

By Mr. GIBSON: Papers to accompany bill granting an increase of pension to James P. Fancher—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolution of J. Lewis Post, No. 560, Grand Army of the Republic, Wilksville, Ohio, against the placing of statue of Gen. R. E. Lee in Statuary Hall—to the Committee on the Library.

Also, papers to accompany House bill granting an increase of pension to August Graf—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Papers to accompany bill for the relief of Pottawatomie Indians of Michigan—to the Committee on Indian Affairs.

Also, resolution of L. C. Woodman Post, No. 196, of Lawton, and Hill Post, No. 159, of Middleville, Mich., Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of business men of Dowagiac, Mich., protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAY: Papers to accompany bill for the relief of Mary E. Collier—to the Committee on War Claims.

By Mr. HEMENWAY: Papers to accompany House bill to increase pension of James McFarland—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Resolutions of Kearney-Janeway Post, No. 15, of New Brunswick, and Elwood Arnold Post, No. 87, Grand Army of the Republic, New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of residents of Mason County, Ky., in favor of bill H. R. 4072—to the Committee on the Judiciary.

By Mr. KETCHAM: Petition of Poughkeepsie Foundry and Machine Company, against passage of bills H. R. 89, 1234, 4063, and 8136—to the Committee on the Judiciary.

Also, petition of C. A. Van Deusen, of Hudson, N. Y., protesting against passage of bills H. R. 89, 1234, 4063, and 8136—to the Committee on the Judiciary.

By Mr. LACEY: Resolution of Gordon Granger Post, No. 64, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: Papers to accompany bill to correct military record of V. B. Gatewood—to the Committee on Military Affairs.

Also, papers to accompany bill to correct military record of Charles Branstetter—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 5580, granting a pension to Celia C. Owen—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10537, correcting military record of Richard H. Welch—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 4604, granting a pension to Christian Kloeppel—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 10062, granting increase of pension to Oscar Murray—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolutions of Fred A. Norwood Post, No. 146, and Weld Sargent Post, No. 92, Grand Army of the Republic, Department of Maine, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MAHON: Resolution of H. D. H. Wilson Post, No. 134, Grand Army of the Republic, Mifflintown, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Morgan Huff and 20 others, of Dudley, Pa., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany House bill granting increase of pension to Andrew Jarvis—to the Committee on Invalid Pensions.

By Mr. MINOR: Resolution of George D. Eggleston Post, No. 133, Grand Army of the Republic, Appleton, Wis., in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of Marinette (Wis.) Good Roads Association, favoring amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Marinette (Wis.) General Improvement Association, favoring certain amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Resolutions of Robert Chivas Post, No. 2, and Rank and File Post, No. 240, Grand Army of the Republic, of Milwaukee, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany House bill granting an increase of pension to Joseph Weems—to the Committee on Invalid Pensions.

By Mr. PORTER: Resolution of Colonel James C. Hull Post.

No. 157, Grand Army of the Republic, Pittsburg, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Weil Bros. & Co., of Fort Wayne, Ind., in favor of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Papers to accompany bill H. R. 10331, granting an increase of pension to Christopher O'Hara—to the Committee on Invalid Pensions.

By Mr. SIMS: Papers to accompany claim of Mrs. M. A. Doak, administratrix—to the Committee on War Claims.

By Mr. SNOOK: Resolution of Joy Post, No. 152, Grand Army of the Republic, of Pioneer, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Paper to accompany bill for the relief of the heirs of John D. Martin—to the Committee on War Claims.

By Mr. TALBOTT: Paper to accompany bill granting an honorable discharge to Frederick Gray—to the Committee on Military Affairs.

By Mr. WATSON: Papers to accompany bill H. R. 10402, for the relief of Robