Panama Railroad, which was taken over by the New Panama Canal Company, they could have performed their contract to complete the canal, if that was possible.

M. Lampre's deposition is as follows: The questions asked him related generally to the letters to President McKinley and to Mr. Hay, and especially to the letter of Bonnardel, president of the board of directors, to the President of the United States, dated Paris, November 18, 1898, which I will place in the appendix to my remarks:

The CHAIRMAN. Now, M. Lampre, that letter to the President of the United States does not contain any proposition?

M. LAMPRE. No, not at that time; no, sir.

The CHAIRMAN. Why was it written?

M. LAMPRE. Because to my recollection it was contemplated at the time that something ought to be done in the way of a reorganization of the company. It appeared at the time that the Nicaragua concession was under discussion that the rivalry of such a canal might be a great danger to the Panama Canal, and we thought at the time, as far as I can remember—it is rather old, it is three years ago—we thought at the time that we had to lay the whole subject before the President in order to ascertain and to see under what conditions we might, if necessary, Americanize our corporation and build the canal in partnership with the American interests. That is my recollection.

The CHAIRMAN. With the American Government?

M. LAMPRE. Well, I suppose private or public American interests. I think at the time it was contemplated to have a private corporation.

The CHAIRMAN. You had money enough then at hand or in prospect to build the canal?

M. LAMPRE. We had not in cash money enough.

The CHAIRMAN. You had good credit, though?

M. LAMPRE. Yes, I think we had; but still—

The CHAIRMAN. You were confident, then, that you could complete the canal?

M. LAMPRE. We were confident, but still, as you know, there was the rivalry of the Nicaragua Canal.

The CHAIRMAN. And it was the rivalry of the Nicaragua route that caused this paper to be printed?

M. LAMPRE. Yes, sir; exactly.

The CHAIRMAN. Was it argued at the time the letter was written that the United States was about to take or had taken action in favor of the Nicaragua route?

M. LAMPRE. I forget whether it was at that time.

The CHAIRMAN. We can ascertain that by a reference. Was this letter discussed and the authority given to send it to the President at a meeting of the board of directors of the new Panama Canal Company?

M. LAMPRE. Yes; it is in accordance with the resolution of the board.

The CHAIRMAN. The letter says that the board of directors is composed of gentlemen in an independent position?

M. LAMPRE. Yes, sir.

The CHAIRMAN. They must have been interested in and identified with large affairs in Paris?

M. LAMPRE. So they were, and are still at the present time.

The CHAIRMAN. Of a financial character?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Was it not the fact that the new board was composed of gentlemen who took over the property on speculation?

M. LAMPRE. At the time or now?

The CHAIRMAN. At the time it was consummated.

M. LAMPRE. For speculation? No, sir.

The CHAIRMAN. They took it over with the intention of completing the canal?

M. LAMPRE. Quite so. They were honest and straightforward in the intention. I must be positive on the subject.

The CHAIRMAN. They are still able to do it, are they not?

M. LAMPRE. Oh, yes, sir.

The CHAIRMAN. The French people are still able to do it?

M. LAMPRE. They might.

The CHAIRMAN. They paid the indemnity to Germany without any trouble, and we thought that the most marvelous act ever performed.

M. LAMPRE. I think we have enough cash in France.

The CHAIRMAN. You have plenty there to do it?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Why are you trying to sell this canal enterprise for \$40,000,000 when your people are able to build it and have so much involved in it?

M. LAMPRE. That is quite a different question, in my opinion. We have plenty of cash in France to build it, but the rivalry with the Nicaragua route and the possibility of the Congress of the United States passing a resolution for the construction of the Nicaragua Canal has frightened the people there, and so we thought it best to seek some kind of a combination here to build the canal, then with the assistance of the United States, and now to let the canal go to the United States if they will have it.

The CHAIRMAN. Your first proposition was to build the canal and realize out of it what you expected to do?

M. LAMPRE. Exactly.

The CHAIRMAN. That was your first idea?

M. LAMPRE. Exactly.

The CHAIRMAN. That was the idea on which that letter was written?

M. LAMPRE. Exactly, sir.

The CHAIRMAN. Then, if you could not do that, to prevent the building of it on the Nicaragua route?

M. LAMPRE. We did not intend preventing anything, but we thought the Panama route, in our opinion, the best.

The CHAIRMAN. Was it not the purpose of this movement to compel the United States to build on your ground or not build at all?

M. LAMPRE. To compel?

The CHAIRMAN. Yes.

M. LAMPRE. We had no mind to compel anybody.

The CHAIRMAN. I do not mean by force of arms.

M. LAMPRE. Our opinion was that the United States Government, or Congress, passing upon a resolution for the construction of the Nicaragua Canal would place us in great difficulty to raise the money in France. So we thought that we might as well lay the whole subject before the United States.

Senator MITCHELL. May I ask a question right there?

The CHAIRMAN. Certainly.

Senator MITCHELL. Suppose the United States should decline the offer which has been made by your company, and suppose, furthermore, Congress should go on and authorize the construction of the Nicaragua Canal, do you think that the Panama Canal would then be completed?

M. LAMPRE. It might be.

Senator MITCHELL. What is your best judgment on that point? What is your opinion?

M. LAMPRE. It might be. We might raise the money still in France.

The CHAIRMAN. Just in that connection I will ask you if you have made efforts to raise money in France to complete the canal?

M. LAMPRE. No; for we have no bondholders and not any bonded indebtedness at all.

The CHAIRMAN. I do not mean that. Have you asked for subscriptions?

M. LAMPRE. No; we have not.

The CHAIRMAN. You have not invited the French people to subscribe at all?

M. LAMPRE. No; we have not, because we thought it best, under the circumstances, not to go before the public, being given the possibility of the construction of the Nicaragua Canal by the United States.

The CHAIRMAN. In this letter to the President it is stated that the assets of the company exceed in value \$100,000,000.

M. LAMPRE. Yes, sir.

The CHAIRMAN. That the property is free from incumbrance; that the title is unquestionable; that the company has no other debts than the monthly pay rolls; that it has no mortgages or bonded indebtedness, and its cash reserve is largely in excess of its actual needs.

M. LAMPRE. Yes, sir.

The CHAIRMAN. So this statement of the great strength and confidence of the Panama Canal Company was sent to the President to inspire him with like confidence in the success of the Panama Canal and to convince him and Congress and our people that it would be a fatal competition to the Nicaragua Canal.

M. LAMPRE. Well, I do not know, sir. I do not know what was at the time in the mind of the board. I can not answer that question. I do not know what they aimed at. I think it was only putting the whole subject before the President in the light in which it stood and showing how it stood.

The CHAIRMAN. Or was it the purpose then to prepare the United States to become the purchasers of the Panama Canal?

M. LAMPRE. At that time?

The CHAIRMAN. At that time.

M. LAMPRE. I do not know at the time what it was.

The CHAIRMAN. You do not know when that idea originated?

M. LAMPRE. No.

The CHAIRMAN. What was the actual purpose and object of the letter to the President of the United States and the letters and telegrams of Cromwell, attorney, given with the message of the President of February 20, 1900? What was the actual purpose and object of the letter to the President of the United States of the 18th day of November, 1898?

M. LAMPRE. As far as I can recollect, the purpose was to lay the whole subject before the United States; and at the time we stated that should the United States abandon the idea of constructing the Nicaragua Canal we were ready to reorganize under the laws of this country and to organize an American corporation to complete the Panama Canal, which we thought the best route and still think the best route. That is why we laid the whole subject before the United States at the time.

The CHAIRMAN. In addition to this cheerful picture of the resources of the company, these letters boast of the conciliation of Colombia, and that the entire feasibility and practicability of completing the canal is established by the members of two commissions who were the most distinguished men in their professions. Why did not a canal that was so well fortified in its appeal to public confidence obtain the money to complete it by subscriptions among the French people who had already sunk \$250,000,000 in it and only had the ditch, the buildings, the machinery, and the material on hand to show for this expenditure?

M. LAMPRE. Just as I told you, Senator, on account of the contemplated building by the United States of the Nicaragua Canal.

They became so much afraid of the Nicaragua Canal that they dropped in their offer from \$109,000,000 to \$40,000,000 at a single bound.

Now, there is not a fact in these statements that can be disputed, except upon the hypothesis that the officers who made them had been guilty of falsehood.

What do they show?

The first answer is that this new company never had the honest purpose of keeping their contract to complete the canal. They had the ability to raise \$90,000,000—their estimate for completing the canal with their private fortunes.

The second answer is that they confined the working capital of the new company to the \$12,000,000 cash paid in by them, and never made even an effort to increase it by further sales of stock or by the issue and sale of bonds, and thereby prevented the possibility of completing the canal.

It had already cost the French people and the foreign stockholders and bondholders the sum of 1,329,693,074.74 francs, not including unpaid interest.

With interest included, this sum amounts to over 2,000,000,000 francs.

These figures are taken from the final report of the Isthmian Canal Commission, part 11, pages 21 and 22.

These expenditures have only left a trench in the earth, with no works of any kind except the plant. A great part of the ditch has filled up and, with the embankments, is to be again dug out and removed, if we build the canal there on our plan.

Now, a plainer or more conclusive statement of facts could not be made than is here presented to prove that the New Panama Canal Company never had the intention or expectation of completing the canal with the private resources of the stockholders or by any appeal to the French people for any assistance.

The story that they were frightened by the assistance proposed to be given to the Nicaragua Canal is a cheap invention in avoidance of the truth. As soon as the old company got to work, ten years before the new company was formed, the United States took up the construction of a canal at Nicaragua, with determined purpose to aid in its construction.

The subscribers to the stock of the New Panama Canal Company had fortified themselves against a possible loss of money in their agreement to complete the canal by two arrangements; first, by the extinguishment of all demands by the old company against them for their frauds and breaches of contract; and, second, by the arrangement made with the court, which I have already quoted, that the Panama Railroad should remain the property of the New Panama Canal Company, and should never revert to the liquidator of the old company in any event.

If the completion of the canal failed or should be abandoned the railroad was to remain "inalienable" in the hands of the new company on the payment of 20,000,000 francs, or \$5,000,000, to the liquidator of the old company.

The stock in the railroad had cost the old company 93,286,186.73 francs, or \$18,657,000. (See report of Isthmian Canal Commission, pt. 2, p. 23.)

Under this stipulation they get the railroad for really less than one-fourth its value.

Of the \$40,000,000 to be paid by the United States, 40 per cent of which the French courts have already decreed to the New Panama Canal Company, they get \$16,000,000, which is a profit of \$4,000,000 on the \$12,000,000 they paid for their stock in that company.

Besides this, the report of the auditors (commissaires) of the New Panama Canal Company, made on the 30th of December, 1903, shows that they still have in their treasury the sum of \$2,000,000 remaining unexpended of the \$12,000,000 capital stock originally paid into the treasury, and worked seven years with \$10,000,000.

Besides this, they have had the net earnings of the railroad, which has not been less than 10 per cent per annum, on a capitalization of \$15,000,000, which for the ten years the new company has had control of the railroad must amount to \$1,500,000 in addition to betterments. In all, their net profits will be at least 50 per cent on their original investment. In Poor's Manual for 1900, pages 485-486, it is stated that the net earnings of the Panama Railroad were more than 35 per cent in 1899, and were even greater for the three preceding years.

Now we are confronted with the question, What has been the real policy of the New Panama Canal Company as to realizing this profit on their investment of \$12,000,000 in the property of the old company?

It is demonstrated that it has not been to complete the canal. Their failure to put up the money to complete the canal, or to make an effort to get it, proves this fact conclusively. They never expected with \$12,000,000 to complete the canal, two-fifths of which had already cost \$360,000,000.

To get rid of the canal concessions and property at a profit to the stockholders in the New Panama Canal Company was left to them as a speculative margin on which it was their purpose to realize.

They had already secured themselves fully in the railroad deal with the court against any possible loss, and were fully equipped

as a free lance to move against the United States as the only possible purchaser of their holdings.

It required a New York lawyer to work this purchase, and they found an experienced renovator of crippled corporations in Cromwell.

The liquidator of the old company had obtained from Colombia extensions of the canal concessions until October, 1904, and had paid for them out of the assets of the old company.

The first overture of the Panama Canal Company to the United States for a deal in the disposal of canal rights at Panama was made by M. Bonnardel, president of the board of directors of the New Panama Canal Company, dated November 18, 1898. I will insert this letter to President McKinley, with others I have referred to, in an appendix to my remarks. (See Appendix B.)

The next approach, ten days later, was by "William Nelson Cromwell, American counsel for the New Panama Canal Company."

This letter, dated November 28, 1898, I will read, as it is the first appearance of Mr. Cromwell on the stage, which, in his first act, he prepared to cover with the blood of civil war in Colombia:

Mr. Cromwell to Mr. Hay.

NEW YORK, November 28, 1898.

DEAR SIR: Referring to the interview which you accorded me on Friday last and to your gracious assurance that you would give audience to the director-general of the New Panama Canal Company and ourselves in connection with the presentation to the President of the communication which the New Panama Canal Company is about to make to the Government, I beg leave to advise you that by reason of the severe prevailing storm *La Touraine* was delayed in arrival until to-day, and that we shall, therefore, not be able to translate the documents and prepare them for presentation before Wednesday.

I will advise you further of our coming, keeping in mind the preference which you indicated, that the hour of conference be about 11 o'clock in the forenoon.

I have the honor, etc.,

WM. NELSON CROMWELL,
American Counsel for New Panama Canal Company.

His next appearance was on December 5, 1898, in a letter to Mr. Hay, in which he lifts the curtain and reveals the cause of the war which was then imminent in Colombia:

Mr. Cromwell to Mr. Hay.

NEW YORK, December 5, 1898.

MY DEAR SIR: I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

Upon my return I learned through Director-General Hutin, who had preceded me to New York, that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the Executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal under the communication which the company had addressed to the Government, in the form of which I inclose you a translation.

You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable even a deeper cut to be made, and which would reduce the number of locks to four, but which reduction would require more time than the plan adopted.

You will note that the bill proposed to confer power upon the Executive, and this happened to arise under extraordinary political conditions in Bogota. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant and refusing to recognize the qualification of the President before the supreme court.

We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which, we have no doubt, their minister at Washington would fully confirm to you.

Our company has not the least apprehension regarding any prorogation of the concessions it may consider necessary in the future.

I have, etc., your obedient servant,

WM. NELSON CROMWELL,
Counsel, New Panama Canal Company.

It will be noticed that the letter of Bonnardel to the President is official and has been appended to it, "certified by the secretary of the company, Ed. Lampre," the same witness whose testimony I read a moment ago.

Lampre testified before the Committee on Inter-oceanic Canals in March, 1902, that this plan of operations was discussed and adopted by the board of directors of the New Panama Canal Company before Bonnardel, Hutin, and Cromwell began operations under it. M. Lampre testified as follows (p. 39 of hearings):

THE CHAIRMAN. Was this letter [of Bonnardel] discussed and authority given to send it to the President at the meeting of the board of directors of the New Panama Canal Company?

M. LAMPRE. Yes; it is in accordance with the resolution of the board.

When the fact is considered that this action of the board of directors was taken at the very time that Mancini was forcing the decree of Sanclemente upon Colombia, at the cost of civil war, for an extension of the Wyse concession until 1910, which the Colombians had rejected, a terrible weight of crime falls upon that company that it can never expiate, and upon Cromwell, whose letter to Mr. Hay proves that he was watching every movement

at Bogota with the eager attention of a lawyer who had set on foot the scheme to corrupt Sanclemente. The outbreak alarmed him only because he was afraid of its effect on President McKinley, and he at once began to hedge against it by false explanations. Everything being thus prepared, the campaign in the United States was opened, the first point of attack being the Hepburn bill.

The fight was expected to be a long one and more time was needed to prevent Colombia from even forcing the forfeiture of the Wyse concession, thereby destroying all claim of the New Panama Canal Company to control that concession and to sell the property of the old canal company.

The situation was desperate and required desperate action. The last extension of the Wyse concession would expire on the 31st of October, 1904. Within that limit it was impossible to complete the canal and the time was too short for successful operations in dealing with the United States, so the forcing of the extension of the concession was a matter of necessity.

The people of Colombia determined that no further extension of time should be granted to the French company. They knew of the campaign inaugurated by the canal company to transfer their concessions and property to the United States in some form that would evade or violate the express prohibitions of the Wyse concession.

They knew that a plan existed for this purpose that was afterwards fully developed in a letter of Cromwell to the President of February 28, 1899, and of the official letter of M. Hutin to the President, dated March 11, 1899, which I will insert in the appendix to my remarks. (See appendix 3.) I respectfully invite their especial examination.

At the dates of these letters civil war was general and fierce in all the departments of Colombia, caused by the demands of the New Panama Canal Company.

The cool composure of these men in the discussion of the flattering prospects of this company in these mild and seductive letters to the President and Mr. Hay, when they knew what their attempted intrigue was costing the people of Colombia, is being repeated now to the disgust of all right-minded people in the intrigues that are dismembering Colombia.

These furtive schemes of Hutin and Cromwell were not successfully hidden from the Colombian people, and they were resented, especially by the Liberal party, with fierce indignation.

Sanclemente had been elected President and Marroquin Vice-President of Colombia by the Church party and were inaugurated in July, 1898.

The Congress of Colombia was then in session and continued until December 5 or 6, when they adjourned sine die and never met again.

The cause of that act of dissolution is given in the letter of Cromwell to Mr. Hay—dated New York, December 5, 1898—that I have just read to the Senate.

It is very remarkable that no official account of this important event has been sent to Congress besides that which is in Cromwell's letter, which was sent to the Senate in a message of the President of February 20, 1900, in response to a resolution of that body of January 23, 1900.

Earlier in the day of December 5, 1898, Cromwell had sent to Mr. Hay the following telegram:

NEW YORK, December 5, 1898.

Am writing you to-day concerning the cable from Consul-General Hart published Saturday. It is evident that the limited purpose and nature of the measure referred to is not fully reported from Bogota, and is given undue significance.

WM. NELSON CROMWELL,
Counsel, New Panama Canal Company.

The proposition of the New Panama Canal Company through Mancini for a prolongation of the concessions until 1910 is printed in the appendixes to my remarks. It is dated November 1, 1899.

In connection with it the canal company offered to pay the Colombian Government \$1,000,000 French gold for six years' extension of time, from 1904 to 1910.

It was while that proposition was pending in the Colombian Congress that Bonnardel, Hutin, and Cromwell were earnestly at work to dispose of the rights, interests, and concessions that the canal company held in Colombia to the United States.

It is not worth while to pause for expressing any denunciations of this double dealing of the Panama Canal Company with Colombia. The bare statement of the facts condemns the men, in every honest bosom, as being perfidious. The motive was too overpowering to be resisted by them. It was to unload their canal property, given them by the old company, upon the United States.

Mr. Hart had informed our Government that the Congress of Colombia, after rejecting the proposed extension of the Wyse concession and declaring the office of President vacant, had adjourned sine die.

To meet this and to falsify the facts, Cromwell, in a letter to Mr. Hay, dated December 21, 1898, says:

Messrs. Sullivan & Cromwell to Mr. Hay.

NEW YORK, December 21, 1898.

MY DEAR SIR: Further to my letter of December 5, 1898, receipt of which was acknowledged by your favor of the 8th instant, I beg leave to say that we are advised by our counsel at Bogota that the official minutes of the session of the House of Representatives declare that the bill concerning the extension of the New Panama Canal Company has not been acted upon for lack of time. We, however, yesterday received further cable advising us that the Government had granted the extension subject to the approval of the next Congress, and I note from this morning's Herald that similar advices have been received by the press.

It is the opinion of the Government executives and of ourselves that power to give such extension is already located in the Government by the terms of the original concession; but the formality of ratification will be requested in due course, and of its being granted we have not the remotest apprehension.

You will thus see that my confidence in the attitude of Colombia, as indicated in my last note, has been fully and quickly confirmed.

Faithfully, yours,

WM. NELSON CROMWELL,
General Counsel, New Panama Canal Company.

He says that the official minutes of the House of Representatives declare that the bill concerning the extension of the concession of the New Panama Canal Company was not acted on for the lack of time. If any such minutes are on the records of that House of Representatives, the statement is false as to the cause of the defeat of the French offer of \$1,000,000. It was rejected by Congress, and when Sanclemente gave it out that he would accept the money and make a decree granting the prolongation of the concession, the Congress regarded it as a high misdemeanor, declared his office vacant, and adjourned sine die.

This was Cromwell's strongest card in this game of chance. He could not expect the United States to intervene and take over a concession that had only five years to run, for it would be impossible to complete the canal in that length of time. If the time could not be extended the game was lost. Therefore, Cromwell, in his letter to Mr. Hay on the 5th of December, says:

Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

And in his letter of the 21st of December he says:

It is the opinion of the Government executives and of ourselves that the power to give such extension is already located in the Government by the terms of the original concession; but the formality of ratification will be requested in due course, and of its being granted we have not the remotest apprehension.

All this was urged to reconcile our Government to the threatened unlawful purchase of the extension of the concession that was completed on the 28th of April, 1900, by the decree of Sanclemente, in despite of its rejection by the Congress of Colombia and the great convulsion that followed.

Soon after the Congress dissolved, after having expelled Sanclemente from office as President, civil war began in several of the Departments, and he seized the reins of Government as dictator and declared the entire Republic in a state of siege.

On the 23d day of April, 1900, the Liberal party issued its manifesto declaring the causes of war, and especially mentioned this deal with the New Panama Canal Company as a violation of the constitution and laws of Colombia, declaring the prolongation of the Wyse concession as a nullity and warning the nations against acting upon it.

Sanclemente, on the 28th day of April, 1900, made a decree accepting the \$1,000,000 offered for the extension from 1904 to 1910 and granting the extension. No act of arbitrary power was ever more audacious or corrupt.

It was the insistence of the Liberals that this prolongation was void that caused the people of Colombia to resent the fact that Marroquin, without the consent of Congress, had negotiated the Hay-Herran treaty to dispose of the territory of Panama. M. Bunau-Varilla admits this fact.

The dispatches of Mr. Beaupré show that the people were violently opposed to the Hay-Herran treaty before the Congress met in June, 1903, and before they had accurate knowledge of its provisions.

They knew the despotic conduct of Sanclemente in prolonging the concession, and they resented it.

The civil war thus precipitated upon Colombia was a fearful ordeal of slaughter and destruction.

Marroquin succeeded Sanclemente in the Presidency soon after he had decreed the prolongation of the concessions, and prosecuted the civil war with terrible losses, but with relentless vigor.

Active hostilities reached Panama in the winter of 1901-2 and raged fiercely until November, 1902. Herrera, the really victorious leader of the Liberals, had Panama and Colon in easy reach of subjection; and was prevented by the active interference of the United States. The message of the President to the Senate on the 19th of March, 1902, leaves no doubt on that point.

"The stars in their courses," on our flag, "fought" for Marro-

quin, saved him his office, and made possible the ratification of the Hay-Herran treaty, that had been negotiated while the civil war was flagrant and while he was dictator of Colombia.

The capitulation of the victorious Herrera, signed on the 21st of November, 1903, stipulated for the election of a Congress for the consideration of "the negotiations relating to the Panama Canal." Thus Cromwell, who was ubiquitous, if not overpowering, in conducting those negotiations, had the Panama Canal Company placed in the front of the procession of events, leaving a trail of blood and desolation in his wake.

Nothing could be more clearly established by a comparison of known facts than the fact that the civil war in Colombia was occasioned by the demand of the New Panama Canal Company for a prolongation of the Wyse concession from 1904 to 1910, accompanied with the \$1,000,000 paid to Sanclemente, and the rejection of that demand by the Congress of Colombia.

France or the New Panama Canal Company had the power to prevent that war by submitting to the laws and constitution of Colombia and to the vote of the Congress on the rejection of that offer. They preferred civil discord and the effusion of blood and the desolation of Colombia rather than that the Panama Canal Company should comply with its written obligation to complete the Panama Canal by the 30th of October, 1904, or else forfeit its charter under the terms of their agreement, which was enacted into a statute of that Republic.

If there had been any honest purpose to complete the canal according to contract, Colombia, having already extended the time for its completion for twelve years, would have granted any reasonable time for its completion.

The old and new companies have been engaged for twenty-four years in this work, and only claim now that two-fifths of it is accomplished. No possible complaint can be made that Colombia has not been generous in extending the Wyse concession.

But there was no honest purpose to complete the canal, and no effort by the New Panama Canal Company was made to obtain or supply more than \$12,000,000 for that purpose, and at the very time that Mancini, the representative of the canal company at Bogotá, was trying to get the extension from 1904 to 1910 Cromwell was in Washington trying to induce the United States to take it over.

The Hay-Varilla treaty requires the United States to purchase that extension from the canal company, Panama having expressly pledged itself to France that it should be confirmed and protected.

Thus Cromwell again heads the procession of events, and our banners in that august movement have "submission to fraud" for their motto, and flaunt out insult to the Liberals, living and dead, who fought this outrage for more than three years with heroic sufferings in Colombia.

In the present situation, as in that of 1898, the Panama Canal Company, whose whole history is frescoed with fraud and is a mere series of broken contracts that it never meant to keep, again thrusts itself into our treaty relations and is compelling the Senate to enact a supreme law of the United States that a "contemplated purchase" of its alleged property and claims shall be made by the United States and shall be "consummated" before we can get from Panama all that lawfully appertains to the canal zone, for which we are to pay her \$10,000,000.

The present intrusion of the Panama Canal Company into our affairs, in the location and construction of a canal, is offensive and intolerable in the highest sense and even in the lowest sense.

In the highest sense it comes with the pledged support of Panama, given directly to France, that she has the treaty right, derived from Panama, to interfere with the terms and conditions on which the United States shall construct a canal at Panama. In the lowest sense it can be truly said that no nation was ever compelled by its own rulers to stoop so low.

There can be no possible mistake on this point or as to the facts, for they are official and of record.

Even those who shut their eyes to prevent seeing these facts are still compelled to feel them. They feel that there is in this treaty an atmosphere of national degradation at which the self-respect of the people revolts.

When they come to understand that it is a movement prompted by mercenary motive, that Panama never would have revolted against Colombia except to profit by the trade and increased price of property owned and controlled by a few wealthy men through the construction of a canal, and that the President would not have encouraged and assisted them except for the "contemplated" glory of being the founder of a canal and his view of the necessity of that location for it, the people will feel, and will not be slow to say, that this treaty is dishonoring to the country.

The New Panama Canal Company has never done an honest day's work toward the completion of the canal. As it has dug and removed earth from the Culebra Cut it has suffered the

20 miles dug by the old company between Bohio and Colon and the 7 miles between Miraflores and the Bay of Panama to silt up until an Indian canoe can not cross it at many places.

What work has been done was to keep alive the concessions in the hope of disposing of the property to the United States that was given to them by the old company and to escape forfeiture at the hands of Colombia.

It is a disgrace to our country that time will not efface and no financial success will ever excuse that we permit this Government to be coerced by such men and for such purposes into the ratification of article 22 of the Hay-Varilla treaty.

This is the highest sense in which this matter will be considered by those who will sit in judgment on our actions, and some may find excuse for us in the magnitude of the subject we are dealing with.

When they come to examine our work, in the lower sense of a voluntary and preferential advantage and profit extended by the United States to convicted culprits who have robbed their own people of the property they sell to us and will make a vast profit from their crimes—and we have placed the official facts on our records that establish their guilt—the people will not and should not be merciful in their censures.

What we should do in this matter is to strike out article 22 from this treaty and purchase the 10-mile zone and pay for it the price stipulated in the treaty. The property will come to us burdened with every just and rightful claim that affected it in law or equity when Panama belonged to Colombia, and we will concede and enforce those claims, rights, and equities as if the New Panama Canal Company were a corporation created, as the Panama Railroad Company is, under the laws of one of the States of the Union.

At the same time we will require that company to honestly keep and perform its obligations under its contracts. If any man can object to this as being unfair, let him state the grounds of such objection.

In cutting our Government loose from these treaty obligations of the most extraordinary and hitherto unheard of character, imposed on us by Panama—our creature and ward pulling in the arms of its nurse—we will in some measure escape the odium of sustaining a conspiracy against Colombia, in which the agents at Panama of the New Panama Canal Company were the local leaders, and Bunau-Varilla was the chief conspirator. I am too anxious that the Senate should not be dragooned into this humiliating attitude to further explore the depths into which we will be driven.

It is better not to have described such a condition if we shall have the good fortune to escape it. If the President will give the Senate information of what he is doing or expects to do in making the contemplated purchase of the things mentioned in article 22 of the Hay-Varilla treaty, it may be that it will result in the elimination of the New Panama Canal Company from that treaty and the relief of our people from forced contact with the worst productions of the worst of scoundrels, that yet cause all France to shudder at the name of Panamist and the world to look with astonishment at our unworthy associates in this business.

I will not speak now of the second war with Colombia that the New Panama Canal Company has provoked, under the advice of the New York lawyer, as the surest way to realize its profits on the investment of \$12,000,000 in its capital stock.

Most likely we will have leisure to repent of his leadership in the diplomacy that has brought about these conditions, and he will have leisure for the enjoyment of his fee that grows with the increase of our national distress and the deepening humiliation of Colombia; but I protest in the name of civilization that the Senate should not voluntarily and unnecessarily follow Cromwell in his provocation of a second war in Colombia to enable him to increase his bill of costs for such iniquities.

I will not now discuss other parts of the Hay-Varilla treaty that are not within the purview of the resolution before the Senate. I will, however, as in duty bound, refer to the recalcitrant spirit of the people with whom we are dealing in this matter.

There are not, as told, as many as 5 per cent of the inhabitants of Panama—and that is the outside limit of the people in that country—who can be rated as being qualified for self-government or the actual duties of citizenship in a free and independent republic.

Amendments have been recommended to be made to this treaty by the Committee on Foreign Relations that could not possibly have been so recommended but for the fact that they are indispensable to the future safety of our rights and the performance of our duties in Panama.

I have been notified that a motion to withdraw those amendments will be made, not because they are objectionable to Panama, but because the treaty if it is sent to the constitutional convention now sitting at Panama for the acceptance of any

amendments to it will cause the possible rejection of some of its features or will create dissension in that body.

Such apprehensions, so readily yielded to, admonish us that the people we are dealing with must be approached with open avowals of our intentions and purposes in everything that relates to the government of a canal zone and the people living in its immediate neighborhood. And we must go there prepared to enforce our rights.

If the warmed viper, just hatched from the egg, so soon begins to warn us of its power to sting, we may well consider what will occur when swarms of them will be gathered in Panama from the lowest classes of all the peoples of the earth.

I have endeavored, through the kind indulgence of the Senate on this and other occasions, to state my views on most of the various questions that have arisen in the many years this great question has been before Congress and the people for discussion.

I do not recall any fact I have stated, except upon the highest authority, or any measure I have advocated that did not seem to be necessary for the advancement of the great result the people are so anxious to reach. The growth and expansion of our views in the atmosphere of constant discussion as to the full measure of our duty and of the great policy to be accomplished has, in my judgment, repaid all the delay and all the labor expended in our preliminary work. We do not seem yet to grasp the full scope of the great undertaking that is before us, or to be ready to lay hold of the possibilities of the future with the firm hand of faith.

In such a work there can be no room for injustice to any people, or for the humiliation of our people or country, or for the least real ground of distrust, or for mere political exploitation.

I have gone further than any of my colleagues in the Senate in the direction of gaining powers that are necessary and adequate for the actual work of constructing and operating an isthmian canal, yet I reach out for nothing that is not lawful.

Any mercenary appeal to anybody, for political or other reasons, that relies upon the base doctrine that the end justifies the means has no weight with any just man, nor will it make any impression on the people who have so long honored me with their confidence.

The South still holds its heroic attitude as a proud people, unbent by distress and unmoved by mercenary temptation. It still wears its baldric of honor undefiled over its bosom, jeweled with the love and fear of God.

The people of the old South, who stand for its past glory and will forever stand as the model of its future character, are true to their historic honors, as they are true to the blood in their veins.

That tide of life still flows as a benediction to the world, and will always flow uncorrupted through all the hearts that have claimed or will ever rightfully claim a share in the honorable heritage. It was bestowed on us by other hearts that are now still and pulseless. Yet their living example—like the light that is shut out by night, but comes again to-morrow—still lives and rules their day in supreme power.

The people of the South will pity and forgive, but will not forget, such as can find excuse in their fears of upstart despotism for the acceptance of gifts that are stained with fraud and are gathered from the wreck of the Constitution, the statutes enacted by Congress, and the laws of nations.

Whatever we have done in the most perilous actions of our people has been done in the effort to preserve rights that were guaranteed to us in the Constitution and by the laws of the land, and no true Southern heart repents or will ever repent the cost.

We can not, if we would, now convince those who live or those who will live that it is honorable or just or reputable to assist any man who may be President in the violation of the Constitution or the laws of the land.

We can not mark down the people of the South to the figure, in commercial politics, that accepts a favor of any party or any man as the price of its support of men who disregard laws and trample the rights of the weak under foot, or of measures that are wrong and dishonorable. We have never been robbers or faith breakers, and we will not lend our assistance to those who are.

There is nothing in this entire transaction that is complained of by the President, or that could be rationally complained of, besides the loss of an apparently good bargain. Take from the situation as it is described by the President in his annual message to Congress the supposed advantage of the bargain we were trying to make with Colombia and failed to complete, and there is nothing to justify his movement against Colombia, as it is stated in that message, or in any utterance from the Department of State. It is simply the seizure with armed power of the advantages we failed to obtain in the Hay-Herran treaty.

Our children and our children's children will scorn the thought that any sentiment but that of condemnation could be created in our bosoms by such unworthy considerations.

APPENDIX A.

[Confidential. Executive A, Fifty-eighth Congress, second session. December 16, 1903, made public.]

PANAMA CANAL.

Message from the President of the United States, transmitting a convention between the United States and the Republic of Panama for the construction of a ship canal to connect the waters of the Atlantic and Pacific oceans, signed on November 18, 1903. December 8, 1903.—Read; convention read the first time and referred to the Committee on Foreign Relations and, together with the message, ordered to be printed in confidence for the use of the Senate.

To the Senate:

I transmit for the advice and consent of the Senate to its ratification a convention between the United States of America and the Republic of Panama for the construction of a ship canal, etc., to connect the waters of the Atlantic and Pacific oceans, signed on November 18, 1903.

I also inclose a report from the Secretary of State submitting the convention for my consideration.

THEODORE ROOSEVELT.

WHITE HOUSE, December 7, 1903.

The President:

The undersigned, Secretary of State, has the honor to lay before the President for his consideration, and, if his judgment approve thereof, for submission to the Senate, with a view to receiving the advice and consent of that body to its ratification, a convention between the United States of America and the Republic of Panama for the construction of a ship canal, etc., to connect the waters of the Atlantic and Pacific oceans, signed by the respective plenipotentiaries of the two countries on November 18, 1903.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,

Washington, November 19, 1903.

ISTHMIAN CANAL CONVENTION.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention, and have accordingly appointed as their plenipotentiaries—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, thereto specially empowered by said Government, who, after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II.

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed, the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant.

The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

ARTICLE III.

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

ARTICLE IV.

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes, and other bodies of water within its limits for navigation, the supply of water or water power, or other purposes, so far as the use of said rivers, streams, lakes, and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

ARTICLE V.

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

ARTICLE VI.

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States, in which case the rights of the United States shall be superior.

All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the Governments of the United States and of the Republic of Panama, whose decisions as to such damages shall be final, and whose awards as to such damages shall be paid solely by the United States. No part of the work on said canal or the Panama Railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed, or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ARTICLE VII.

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire, by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights, or other properties necessary and convenient for the construction, maintenance, operation, and protection of the canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal and railroad.

All such works of sanitation, collection, and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees, shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years, and upon the expiration of said term of fifty years the system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon, respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and waters.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII.

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad, and all the shares, or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty, now included in the concessions to both said enterprises and not required in the construction or operation of the canal, shall revert to the Republic of Panama, except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ARTICLE IX.

The United States agrees that the ports at either entrance of the canal and the waters thereof and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time, so that there shall not be imposed or collected custom-house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, or any other charges or taxes of any kind upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation, and protection of the main canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may be necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal and for other works pertaining to the canal.

ARTICLE X.

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the railways and auxiliary works, tugs and other vessels employed in the service of the canal, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the canal and railroad and auxiliary works.

ARTICLE XI.

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII.

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ARTICLE XIII.

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation, and protection of the canal and auxiliary works, and all provisions, medicines, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV.

As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of \$10,000,000 in gold coin of the United States on the exchange of the ratification of this convention, and also an annual payment during the life of this convention of \$250,000 in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV.

The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments, who shall render the decision. In the event of the death, absence, or incapacity of a commissioner or umpire, or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the commission or by the umpire shall be final.

ARTICLE XVI.

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention, and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies, or misdemeanors without said zone, and for the pursuit, capture, imprisonment, detention, and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies, and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII.

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels passing or bound to pass through the canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII.

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of Article III of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE XIX.

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war, and supplies.

ARTICLE XX.

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modification or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other governments, corporations, syndicates, or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above-mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property, and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future, either by lapse of time, forfeiture, or otherwise, revert to the Republic of Panama under

any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company, and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or revisionary interest in or claims of Panama, and the title of the United States thereto, upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

ARTICLE XXIV.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject-matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other government or into any union or confederation of states, so as to merge her sovereignty or independence in such government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV.

For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ARTICLE XXVI.

This convention when signed by the plenipotentiaries of the contracting parties shall be ratified by the respective Governments, and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the city of Washington the 18th day of November, in the year of our Lord, 1903.

JOHN HAY. [SEAL.]
P. BUNAU-VARILLA. [SEAL.]

APPENDIX B.

STATEMENT OF M. EDOUARD LAMPRE.

The CHAIRMAN. The old stockholders have interests, legal or equitable, in the property of the Panama Canal Company, the new company?

M. LAMPRE. I did not say the old stockholders, Senator. I said the bondholders. I said, in general words, the liquidation, because we have nothing to do with the individuals. The only thing we would have to do, if the canal were built, according to our charter, and profits were derived out of it, would be out of 100 francs to give 60 to the liquidator, and we have nothing whatever more to do with it. It is his own business and not ours.

The CHAIRMAN. That is your view of the law?

M. LAMPRE. It is my view. It is the general law, I may state. There can not be a mistake in France about that.

The CHAIRMAN. I will take the liberty of saying that there are mistakes made by lawyers very often. They are just as apt to be mistaken as others.

M. LAMPRE. I can admit that. I express an opinion on what I know to be truth in France, and of course I have nothing to say on the view here.

The CHAIRMAN. I doubt the correctness of your statement and must be permitted to take the general judgment about a matter of law of this kind.

M. LAMPRE. I understand the thing fully.

The CHAIRMAN. Why is it that your company is bound to pay to the liquidator for the benefit of the old stockholders anything, if you have no obligations?

M. LAMPRE. How is it?

The CHAIRMAN. How is it that the new company is bound to pay of the proceeds of the canal, when completed, any percentage to the liquidator of the old company, and through him to the stockholders of the old company, unless you have some responsibility fixed by law upon you?

M. LAMPRE. Not by the law, Senator, by what we call statutes, and you would call, I believe, charter. It includes an article of agreement between the liquidator and the new company, according to which that division of benefit has been agreed upon; that is to say, we agree that when the canal would be open to navigation and profits would be derived out of the operations—we agreed with the liquidator, under an article of agreement which is inserted in our by-laws, upon the division of profits, which I have just stated to you.

Senator FOSTER of Louisiana. Is that 60 per cent a part of the consideration of the transfer?

M. LAMPRE. Sixty per cent? Yes; it was the consideration of the transfer.

Senator FOSTER of Louisiana. Sixty per cent will be paid to the representative of the old company?

M. LAMPRE. We have nothing to do with what would be done with that 60 per cent. That is his business; none of ours. We agreed to give him 60 per cent and we have done with it all.

Senator FOSTER of Louisiana. Was that the consideration or a part of the consideration?

M. LAMPRE. The whole consideration—the whole of it.

The CHAIRMAN. You say that this contract is incorporated in the by-laws of the new company?

M. LAMPRE. It is.

The CHAIRMAN. And is a part of it?

M. LAMPRE. Article 5.

The CHAIRMAN. Are those by-laws a part of your charter?

M. LAMPRE. We do not have charters in France.

The CHAIRMAN. I call it a charter.

M. LAMPRE. If you will call it a charter, it is the charter.

The CHAIRMAN. What do you call it?

M. LAMPRE. We call it statutes.

The CHAIRMAN. Is it incorporated there?

M. LAMPRE. It is.

The CHAIRMAN. And becomes a law you are bound to obey?

M. LAMPRE. Exactly; as it is an agreement between the liquidator and ourselves.

The CHAIRMAN. It is as much a law as if it had been enacted in that form by the Parliament of France?

M. LAMPRE. Oh, it is an agreement that we must execute, of course.

The CHAIRMAN. I want to get at the precise nature of it. Is it as much obligatory upon you to comply with that agreement as it would be if it had been enacted by the Parliament of France?

M. LAMPRE. It could never have been enacted by the Parliament of France. It is as binding as possible, if you will let me put it this way.

The CHAIRMAN. I want to know what is possible. Many things that look possible to you appear to me to be impossibilities.

Senator FOSTER of Louisiana. Let me ask a question along that line. If your company now transfers to this Government this canal, will then this Government assume the obligation to pay the 60 per cent of the benefits?

M. LAMPRE. Not at all, sir; no. I must make this quite clear to the committee, if I can. You understand, of course, that this agreement with the liquidator I was just telling you about, inserted in what we call the statutes and what you are pleased to call the charter, might not apply to the present condition of things; that is to say, it might be claimed by the liquidator that any amount that we would get from the United States for the transfer would have to be divided between the liquidator and ourselves, under certain conditions not definite at the present time.

We claim, and we are right to claim, that we have, according to our statutes, according to the authority given us by the stockholders' meeting, full and complete power to deal with the United States for the transfer of this company's property. But as it has been contended in this country that if we were to deal with the United States Government the interference of the liquidator would absolutely be necessary, we thought it fit and useful to pass (and that was done recently with the liquidation of the old company) an agreement by which this liquidator, as far as he is concerned, and under the authority of the law and of the courts, gives the new company full, complete, and absolute power to deal alone, without his interference, with the United States for the transfer of the concessions and property and for the amount the company may think fit under the authority of this stockholders' meeting.

The only question that might have been left aside is as to how the amount which we might get from the United States would be divided between the new company and the old company, and that has been solved under the following conditions: That is to say that we (I mean the liquidator and our company) leave the whole thing to the judgment of an arbitration court, which has been agreed upon between the new company and the liquidator.

However, the question of division of the amount which we might get from the United States has, to my judgment, nothing to do with this country. It is only a matter to discuss and to put straight between the old company and ourselves. However, for your information, I am pleased to say that the subject has been settled, and has been decided to be submitted to a court of arbitration which we have agreed upon.

Senator MITCHELL. May I ask a question just at that point? Suppose the United States accept your offer and pay you \$40,000,000, and then suppose there should be some failure of the arbitration proceedings which would result in the liquidator or those he represents not getting any portion of the \$40,000,000. The United States having obtained the benefit of your property, would not these stockholders have an equitable claim against the United States, through the liquidator?

M. LAMPRE. No, sir; in no way whatever, because according to the terms of the agreement passed between us and the liquidator, and according, moreover, to the legal conditions in France of an arbitration, we, I mean the contracting parties, on the one side the liquidator and on the other side the new company, agree, positively agree, to accept as absolutely binding the decision of the arbitration.

Senator MITCHELL. The United States would have to run the risk of them carrying out that agreement with the liquidator?

M. LAMPRE. No; they would have to run no risk whatever, according to my opinion.

Senator MITCHELL. This is merely a subject of inquiry.

Senator FOSTER of Louisiana. Let me see if I understand exactly the transaction between the old and the new company. I understand that the old company went into liquidation and a liquidator was appointed.

M. LAMPRE. Exactly.

Senator FOSTER of Louisiana. Of course he represents the stockholders, creditors, and bondholders?

M. LAMPRE. That is right.

Senator FOSTER of Louisiana. Representing these parties, he transferred all the right, title, interest, and property of the old concern to your company, and that was duly ratified and homologated by the judgment of the court?

M. LAMPRE. That is the whole subject, sir.

Senator FOSTER of Louisiana. As the consideration of the transfer, your company was to pay to the liquidator, representing the creditors, bondholders, stockholders, and shareholders, 60 per cent of the benefits of the canal?

M. LAMPRE. That is correct.

Senator FOSTER of Louisiana. Then your company purposes to transfer all your right, title, and interest to this Government for, say, \$40,000,000?

M. LAMPRE. Yes.

Senator FOSTER of Louisiana. Now, what guaranty will your company give, in the event of the purchase of the canal by this Government, that the 60 per cent of benefits which the old company was to derive as a consideration will not be a part of the obligation which this Government assumes?

M. LAMPRE. I understand the question.

Senator FOSTER of Louisiana. I tried to make it clear.

M. LAMPRE. The guaranty we will give is that very agreement I was just telling you about, according to which the liquidator and the old company accepts of the question to be settled, the division of the amount each might get to be settled by a board of arbitration. To my understanding, the division of the amount we might get from the United States has nothing to do with the United States itself. I beg pardon, if I am too crude.

Senator FOSTER of Louisiana. We think you are perfectly clear.

M. LAMPRE. It is a matter to be settled only and exclusively between the liquidator and our own company. It is settled under the present agreement.

Senator FOSTER of Louisiana. Under your law has not any creditor or bondholder or any holder of stock the right to go into court and object to any settlement that the liquidator might make?

M. LAMPRE. The liquidator has authority.

Senator FOSTER of Louisiana. The liquidator, as I understand, has authority, or you have authority, to make this arbitration.

M. LAMPRE. He has authority from the court.

Senator FOSTER of Louisiana. Under your law, does not his act require a homologation by the court?

M. LAMPRE. I understand your question, Senator. But that thing has been foreseen, and there is at the present time a judgment of the court giving the liquidator that very authority to enter upon that contract, agreement, with the new company, so that the thing is quite clear and certain now. He has got a special judgment, special authority and authorization from the court to enter upon a contract with us.

Senator FOSTER of Louisiana. To enter upon this arbitration?

M. LAMPRE. An arbitration contract, an agreement, under which we alone would have to deal with the United States.

Senator TURNER. What court is that?

M. LAMPRE. The French court.

Senator TURNER. What is the rank of the court? Is it a court of last resort or is its judgment subject to review by other courts?

M. LAMPRE. The first court.

Senator TURNER. A court of first instance?

M. LAMPRE. Exactly.

Senator TURNER. Then its judgment is subject to review if any stockholder wills to open it up?

M. LAMPRE. It might be; but I do not expect any trouble from that source.

Senator TURNER. Now, let me ask you this question: When you took this canal project over from the liquidator, was it a contract to complete the canal and operate it?

M. LAMPRE. Yes; that was the contract.

Senator TURNER. And to turn over to the old stockholders 60 per cent of the net proceeds?

M. LAMPRE. It was.

Senator TURNER. That was your contract?

M. LAMPRE. It was.

Senator TURNER. If the bonded indebtedness amounts to 800,000,000 francs or more, there would be none of this \$40,000,000 to turn over to the old stockholders at all, that being the first lien, of course?

M. LAMPRE. This is how the thing stands: The stockholders, as I said—

Senator TURNER. The stockholders would be out and injured?

M. LAMPRE. That is a matter for the liquidator to decide.

Senator TURNER. Would they have a standing in some court to come in and say that the liquidator had no authority to contract to turn over this property to a foreign government and cut them out from the possibility of any benefits whatever from the construction and operation of this canal?

M. LAMPRE. Well, you know any claim may always be set forth, but I am convinced—

Senator TURNER. Is it not quite likely that they would urge a claim of that kind?

M. LAMPRE. It might happen, but I am convinced there would be no difficulty about it at all under these conditions.

Senator TURNER. What right would any court have, in justice and equity, to cut these old stockholders out of any possibility of any benefit?

M. LAMPRE. The law itself, sir; because it is the law in France that when a corporation fails the first interests in that corporation to satisfy are the interests of the bondholders. The stockholders, who are only associates, who are debtors to the bondholders, have no right to get anything unless the bondholders are completely disinterested.

Senator TURNER. I understand that; but having failed, the liquidator, in the interest of the stockholders as well as the bondholders, made this contract with the new company. Now, what right has any court to say to that liquidator, "You may make a contract which will cut these stockholders off from any possibility of any benefits whatever?"

M. LAMPRE. The law itself.

Senator TURNER. Does the law give them that right absolutely?

M. LAMPRE. Yes.

Senator TURNER. Without any compensation or consideration to them whatever?

M. LAMPRE. Quite so.

The CHAIRMAN. Colombia, I learn from these papers, holds stock in the Panama Canal Company?

M. LAMPRE. Yes.

The CHAIRMAN. The old company and the new?

M. LAMPRE. Not the old company, the new company; and that is 50,000 shares, or 5,000,000 francs, as provided by extensions of the concession granted in the years 1890 and 1893, making the entire stock of the new company 65,000,000 francs.

The CHAIRMAN. It holds that in its own right as a government?

M. LAMPRE. Yes.

The CHAIRMAN. How is a French court, under this law you speak of, going to deal with Colombia and cut her off from a benefit in this canal?

M. LAMPRE. The court can not cut her off in the amount which we might obtain. In the amount which we might get from the United States, Colombia would have its proportion as a shareholder of the new company.

The CHAIRMAN. Can a French court decree that Colombia shall receive her share of this sale for \$40,000,000 after the bondholders are satisfied? Can it decree that she, as a stockholder, shall receive her share?

M. LAMPRE. I am afraid there is confusion there, Senator. We are speaking at the present time of the stock the Colombian Government owns in the new company.

The CHAIRMAN. Oh, either company.

M. LAMPRE. As concerns the new company, the same agreement, the same laws, binding all the stockholders, apply to the Colombian Government.

The CHAIRMAN. The question I want to get at is this. You seem to rely upon the power of the French court to confirm this sale that you make and to bind the liquidator, if he agrees to it, to an arbitration, and to bind the old stockholders through the liquidator. You seem to insist on that. Now, Colombia being a sovereign government and one of the stockholders of the old company, I want to know if a court of France can reach Colombia and compel her to abide by its decree?

M. LAMPRE. The court of France has nothing to do with the Colombian Government. Let me make myself clear on this subject. The Colombian Government being, as you know, a stockholder of our company, has at every meeting of the stockholders of our company a representative, who is to vote upon resolutions presented by the board of administration; and the Colombian Government has agreed, as a member of the meeting, to accept what we are about to do with the United States Government, if it is to be done. This has been passed upon by the representative of the Colombian Government in the stockholders' meeting.

The CHAIRMAN. Then, if I gather your idea correctly, the Colombian Government, because it is a stockholder in the Panama Canal Company, has given up her sovereign powers and has no other powers than those of any other stockholder?

M. LAMPRE. Its powers as a stockholder and the power derived from the concession.

The CHAIRMAN. And she is subject to the courts of France, to be disposed of as to her interests in this stock as if she were a citizen of France?

M. LAMPRE. I must insist on this point. We are not subject to the courts of France; and, moreover, the only authority that we have to apply to is the stockholders' meeting. The Colombian Government, being a stockholder and having a representative at the stockholders' meeting, has passed upon the resolution giving power to the company to negotiate a sale to the United States.

The CHAIRMAN. Now, you state that as being the action of the Colombian Government?

M. LAMPRE. I do.

The CHAIRMAN. Has that ever been communicated to the French Government?

M. LAMPRE. The French Government has nothing to do with it, sir.

The CHAIRMAN. That is a matter of opinion which I will determine for myself. Has it ever been communicated to the Government of the United States?

M. LAMPRE. I do not know about that. No; I think not.

The CHAIRMAN. So, whether Colombia is interested as a sovereign or as a stockholder in this transaction, the interest of Colombia and her dealings with it have not been communicated to the Government of France?

M. LAMPRE. Not to my knowledge; because in this business the Colombian Government is only a stockholder, and, of course, is entitled to the rights put forth in the concession and in the by-laws.

The CHAIRMAN. What is this arbitration that you propose to have? What is it to cover?

M. LAMPRE. The division of the amount we may get—only that.

The CHAIRMAN. Whatever that may be?

M. LAMPRE. Whatever it may be.

The CHAIRMAN. Did you say that the court had passed an order?

M. LAMPRE. Yes; the court has given authority to the liquidator, a special authority, besides the general powers that the liquidator derives from the law and from the judgment by which he has been appointed. It has given him special authority to resort to an arbitration court upon the division of the property.

The CHAIRMAN. Has there been a judicial proceeding in that court?

M. LAMPRE. Yes.

The CHAIRMAN. When was it had?

M. LAMPRE. August 2, 1901; last August; six months ago.

The CHAIRMAN. Was it based on the proposition to sell for \$40,000,000?

M. LAMPRE. No price was mentioned. It was based on the contemplated sale to the United States. The offer had not been made at the time.

The CHAIRMAN. The liquidator might arbitrate under the laws of France as to—

M. LAMPRE. As to the offer.

The CHAIRMAN. Let me put my question, please. The liquidator might arbitrate under the laws of France as to any amount of money that might be received under any trade or transaction with the United States out of the sale of this canal?

M. LAMPRE. That is the very thing.

The CHAIRMAN. That is the general order of the court?

M. LAMPRE. It is the special order.

The CHAIRMAN. Your proposition to sell for \$40,000,000 has not, I understand, been acted on by the court?

M. LAMPRE. No; it has been acted on by the stockholders' meeting and agreed upon, under a special decree of the court, by the liquidator.

The CHAIRMAN. So the liquidator, as you describe it and as I understand it, has general authority to arbitrate with the new company as to any amount of money that may be received from the United States on a sale of the property at any time?

M. LAMPRE. Exactly so.

The CHAIRMAN. And that was done when?

M. LAMPRE. The decree of the court giving special authority and general authority is dated August 2, 1901, and the agreement between the liquidator and our company under such authority is dated December 24 of last year, 1901, after authority having been given us by the stockholders' meeting to enter upon negotiations with the United States under the condition of the report of the Isthmian Canal Commission.

The CHAIRMAN. Who were the parties to that last agreement?

M. LAMPRE. The liquidator and our company.

The CHAIRMAN. What is the name of the liquidator?

M. LAMPRE. Monsieur Gautron.

The CHAIRMAN. Have you with you a copy of that agreement?

M. LAMPRE. I have it not with me, but I expect it to reach this country very soon. I guess it will come with the letter to Admiral Walker.

The CHAIRMAN. Now, if I understand these terms, it is that the liquidator will enter into an arbitration under the laws of France for the purpose of ascertaining the amount of money that is due out of the \$40,000,000, if received, to the stockholders whom he represents?

M. LAMPRE. Yes; the liquidation.

Senator MITCHELL. What tribunal, if any, is designated in the agreement as arbitrator?

The CHAIRMAN. Has this last agreement been assented to by any tribunal?

M. LAMPRE. The court has given authority to the liquidator.

The CHAIRMAN. No. Has this particular last agreement been assented to by any court?

M. LAMPRE. It has been assented to. Before it was made it was assented to.

The CHAIRMAN. It could not have been assented to before it was made.

M. LAMPRE. Yes, sir.

The CHAIRMAN. That is an impossibility.

M. LAMPRE. The terms of that decree are—

The CHAIRMAN. Since it has been signed?

M. LAMPRE. No; because there was no occasion for that, as the liquidator has received full authority.

Senator MITCHELL. I understood you to say that the court had authorized this agreement?

M. LAMPRE. It has.

The CHAIRMAN. That is your interpretation of it, but—

M. LAMPRE. It is a fact. I beg your pardon; it is quite a fact.

The CHAIRMAN. The authorization is based upon an entirely different set of facts.

M. LAMPRE. The court has given authority to the liquidator to enter into that particular agreement, and the liquidator has entered into this agreement.

The CHAIRMAN. To divide the \$40,000,000?

M. LAMPRE. To resort to an arbitration court as to the division of the amount, whatever it might be, that we might get from the United States.

The CHAIRMAN. And whenever it might be obtained?

M. LAMPRE. Whenever it might be obtained. There is no limitation.

The CHAIRMAN. The object of the Panama Canal Company, the new company, according to its by-laws, according to its charter, according to all of its professions here, was to build and complete that canal?

M. LAMPRE. It was.

The CHAIRMAN. Is that the present object?

M. LAMPRE. It is still the object; but, at the present time, the object is the sale or transfer to the United States. That is what we contemplate at the present time; but, this failing, of course the object of the company stands.

The CHAIRMAN. You know the internal workings of this company. When they set forth to form the new organization to build a lock canal instead of the old sea-level canal, was it or was it not the purpose of the company really to build a canal, or was it to make a show in regard to the property by which and through which they could sell it to somebody else?

M. LAMPRE. No, sir; the honest, clear, straightforward, and clean purpose was to build the canal.

The CHAIRMAN. This agreement, then, between the liquidator and the new company, and this judgment of the court transferring the property to them, was for that purpose, was it not?

M. LAMPRE. Yes; for that purpose.

The CHAIRMAN. Was there any purpose at that time, either expressed or implied or understood, that this new company was formed for the purpose of getting hold of that property to sell it to somebody else?

M. LAMPRE. No; the object of the company at that time was to complete the canal; but I must state that in the charters, or by-laws, as I would say, for private corporations it is always contemplated that at any time the corporation may sell out to anybody.

The CHAIRMAN. That is your judgment about it. I want to get at facts—just the square, naked facts.

M. LAMPRE. Will you please repeat the question?

The CHAIRMAN. We form our own judgment about what the facts amount to, and we try to do it properly and correctly. We have a right to our judgment upon the facts, not to accept yours absolutely.

M. LAMPRE. Oh, yes, I do not presume it.

The CHAIRMAN. Now, I want to know if it was the purpose of your company as you have stated it here.

M. LAMPRE. The purpose was to build the canal.

The CHAIRMAN. Have not these stockholders the right to say to the liquidator, "We have not put this property in your hands, and the court has not put it in your hands, for the purpose of traffic; but it has been put in your hands for the purpose of completing a great establishment, out of which we are to draw interest at 5 per cent upon these stocks from the date of their issue?"

M. LAMPRE. I understand the question thoroughly. But you see the liquidator is a party to the agreement which has been inserted in the by-laws. Moreover, the liquidator is a shareholder of the new company. Under these conditions, the liquidator acts upon the resolution passed by the stockholders' meeting. Moreover, there is no authority whatever which could prevent the stockholders' meeting to decide about what it can do. It is left exclusively and solely to the stockholders' meeting of the new company.

The CHAIRMAN. You will allow me to observe that on this side of the Atlantic universally the powers of a corporation are those that are expressed or necessarily implied in the law granting the privilege.

M. LAMPRE. Yes.

The CHAIRMAN. Now, if the powers are not found there, expressed or necessarily implied, they do not exist.

M. LAMPRE. I understand the thing, but you will find an express power.

The CHAIRMAN. I understand you to go upon the idea (if I am incorrect about it you can correct me) that under the power of this charter and by-laws your corporation has a right to do anything with this property that it is not prohibited from doing.

M. LAMPRE. That is it.

The CHAIRMAN. That is your view?

M. LAMPRE. That is the very thing. That is the law under which we act.

The CHAIRMAN. That is so strange to us that we shall be obliged to take some time to consider it before we come to that conclusion.

M. LAMPRE. It is quite a different thing, I understand, in the United States.

Senator MITCHELL. You understand that there was this difference in the law heretofore?

M. LAMPRE. Yes; I understand it.

The CHAIRMAN. So you claim now that you and your company have the right to sell this property to the United States because you are not prohibited from doing it?

M. LAMPRE. Exactly.

The CHAIRMAN. Under that charter?

M. LAMPRE. Exactly; and we have the right to do it (that is what we claim) without even the assent or interference of the liquidator of the old company; but, to make things quite clear, we have got this agreement with him.

The CHAIRMAN. Now, then, that brings up some other considerations.

Senator KITTREDGE. What is the name of the court that rendered the judgment and authorized the agreement you have mentioned?

M. LAMPRE. It is called the "Tribunal Civil de la Seine." It is the civil tribunal of the Seine Department. That is in Paris, of course.

Senator KITTREDGE. What is the name of the court to which an appeal might be taken from such a judgment?

M. LAMPRE. The court of appeals.

Senator KITTREDGE. Where will we find the law conferring jurisdiction upon those courts to act as they have acted in this matter?

M. LAMPRE. You will find it in the general expressions of the law of July 24, 1867.

Senator KITTREDGE. In what code?

M. LAMPRE. The Commercial Code. It is the duty of the court, whatever court it is, to act upon any question that concerns liquidation and a particular corporation.

Senator TURNER. What principle of law authorized that court to render a decree cutting the stockholders of the old company out of the benefits of your contract with this liquidator for their benefit?

M. LAMPRE. I do not get the question quite well, Senator.

Senator TURNER. You contracted, as a part of your charter, I understand you to say, that you would build this canal and operate it and pay the liquidator for the benefit of the old company 60 per cent?

M. LAMPRE. Yes.

Senator TURNER. Now, if you sell out to the United States, of course you can not carry out that obligation to the old company or to the stockholders of the old company.

M. LAMPRE. No. I understand.

Senator TURNER. And there will be nothing to go to them. This contract with the liquidator relieves you of the obligation for the benefit of the stockholders of the old company?

M. LAMPRE. Yes; but we shall have to let them share in the amount we may obtain.

Senator TURNER. Now, I want to know what principle of law of France would authorize the liquidator to make a contract which would cut the old stockholders out from the benefits of the provisions of that contract.

M. LAMPRE. The general principle under which receiverships are organized.

Senator TURNER. Your company is not in the hands of a receiver, is it?

M. LAMPRE. No.

Senator TURNER. It is still operating?

M. LAMPRE. Still operating.

Senator TURNER. It is still obligated to carry out this contract made for the benefit of its stockholders?

M. LAMPRE. Exactly.

Senator TURNER. What right has this liquidator to relieve it of its obligation to the old stockholders?

M. LAMPRE. I would like to make it clear that the stockholders' meeting of corporations in France is the only authority to decide this business. The court has nothing to do, I wish it to be understood, if possible, with what we, the standing corporation, do. That is the business of the stockholders' meeting.

Senator TURNER. The stockholders of this new company have no right to relieve the new company of this obligation to the stockholders of the old company? They can not by a mere vote relieve themselves from the obligation of their contract?

M. LAMPRE. I do not see that. They can, indeed.

Senator TURNER. You predicate their right upon the action of your stockholders, the stockholders of the new company?

M. LAMPRE. Yes.

Senator TURNER. To contract with the liquidator for the benefit of the stockholders of the old company?

M. LAMPRE. Yes.

Senator TURNER. Now, the action of the stockholders of the new company can not relieve that company from that obligation?

M. LAMPRE. I understand the question itself, but you see I stated in the course of this hearing that we are guided solely and only by our charter, and the charter does not forbid in any way that we should make a transfer or sale of our rights to anybody whatever.

Senator TURNER. But I understood you to say that your charter did contain this contract with the liquidator?

M. LAMPRE. It does contain it.

Senator TURNER. Under which you were to construct this canal and operate it?

M. LAMPRE. The liquidator has authority to relieve us from that contract, and he has agreed to what has been just passed upon.

Senator TURNER. What I ask you is what principle of law authorizes this liquidator to relieve you of the obligation for the benefit of the old stockholders without securing anything to them?

M. LAMPRE. That is the business of the court to decide, and the court has decided it.

The CHAIRMAN. I think you had better make that clear, because I do not believe the Congress of the United States will want to join your company in inflicting an act of absolute injustice upon these old stockholders.

M. LAMPRE. I am quite willing to make it clear, as much as I can.

Senator HANNA. At the meeting did the old stockholders take any part in this agreement?

M. LAMPRE. The liquidator was present.

Senator HANNA. By what authority?

M. LAMPRE. By authority of the judge appointing him and by authority of the law itself, as well as for the reason that he is a large shareholder of the new company.

Senator FOSTER of Louisiana. What I am trying to reach are the real true facts of this transaction and what obligations this Government would assume in the event that it should accept your proposition.

M. LAMPRE. Nothing but to pay the price agreed upon, sir.

Senator FOSTER of Louisiana. Your purchase of the rights and property of the old canal imposed upon you certain obligations. One of the obligations was to dig the canal, and the other was to pay 60 per cent of the benefits of the canal to the old company?

M. LAMPRE. Exactly so.

Senator FOSTER of Louisiana. Now, you propose to transfer all of your right, title, and interest to this Government?

M. LAMPRE. Yes.

Senator FOSTER of Louisiana. The general principle of law, as I understand it, is that this Government would then step into your position and assume your obligations. That, I believe, will be accepted as a general proposition of law.

M. LAMPRE. Yes; but—

Senator FOSTER of Louisiana. Now, how will your company relieve us of the obligation which you have assumed to the old stockholders? I understand that you say this will be done by an arbitration between your company and the liquidator, which arbitration will be finally acted upon and homologated by the court?

M. LAMPRE. I do not say that, sir. I beg your pardon. I say that at the present time we have full authority on the one part from our stockholders' meeting and on the other part from the liquidator, who is the representative of these interests we are speaking of in the old company, to deal directly, without any interference, with the United States Government and to sell our rights and property at any amount whatever. Moreover, the liquidator has agreed that the amount to be obtained from that sale would be divided according to the decision of an arbitration court which has been agreed upon. The names of the men have been agreed upon, and this is to be the only authority to decide as to what proportion is to be given to the liquidator and to our company.

The question of division, I must insist upon, has to my mind nothing to do with our dealings with the United States, and this agreement, covering the two, gives full power to the company to act as to the dealings with the United States. Second, the division of the amount to be obtained has been agreed upon by the court at the date of August 2, 1901, under a decree rendered by a court giving full authority to the liquidator to pass such an agreement.

Senator TURNER. Does that decree undertake to cut off the stockholders from pursuing your successor, as they would have a right to pursue you, to compel the performance of the contract by which you got title to the canal?

M. LAMPRE. I do not think that I understand the question. You mean about the 60 per cent?

Senator TURNER. No. Does that decree which you say authorized you to make this sale cut off—

M. LAMPRE. The rights of the liquidator?

Senator TURNER. The rights of the stockholders of the old company to insist that your company shall carry out the obligation which you undertook to carry out toward them? Does it specifically cut them off?

M. LAMPRE. It does not say so.

Senator TURNER. Then it is a question of judgment as to whether they would have a right not to be cut off if they should insist on it?

M. LAMPRE. You see, sir, our obligations were to give the liquidator 60 per cent out of the profits. We have no profits.

Senator TURNER. Your obligations were to construct the canal and give 60 per cent?

M. LAMPRE. Sixty per cent out of the profits when the canal would be completed; but in the present condition of affairs there is no profit to divide. There will be a fixed amount, whatever it may be, to be divided between the old company and ourselves; and that will be divided according to the decision of that arbitration court under the authority of the agreement passed between the liquidator of the old company and ourselves—an agreement passed under the authority of the court.

Senator FOSTER of Louisiana. Suppose a majority of the stockholders and a majority of the creditors should come into court and oppose the ratification or homologation by the court of the action of the liquidator in this matter?

M. LAMPRE. In my opinion the court would do away very soon with such a claim, having given the authority.

Senator FOSTER of Louisiana. The liquidator represents the—

M. LAMPRE. He represents the whole of the interest.

Senator FOSTER of Louisiana. Suppose the majority of the stockholders and the majority of the bondholders should come into court and say, "We think the liquidator has made a very bad bargain for us, and we oppose homologating the action of the liquidator," what would be the probable action of a judge in a case of that kind?

M. LAMPRE. In my opinion there would be no doubt as to the action of the

court. It would confirm purely and simply the decree authorizing the liquidator to pass out that agreement with us and to settle the whole business.

The CHAIRMAN. Without reference to its justice?

Senator FOSTER of Louisiana. Without reference to the justice, the fairness, of it?

M. LAMPRE. Of course the court thought it fair when it gave the authority to the liquidator.

Senator KITTREDGE. Were those stockholders and creditors given an opportunity to be heard at the time the court authorized the making of this agreement?

M. LAMPRE. No, sir; because the liquidator is the representative, and he has the power to act.

Senator KITTREDGE. Then the liquidator had notice of the application for authority to make this agreement?

M. LAMPRE. He himself applied for that authority. He was the man who applied for the authority in the capacity of liquidator of the old company, representing the interests involved in that company.

Senator MITCHELL. You stated a moment ago that the names of the arbitrators had already been selected. I should like to know how many there are and who they are.

M. LAMPRE. There are four of them, who are to appoint a fifth as president. The names are the highest legal authorities in the court. One of them—there are two for the company—is M. DuBuit.

Senator MITCHELL. It is stipulated in the agreement between the liquidator and the new company that the decision of this board shall be final?

M. LAMPRE. It is, and it is legal. It is the law in France of arbitration.

Senator MITCHELL. Does it require a majority or the whole of the board to determine?

M. LAMPRE. Oh, no; a majority.

Senator MITCHELL. There would be under your law a review of the decision they might make?

M. LAMPRE. No; because any parties resorting to arbitration in France are at liberty to state that they agree that the decision of the arbitration court is final, and without any appeal whatever, and so has it been done.

Answering to the question just put me, the names of the gentlemen are the highest legal authorities in France, and three of them have been presidents of the bar association in the court of appeals of Paris. These are the names: M. DuBuit and M. Léon Devin, arbitrators for the company; M. Limbourg and M. Thieblin, arbitrators for the liquidation of the old company; and the fifth is to be M. Betolaud.

The CHAIRMAN. I will now resume the examination, if the other members of the subcommittee are ready.

Senator FOSTER of Louisiana. Mr. Chairman, there is one question on this same line that I should like to ask.

The CHAIRMAN. Certainly.

Senator FOSTER of Louisiana. If I understand the law correctly, it is about this, that where parties agree to enter into an arbitration, that arbitration as between them is final.

M. LAMPRE. It is.

Senator FOSTER of Louisiana. But in order to have binding force it must be submitted to the court.

M. LAMPRE. No, sir; no; it is final between the parties.

Senator FOSTER of Louisiana. Where a liquidator is appointed?

M. LAMPRE. He has the authority to enter into that contract. He has it now. It has been given to him before he passed the agreement. He was entitled under a decree of the court to enter into an agreement to that effect.

Senator FOSTER of Louisiana. Have the arbitrators acted on this matter?

M. LAMPRE. Not yet; they can not act before we know what we may get.

The CHAIRMAN. The case has not been presented to them yet?

M. LAMPRE. Not yet, to my knowledge.

The CHAIRMAN. You have been speaking of the stockholders' meeting. I will take the last one. Who represented the stockholders of the old company at the last meeting?

M. LAMPRE. The liquidator, Mr. Gautron.

The CHAIRMAN. Is he recognized as being authorized to represent it?

M. LAMPRE. Oh, yes; it is in his powers. Moreover, he is a stockholder himself.

The CHAIRMAN. So the stockholders in the old company are stockholders in the new?

M. LAMPRE. Oh, no, sir; not at all.

The CHAIRMAN. How could they be there represented, unless they were stockholders?

M. LAMPRE. I do not get the question quite.

The CHAIRMAN. How could they be represented in the stockholders' meetings unless they were stockholders of the company?

M. LAMPRE. Oh, quite so. Mr. Gautron, as the liquidator of the old company, has subscribed in the stock of this company for the liquidation an amount, I believe, of 16,000,000 francs out of the 60,000,000 francs, and of course he appears at the stockholders' meeting not only as the representative of the old company but as shareholder in the new one.

The CHAIRMAN. Very good. He is a shareholder, then, for the benefit of the old stockholders?

M. LAMPRE. Yes.

The CHAIRMAN. So that they have in equity, to say the least of it, all of the rights of stockholders to be represented by their man, their liquidator?

M. LAMPRE. Yes; and they are represented by him.

The CHAIRMAN. Did they select the liquidator or did the court appoint him?

M. LAMPRE. The court appointed him.

The CHAIRMAN. The old stockholders had nothing to do with selecting him?

M. LAMPRE. No; nothing.

The CHAIRMAN. It was just taken into court and the court appointed a liquidator?

M. LAMPRE. Exactly.

The CHAIRMAN. And from that time forward he represents them and subscribes all their stock, no matter how much it amounts to?

M. LAMPRE. With the approval of the court.

The CHAIRMAN. I know; but he subscribes 16,000,000 francs out of the 60,000,000 francs, because he represents what on this side of the Atlantic we would call stockholders. On the other side I do not know what they are called.

M. LAMPRE. He is a stockholder because the liquidation is a stockholder.

The CHAIRMAN. Of course, as trustee for the stockholder.

M. LAMPRE. Oh, no; we have no such thing. It is quite different.

The CHAIRMAN. The stock does not belong to the liquidator?

M. LAMPRE. No; it belongs to the interests he represents—the liquidation.

The CHAIRMAN. Of course. I think we understand that. He is there merely as their agent to represent them?

M. LAMPRE. Quite so, sir.

The CHAIRMAN. At the same time he is the agent of the law?

M. LAMPRE. Quite so.

The CHAIRMAN. Authorized to do it?

M. LAMPRE. Quite so.

Senator TURNER. How much money has the new company put into this enterprise?

M. LAMPRE. At the present time?

Senator TURNER. Yes.

M. LAMPRE. I think I stated at the beginning of this hearing that as far as I can recollect at the present time about 16,000,000 francs are left from 60,000,000 francs originally subscribed.

The CHAIRMAN. I expect to examine M. Lampre on that point. Do you mean the stock?

Senator TURNER. How much money has the company actually expended in the enterprise?

M. LAMPRE. The difference between 60,000,000 francs and the 16,000,000 francs; that is to say, assuming my figures to be correct, we would have expended 44,000,000 francs.

Senator TURNER. That is eight or nine million dollars. If the new company are to get 40 per cent of the \$40,000,000, they would be making considerable money.

M. LAMPRE. I do not know what the percentage will be.

Senator TURNER. That is a matter for the arbitrators?

M. LAMPRE. That is so.

The CHAIRMAN. The Government of Colombia, as you stated, was one of the old stockholders?

M. LAMPRE. The Government of Colombia is a stockholder now.

The CHAIRMAN. Is she represented also by the liquidator?

M. LAMPRE. No; represented by a representative of the Colombian Government in the stockholders' meeting, appointed every time.

The CHAIRMAN. A director?

M. LAMPRE. Not a director; a diplomatic representative of Colombia.

The CHAIRMAN. Does he enter into the directors' meetings?

M. LAMPRE. There is one. There is a permanent representative of the Colombian Government at the meetings of the board, and he knew everything about what happened.

The CHAIRMAN. Does that representative enter into the stockholders' meeting?

M. LAMPRE. Yes; he does. He is present.

The CHAIRMAN. Is he living in France?

M. LAMPRE. He lives in Paris.

The CHAIRMAN. He is an agent appointed by the Colombian Government to represent them there, I suppose?

M. LAMPRE. Yes; and, moreover, at every stockholders' meeting the Colombian Government gives authority to this or to another representative to vote, to be present at the meeting, and to pass upon the resolutions.

The CHAIRMAN. Then, the Colombian Government being stockholder in the old company that we know has interests which are entirely separate and different from the balance of the stockholders of the old company—

M. LAMPRE. The Colombian Government is not a stockholder in the old company, but in the new.

The CHAIRMAN. You say the Colombian Government is not represented by the liquidator.

M. LAMPRE. No; not being a shareholder in the old company.

The CHAIRMAN. And the Colombian Government has this agent that you speak of to act with or be present at the meetings of the board of directors and managers?

M. LAMPRE. Yes.

The CHAIRMAN. Has that agent a voice in the management?

M. LAMPRE. No.

The CHAIRMAN. No voice?

M. LAMPRE. No voice.

The CHAIRMAN. Like one of our Delegates here from a Territory, he can come and take a seat, but can not vote?

M. LAMPRE. I beg pardon; he has, according to the commission, all the rights belonging to the directors themselves.

The CHAIRMAN. Does he participate in the direction of the company?

M. LAMPRE. No; he does not participate in the direction of the company, but he is present at all the meetings if he chooses.

The CHAIRMAN. Does he vote?

M. LAMPRE. He votes if he chooses to vote.

The CHAIRMAN. As a director?

M. LAMPRE. As a director.

The CHAIRMAN. Now, have you any authority besides that which this man represents in the canal, that you have just stated, from the Government of Colombia by which that Government is bound to this proposition to sell for \$40,000,000 and divide the proceeds by an arbitration?

M. LAMPRE. We have the authority of the Colombian minister here to enter upon negotiations with the United States.

The CHAIRMAN. You have?

M. LAMPRE. We have. That was given in May last.

The CHAIRMAN. Have you a copy of that authority?

M. LAMPRE. No, sir; but certainly it can be had.

The CHAIRMAN. Was it an authority to make a specific contract or was it a general authority to enter into any arrangement you pleased?

M. LAMPRE. A general authority.

The CHAIRMAN. The \$40,000,000 proposition has not been submitted to the Colombian Government?

M. LAMPRE. Not formally. I advised the Colombian minister here, but to my knowledge, unless it has been done from Paris, it is the only thing at the present time.

The CHAIRMAN. That is a matter between private gentlemen. That is not a governmental affair.

M. LAMPRE. No.

The CHAIRMAN. Now, I observe that your concession from the Colombian Government, and all the right it has ever granted, and all the amendments that have been granted to it have been by act of Congress of Colombia?

M. LAMPRE. Yes, sir.

The CHAIRMAN. The paper, the contract itself, was signed by the authorities of the Colombian Government?

M. LAMPRE. Yes, sir.

The CHAIRMAN. And then that contract was embodied in and made a public statute of Colombia?

M. LAMPRE. Yes, sir.

The CHAIRMAN. By an act of Congress?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Has the Colombian Congress given you any authority to proceed to make this arrangement with us now?

M. LAMPRE. None at all; we could not ask them for it.

The CHAIRMAN. What authority could you possibly have from the Colombian Government, unless it came from an act of Congress, when the act of Congress forbade you to do it?

M. LAMPRE. It is the authority given us by the Colombian minister under his Government's authority.

The CHAIRMAN. That is all the authority you have?

M. LAMPRE. That is all we have at the present time.

The CHAIRMAN. Have you a copy of that?

M. LAMPRE. I guess we have. It is printed in the report of the Commission.

The CHAIRMAN. That is all the governmental authority that you have from Colombia?

M. LAMPRE. At the present time.

The CHAIRMAN. That is as deep into the subject as Colombia has ever gone?

M. LAMPRE. Exactly; to my knowledge.

The CHAIRMAN. You have been before this Government from time to time with various propositions. I have here a message from the President of the United States which informs us of all of the communications that you have made up to this last one on the subject of this canal, sent to Congress by a message of the President, President McKinley, on the 20th day of February, 1900.

M. LAMPRE. Yes, sir.

The CHAIRMAN. You are aware of the contents of that first proposition, signed by M. Bonnardel and countersigned by you?

M. LAMPRE. I should like to hear the words again, if you please, or to peruse them.

The CHAIRMAN. It is quite an extensive document.

M. LAMPRE. As far as I recollect it was a proposal as to a partnership with the United States Government. Is not that the case?

The CHAIRMAN. No; you had not advanced to a partnership then. It is as follows:

"PARIS, November 13, 1898.

"To the PRESIDENT OF THE UNITED STATES.

"SIR: The New Panama Canal Company believes it to be its duty to respectfully submit the following statement:

"It is common knowledge that in 1889 the Compagnie Universelle du Canal Interocéanique de Panama, the old company, fell into financial difficulties after about one-third of the canal had been finished. The rights of that company then passed judicial administration. A liquidator (receiver) was appointed by the judgment of the civil tribunal of the Seine under date of the 4th of February, 1889. During his administration (1889-1894) and with the authorization of the court, the greatest care was taken to preserve and maintain the work already done."

I wish to call your attention to that—

"and a prolongation was obtained from the Republic of Colombia of the time stipulated for the completion of the canal, thus preserving the rights of the company under its concession in their entirety.

"In view of the advanced state of the work on the canal, and the considerable sum (at least \$150,000,000) actually expended for canal work properly so called, and for installations and plant, the logical conclusion followed that the very large capital invested would be protected through a reorganization of the affairs which took place successfully in the month of October, 1894. At that time and with this object in view the undersigned company was organized under the general laws of France. The company is a commercial association, formed exclusively upon private capital, and has no connection, alliance, or relation whatever with any government, except the relations established by the concessions which it holds from the Republic of Colombia. The board of directors of the company is an entirely new board, and composed of gentlemen of independent positions, having no official relation with the old Panama Company, and for the most part identified with large financial and commercial enterprises.

"Pursuant to judicial sale, authorized by the court as aforeaid, the undersigned company in 1894 became the sole owner of all the canal works, plant, material, concessions, and other property of the old company. The title of the undersigned to this property is therefore unquestionable, and has been officially recognized by the Government of Colombia.

"Surveys had been made by the old company, but the new company, while making use of them, would not be bound by their conclusions. The board of directors resolved at the start to examine and study anew all the questions involved, making use of the most recent improvements in material and of the advances made in engineering.

"It is needless for us to enumerate the difficulties and enormous expense involved in the choice of a definite plan for the execution of this work, which is one of the greatest undertakings of our time.

"Different plans, equally practicable but varying in probable cost, have been studied. Many months have been spent in preparing, studying, and revising them. This work has not been done hastily and superficially. Engineers chosen specially for their professional ability have studied the question in all its details—technical, climatic, physical, geologic, and economic.

"Though the skill of its own technical staff is worthy of the highest confidence, the undersigned company, out of abundant caution and in order to place beyond criticism the final conclusions, caused to be appointed an international technical commission, composed of engineers selected from different nationalities, a course which assures to the company the benefit of the widest possible experience, the severest judgment, and the most independent conclusions. The international technical commission is composed as follows"—

Giving the names of these gentlemen, among whom is General Abbot, United States Engineer Corps, the only American, except Mr. Sosa, who died. Mr. LAMPRE. I beg pardon; I believe there was another American, Mr. Fiteley, of New York.

The CHAIRMAN. Yes; I beg pardon. After the names the communication proceeds:

"As to all statistical and economic questions, the new company established a special commission, presided over by M. Paul Leroy-Beaulieu, the eminent economist and a member of the Institute of France.

"It is certain that the members of these two commissions are the most distinguished and able men in their professions. No one of them would compromise his reputation and his honor, acquired by a long life of eminent services, by formulating conclusions upon unfounded, incomplete, superficial, or uncertain information.

"By the closest study of the subject; by actual inspection of the works of the canal, made by several of its members; by full discussion, and by frequent exchange of views; by subjecting every problem to the critical judgment of all, thus obtaining the most varied opinions; by all the methods and with all the care which the most advanced technical experience could suggest, this eminent commission of engineers has reached a unanimous conclusion, which has been officially communicated to this company, and upon which this company is pursuing the work of construction. These conclusions, signed by every member of the commission, establish the entire feasibility and practicability of completing the canal.

"We do not doubt that you will be interested to learn the essential features of our plans, which have been prepared with so much labor and care and confirmed by four years of continuous study.

"1. The old company had already substituted for the proposed sea-level canal a system of locks."

I call your attention to the fact that you have abandoned the old sea-level canal.

"This principle, with important modifications and improvements, has been adopted by the new company.

"2. The length of the canal from ocean to ocean is 46 miles.

"3. The locks will not exceed four on each slope of the divide; all locks will have a rock foundation, and all will have double lock chambers.

"4. There is nothing in the physical conditions on the Isthmus to prevent a change from a canal with a system of locks to a sea-level canal should the latter seem desirable in the future.

"5. The time of passage from ocean to ocean will be less than a day.

"6. The harbors situated at either extremity (Panama and Colon) are not artificial harbors; they are natural harbors, safe and satisfactory, needing but slight improvement. This fact is known to all the world, thanks to commerce, which for almost fifty years has made use of the Panama route (the Panama Railroad).

"7. Two-fifths of the work on the canal has been actually constructed; the remaining three-fifths is in a fair way of completion. During the last four years three or four thousand workmen, on an average, have been employed in working on the canal.

"8. The company's concessions are unquestionable. The Republic of Colombia has given to the enterprise its cordial and sincere cooperation.

"9. The existence and operation of the railroad, long established on the proposed line of the canal, greatly facilitates its construction.

"10. No construction is planned which is not fully justified by practical experience.

"Formerly the greatest difficulties were:

"(a) The control of the floods of the Chagres River; and

"(b) The excavation of the Culebra Cut.

"The manner in which each of these difficulties is to be surmounted is shown with the greatest detail in the report of the technical commission, which we have the honor to present to you.

"The condition of the new company is equally satisfactory. Its assets, including the work actually done on the canal, the buildings, the machinery, the material on hand, exceed in value 500,000,000 francs, or \$100,000,000, which valuation has been made by a special commission, of which the former director of the National Academy of Roads and Bridges of France was chairman. The company has no mortgage or bonded indebtedness."

I suppose that means the new company?

M. LAMPRE. That is true; yes.

The CHAIRMAN (reading):

"The property is free from all incumbrance. The company has no other debts than monthly pay rolls. Its cash reserve is largely in excess of its actual needs.

"The undersigned company also invites your attention to the provisions of its concession, particularly articles 5 and 6, which reserve all rights to the Government of the United States secured by the treaty with the Republic of Colombia signed in 1846 and ratified in 1848.

"We have the honor to be, your obedient servants,

"J. BONNARDEL,

"The President of the Board of Directors.

"Certified by the secretary of the company.

"ED. LAMPRE."

It seems to be countersigned by you. Then Mr. Cromwell, who was the attorney, or so signs himself—

M. LAMPRE. He was the attorney.

The CHAIRMAN. Mr. Cromwell, counsel for the company, writes to Mr. Hay on the 28th day of November, 1898, and refers to an interview which Mr. Hay had accorded him last Friday, and says:

"By reason of the severe prevailing storm *La Touraine* was delayed in arrival until to-day, and we shall therefore not be able to translate the documents and prepare them for presentation before Wednesday."

That, of course, referred to the engineer's report?

M. LAMPRE. Yes, sir.

The CHAIRMAN. Then Mr. Cromwell telegraphs to Mr. Hay on the 5th day of December, 1898, as follows:

"Am writing you to-day concerning the cable from Consul-General Hart published Saturday. It is evident that the limited purpose and nature of the measure referred to is not fully reported from Bogota, and is given undue significance."

"That was a disturbance, of course, in the Government down there; such a one as is going on there now.

There are several other communications which I will have copied for insertion at this point. It is unnecessary that they should be referred to now particularly.

The letters referred to are as follows:

"NEW YORK, December 5, 1898.

"MY DEAR SIR: I beg leave to confirm the telegram which I sent you at 10.45 this morning, as per inclosure.

"Upon my return I learned through Director-General Hutin, who had preceded me to New York, that the measure which had just been acted on by one branch only of the Colombian Congress was a bill to authorize the executive to negotiate the terms of and to conclude a further prorogation of six years from 1904 for the completion of the canal, under a communication which the company had addressed to the Government in the form of which I inclose you a translation.

"You will note that the company specifically stated to the Government that the prorogation was not a matter of absolute necessity, but was desirable in the interests of commerce and navigation to enable an even deeper cut to be made (and which would reduce the number of locks to four, but which reduction would of course require more time than the plan adopted).

"You will note that the bill proposed to confer power upon the executive, and this happened to arise under extraordinary political conditions in Bogota. As you have probably been advised through official channels, a serious difference has recently been existing between the House of Representatives of Colombia and the President, the House having passed formal resolution declaring the office of President vacant and refusing to recognize the qualifications of the President before the supreme court.

"We therefore construe the action of the House of Representatives as only a part of the strife between the House and the President, and not a declaration of the policy of the nation or the Congress in respect of the Panama Canal, and as not evidencing hostility to the company itself. We are the more confirmed in this belief because of the uniform consideration and cordiality displayed by the Congress and the Government to the New Panama Canal Company, which we have no doubt their minister at Washington would fully confirm to you.

"Our company has not the least apprehension regarding any prorogation of its concessions it may consider necessary in the future.

"I have, etc., your obedient servant,

"WM. NELSON CROMWELL,

"Counsel New Panama Canal Company."

[Inclosure in letter of Mr. Cromwell to Mr. Hay, December 5, 1898.]

"To the Seigneurie, Dr. P. A. MOLINA,

"Minister of Finance of the Republic of Colombia, Bogota:

"Alexander Napoleon Mancini, representative to the Government of Colombia of the New Panama Canal Company, has the honor to reply to your excellency and to explain the following, viz:

"At the time of the prorogation accorded in 1898 there was in view the

completion of the canal in accordance with the plan as established by the technical commission, which plan determined the lowest level of the divide to be between 35 and 30 meters below the sea level.

"The studies made by the new company show that it will be of great advantage to make the cut deeper, and such work will naturally require a longer time.

"It is not necessary to call urgent attention to the fact that the Colombian Government itself has the greatest interest to facilitate the completion of the canal affording the best possible conditions for navigation and commerce.

"There is no doubt that the interests of Colombia are closely identified with those of the canal company and that the future of this nation depends in part upon the success of the works of the canal at Panama; and it is admitted that in order to provide in a very complete manner the increasing necessities of navigation and commerce it becomes doubly important to deepen the cut of the central mass below 25 meters. The plan of completion of the canal as prepared by the company, with the aid of its technical commission, suggests the idea to the canal management of deepening the cut to about 10 meters. Therefore the time of completion of the canal, which is at the end of 1904, becomes insufficient for the completion of said important work, and the company could not without serious risk of miscalculation affirm that the canal with such modification can be completed within the said time, and the company considers that it is proper to ask a prorogation of six years from 1904, so that it may complete the canal in the condition above mentioned.

"All that precedes is not of absolute necessity. The company can if necessary make the cut at 25 meters, for instance, as heretofore calculated, and in that case a further prorogation will not be absolutely necessary. But on the other hand, the company considers, as said above, that the deepening of the cut to about 10 meters will give much better results in respect to the operation of the canal.

"The Colombian Government can not fail to realize the importance of the purpose above explained and of the interest attached to a prorogation. Consequently, and in consideration of the considerable advantages which will inure to general commerce from the opening of the canal, the undersigned solicits, in the name of the New Panama Canal Company, a prorogation of six years for the completion of the canal, and is confident that the Government of the Republic will accord such extension of time under the best possible conditions.

"The company relies upon the kind cooperation of the Colombian Government, which has such great interest in the work, to facilitate the completion of such work.

"The undersigned does not need to recall to your excellency that during the past four years the company has constructed works of such great importance that they have attracted the attention and approbation of all competent people who have visited the Isthmus.

"I have, etc.,

"Representative of the New Panama Canal Company.

"BOGOTA, November 1, 1898."

"NEW YORK, December 21, 1898.

"MY DEAR SIR: Further to my letter of December 5, 1898, receipt of which was acknowledged by your favor of the 8th instant, I beg leave to say that we are advised by our counsel at Bogota that the official minutes of the session of the House of Representatives declares that the bill concerning the extension of the New Panama Canal Company has not been acted upon for lack of time. We, however, yesterday received further cable advising us that the Government had granted the extension subject to the approval of the next Congress, and I note from this morning's Herald that similar advices have been received by the press.

"It is the opinion of the Government executives and of ourselves that power to give such extension is already located in the Government by the terms of the original concession; but the formality of ratification will be requested in due course, and of its being granted we have not the remotest apprehension.

"You will thus see that my confidence in the attitude of Colombia, as indicated in my last note, has been fully and quickly confirmed.

"Faithfully, yours,

"WM. NELSON CROMWELL,
General Counsel New Panama Canal Company."

"NEW YORK, December 21, 1898.

"SIR: In addition to the certified copy of the official report of the International Technical Commission, which I had the honor of delivering to you on the 2d instant as a part of the communication of the company addressed to the President under date of November 18, 1898, I now have the honor of handing you a copy of an additional report made November 19, 1898, by Messrs. Zurcher and Bertrand, eminent engineers of France, upon the cut of the Culebra and the Emperor mountains.

"The report of the International Technical Commission, as well as the inclosure, being part of our official communication to the President, are for your official files and use. I merely mention this that you may not courteously consider them confidential.

"I have the honor, etc.,

"M. HUTIN,
Director-General of the New Panama Canal Company."

APPENDIX C.

Mr. Hutin and Messrs. Sullivan & Cromwell to the President.

NEW YORK, February 28, 1899.

SIR: 1. The New Panama Canal Company has never proposed and does not seek any appropriation of financial aid from the Government of the United States in the completion of its canal.

2. It places its canal works on the Isthmus of Panama subject to the examination of this Government or any special commission through whom it may be desired to make such examination, and will facilitate in every possible way any such desire of the Government.

3. The Government will find that fully two-fifths of the canal works are already constructed; that continuously during the past four years from 3,000 to 4,000 men, under a large force of engineers, have been and are now actually engaged upon its works; that all technical and physical problems have been solved by the eminent "International Engineering Commission," whose report of November 18 last is before you; that the canal is undoubtedly feasible and the harbors at both ends natural harbors and entirely satisfactory; that its concessions are perfect and unquestioned, and that the relations of the United States to the canal are especial and superior by reason of the "special and remarkable advantages" secured to it by the treaty of 1846 between the United States and Colombia, and which rights, whatever they may be, were scrupulously respected, observed, and confirmed in the concessions of Colombia to the Panama Canal Company, under which the canal is being completed.

4. While the New Panama Canal Company does not seek any financial aid from the Government, it recognizes the national sentiment in favor of acquir-

ing some pecuniary interest in any canal connecting the Atlantic and Pacific oceans. Therefore the New Panama Canal Company declares that if, as the result of any such investigation, the Government of the United States adopts the Panama route, the company, if the Government so desires, will reincorporate under the laws of the State of New York (under the laws of which State the Panama Railroad Company has existed for nearly fifty years) or of some other State of the Union, subject to the provisions of its concession, and vest its concessions and property in such corporation. It will also in such event accord to the United States such representation in its board of directors, and such opportunity to acquire an interest in its securities, as may be permitted by its concessions, which, of course, must be scrupulously observed.

And further, if the United States should desire to perpetuate or enlarge its existing rights and privileges, acquired under said treaty of 1846, the company will conform to such supplemental treaty as may be entered into between the United States and Colombia.

We beg leave to say that yesterday, at a public hearing accorded us by the Committee on Rivers and Harbors of the House of Representatives, we submitted to the chairman and gentlemen of that committee a communication to the foregoing purport, and have the honor to be,

Your obedient servants,

MAURICE HUTIN,
Director-General of the New Panama Canal Company.
SULLIVAN & CROMWELL,
General Counsel, New York City.

Mr. Hutin to the President.

COMPAGNIE NOUVELLE DU CANAL DE PANAMA,
45 Wall street, New York City, March 11, 1899.

To the PRESIDENT:

Referring to the act of Congress approved on the 4th instant respecting an investigation of the Panama and Nicaragua canals, the New Panama Canal Company, as one of the subjects of the inquiry, respectfully invites attention to its communication addressed to you December 2, 1898, and to its subsequent offers to the honorable Secretary of State, and, finally, to its official proposition of February 27 last, all of which contain the proffer and urgent invitation that the President or Congress make the fullest investigation of the canal works, plans, seven concessions, and status of the New Panama Company; and it also refers to the official report upon the canal made by the International Technical Commission November 16, 1898, and placed in your hands by us on December 2 last.

The said act of Congress is therefore in full accord with our repeated offers and our warmest desires.

We again most respectfully renew our proffer of the fullest investigation and our offer of all the facilities to that end. But the subject is of such transcendent consequence to the United States, to the people of the world as well as to ourselves, that we venture, with due respect, to submit this our petition that any commission designated to aid you in making the investigation and comparison contemplated by the act of Congress be composed of gentlemen of the widest experience, of exceptional character and unquestionable professional standing, and who are not embarrassed by public commitments or previous records favorable or unfavorable to either one or the other project, and who have not heretofore served upon any canal commission.

The New Panama Canal Company does not present or suggest any name for membership of any commission. Its only petition is that the selection be of gentlemen whose conclusion will at once command public confidence, fully relying upon its ability to satisfy fair and impartial investigation of the merits of its canal.

THE NEW PANAMA CANAL COMPANY,
By MAURICE HUTIN, Director-General.
SULLIVAN & CROMWELL, General Counsel.

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. 540) providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois; and

A bill (S. 2795) to amend an act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892.

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. 10418) to ratify and amend an agreement with the Sioux tribe of Indians, of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect; and

A bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being the resolution submitted by the Senator from Georgia [Mr. BACON], which will be stated.

The SECRETARY. Senate resolution No. 82, by Mr. BACON, favoring the negotiation by the President of a treaty with Colombia for the adjustment of all differences between the United States and that country growing out of the recent revolution in Panama.

Mr. FAIRBANKS. Mr. President, I had intended earlier in the day to address the Senate upon the Panama question, but the hour is so far advanced that I shall defer my remarks until tomorrow or some other more convenient occasion.

Mr. CULLOM. Does the Senator desire to retain the floor for that purpose?

Mr. FAIRBANKS. I do not particularly desire to do so. I have no doubt I can arrange to get the floor in the morning. If there is any question about that, however, I will take it now.

Mr. CULLOM. I was going to suggest that there are several

Senators who desire to speak to-morrow, and I should have been glad if the Senator could have gone on this evening.

Mr. FAIRBANKS. Then I will take the floor now, and submit what I desire to say to-morrow.

The PRESIDENT pro tempore. The resolution of the Senator from Georgia [Mr. BACON] is the unfinished business, and would not come up until 2 o'clock; but by request it can be taken up immediately after the routine morning business.

Mr. FAIRBANKS. Then I will say that to-morrow, after the routine morning business, I shall take the floor.

MISSISSIPPI RIVER DAM AT SAUK RAPIDS, MINN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 2818) permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.

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

The first amendment was, on page 2, in section 1, line 16, after the words "That the," to insert "dam shall be so constructed that the;" in line 18, after the word "connection," to strike out the words "with said dam" and insert "therewith;" and on page 3, line 2, after the word "navigation," to insert "And provided further, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by the Sauk Rapids Water Power Company, its successors or assigns;" so as to make the section read:

That the consent of Congress is hereby granted to the Sauk Rapids Water Power Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, to build a dam across the Mississippi River at or near the Sauk Rapids, so called, in said river, and at or near the village of Sauk Rapids, Benton County, Minn., for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said Sauk Rapids Water Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by the Sauk Rapids Water Power Company, its successors or assigns.

The amendment was agreed to.

The next amendment was, on page 3, section 2, line 11, after the name "United States," to insert:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same.

So as to make the section read:

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota, and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same.

The amendment was agreed to.

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

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

NEBRASKA SENATORIAL INVESTIGATION.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee appointed to inquire into certain charges affecting the Hon. CHARLES H. DIETRICH, a Senator from the State of Nebraska, be authorized to employ a clerk and stenographer and, by themselves or any subcommittee of their number, to sit during the sessions of the Senate, to send for persons and papers, and to administer oaths.

HOUSE BILLS REFERRED.

The bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South

Dakota, and making appropriation and provision to carry the same into effect, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

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 one hour spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 2, 1904, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1904.

CONSULS.

John Fowler, of Massachusetts, now consul at that place, to be consul-general of the United States at Chefoo, China.

John Todd Hill, of Connecticut, to be consul of the United States at San Juan del Norte, Nicaragua, vice Alfred L. M. Gottschalk appointed consul at Callao, Peru.

SECRETARY OF LEGATION.

William W. Russell, of Maryland, now secretary of the legation at Caracas, Venezuela, to be secretary of the legation of the United States at Panama, Panama, to fill an original vacancy.

MARSHAL.

Charles Lewiston, of Wisconsin, to be United States marshal for the western district of Wisconsin. A reappointment, his term expiring February 3, 1904.

RECEIVER OF PUBLIC MONEYS.

A. A. Gillis, of Walla Walla, Wash., vice Yancey C. Blalock, resigned.

PROMOTION IN THE NAVY.

Chaplain William T. Helms to have the rank of commander in the Navy from the 1st day of October, 1903, vice Chaplain Arthur O. Sykes, resigned.

POSTMASTERS.

CALIFORNIA.

Leonard S. Calkins to be postmaster at Nevada City, in the county of Nevada and State of California, in place of Leonard S. Calkins. Incumbent's commission expires February 5, 1904.

GEORGIA.

Mattie H. Hanson to be postmaster at Forsyth, in the county of Monroe and State of Georgia, in place of Mattie H. Hanson. Incumbent's commission expires February 12, 1904.

Hugh M. Pierce to be postmaster at Moultrie, in the county of Colquitt and State of Georgia, in place of Hugh M. Pierce. Incumbent's commission expires February 12, 1904.

ILLINOIS.

James F. Crawford to be postmaster at Warsaw, in the county of Hancock and State of Illinois, in place of James F. Crawford. Incumbent's commission expired January 10, 1902.

MISSOURI.

Henry J. Crider to be postmaster at Maitland, in the county of Holt and State of Missouri, in place of Henry J. Crider. Incumbent's commission expired January 23, 1904.

John P. Rankin to be postmaster at Higbee, in the county of Randolph and State of Missouri. Office became Presidential January 1, 1904.

Edward Myers to be postmaster at Appleton City, in the county of St. Clair and State of Missouri, in place of John A. Gilbreath, resigned.

NEW YORK.

John M. Brown to be postmaster at Port Jefferson, in the county of Suffolk and State of New York, in place of John M. Brown. Incumbent's commission expires February 2, 1904.

William S. McLaughlin to be postmaster at Avon, in the county of Livingston and State of New York, in place of William S. McLaughlin. Incumbent's commission expires February 2, 1904.

Owel H. Willard to be postmaster at Randolph, in the county of Cattaraugus and State of New York, in place of Owel H. Willard. Incumbent's commission expires February 2, 1904.

OHIO.

Charles E. Frame to be postmaster at West Union, in the county of Adams and State of Ohio. Office became Presidential January 1, 1904.

WISCONSIN.

Walter C. Crocker to be postmaster at Spooner, in the county of Washburn and State of Wisconsin, in place of Anah Crocker, resigned.

CONFIRMATIONS.

Executive nomination confirmed by the Senate January 29, 1904.

POSTMASTER.

MAINE.

George R. Foster, to be postmaster at Lisbon Falls, in the county of Androscoggin and State of Maine.

Executive nominations confirmed by the Senate February 1, 1904.

RECEIVER OF PUBLIC MONEYS.

Miss Martha C. Brown, of Colorado, to be receiver of public moneys at Gunnison, Colo.

COLLECTORS OF CUSTOMS.

George F. Bartlett, of Massachusetts, to be collector of customs for the district of New Bedford, in the State of Massachusetts.

James Brady, of Massachusetts, to be collector of customs for the district of Fall River, in the State of Massachusetts.

Obed G. Smith, of Massachusetts, to be collector of customs for the district of Nantucket, in the State of Massachusetts.

POSTMASTERS.

CALIFORNIA.

J. E. Olmsted to be postmaster at Petaluma, in the county of Sonoma and State of California.

Lucetta Wood to be postmaster at Point Richmond, in the county of Contra Costa and State of California.

IDAHO.

Francis Ball to be postmaster at Pocatello, in the county of Bannock and State of Idaho.

John Larson to be postmaster at Hope, in the county of Kootenai and State of Idaho.

KANSAS.

Henry S. Mueller to be postmaster at Sedgwick, in the county of Harvey and State of Kansas.

MONTANA.

James W. Wedum to be postmaster at Glasgow, in the county of Valley and State of Montana.

NEW HAMPSHIRE.

Frank S. Huckins to be postmaster at Ashland, in the county of Grafton and State of New Hampshire.

NORTH CAROLINA.

Samuel M. Jones to be postmaster at Sanford, in the county of Moore and State of North Carolina.

William P. King to be postmaster at Windsor, in the county of Bertie and State of North Carolina.

OHIO.

Lee L. Cassady to be postmaster at Dresden, in the county of Muskingum and State of Ohio.

John C. Douglass to be postmaster at College Corner, in the county of Butler and State of Ohio.

PENNSYLVANIA.

C. V. L. McMinn to be postmaster at Newberry, in the county of Lycoming and State of Pennsylvania.

SOUTH CAROLINA.

Elizabeth L. Bampfield to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina.

Edgar E. Poag to be postmaster at Rockhill, in the county of York and State of South Carolina.

SOUTH DAKOTA.

Abram E. Van Camp to be postmaster at Highmore, in the county of Hyde and State of South Dakota.

EXTRADITION WITH THE NETHERLANDS.

The injunction of secrecy was removed February 1, 1904, from a treaty signed on January 18, 1904, between the United States and the Kingdom of the Netherlands, extending the extradition convention of June 3, 1887, between the two countries to their respective island possessions and colonies.

HOUSE OF REPRESENTATIVES.

MONDAY, February 1, 1904.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

SIOUX TRIBE OF INDIANS, SOUTH DAKOTA.

Mr. BURKE. Mr. Speaker, upon Saturday when the House adjourned the bill H. R. 10418 was before the House for consideration and the motion for the previous question was pending.

The SPEAKER. The gentleman from South Dakota asks the previous question.

PERSONAL PRIVILEGE.

Mr. BAKER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BAKER. I have here, Mr. Speaker, a copy of the Washington Post of this day, giving what purports to be a statement of the action of this House in which I was concerned two days ago.

Mr. BURKE. Mr. Speaker, I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BURKE. I desire to inquire if, upon motion for the previous question, it is in order for the gentleman to raise the question of personal privilege?

Mr. UNDERWOOD. Mr. Speaker, the gentleman from New York was on his feet demanding recognition of the Chair, and had announced to the House that he raised the question of personal privilege when the gentleman rose and made his motion.

The SPEAKER. The Chair will state that the gentleman from New York did at one time get upon his feet for a question of personal privilege, but the gentleman from Minnesota had already been recognized for a question of privilege, and he could not take the gentleman from Minnesota off his feet. Then the gentleman from South Dakota, before the gentleman from New York addressed the Chair again, moved the previous question. But it may or may not be that this is such a question as would be in order at this time. The Chair can not determine until he hears what it is.

Mr. BAKER. Mr. Speaker, I understand that the gentleman from South Dakota did not raise the question of personal privilege.

The SPEAKER. That is unnecessary to discuss now.

Mr. BAKER. This article in the Post, Mr. Speaker, contains several misstatements of fact. I desire to have my position made clear upon the matter.

The SPEAKER. Does it affect the gentleman's standing as a Member of the House or his condition as a Member of the House?

Mr. BAKER. It does.

The SPEAKER. The gentleman's rights or reputation?

Mr. BAKER. My reputation, Mr. Speaker. I desire to have the Clerk read the article.

The Clerk read as follows:

Republican Members of the House will now be able to sleep o' nights. Representative BAKER, of New York, no longer will haunt their dreams. His anger has been placated and his ferocity has subsided. He has withdrawn his threat that no Republican Member shall have unanimous consent to extend in the RECORD remarks begun on the floor of the House.

A week or so ago Mr. BAKER wanted to make a speech, but the man in charge of the Democratic time could not give him as many minutes as he required. When the allotted minutes were exhausted, he asked unanimous consent to extend his remarks in the RECORD. Some one on the Republican side objected. This aroused Mr. BAKER's ire, and he served public notice that henceforth he would object whenever a member on the Republican side asked unanimous consent to extend remarks.

But Saturday Mr. BAKER made another speech, and again found himself short of time. He asked unanimous consent to extend his remarks, and no objection was offered. The embargo on extended Republican speeches, therefore, is lifted.

Mr. PAYNE. Mr. Speaker, I make the point of order that that is not a question of privilege.

The SPEAKER. The Chair thinks it is hardly a question of personal privilege.

Mr. BAKER. Mr. Speaker, the RECORD distinctly shows that I did not use the word "Republican."

Mr. PAYNE. Mr. Speaker, I call for the regular order.

SIOUX TRIBE OF INDIANS, SOUTH DAKOTA.

The SPEAKER. The gentleman demands the regular order. The regular order is the motion for the previous question demanded by the gentleman from South Dakota.

The previous question was ordered.

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

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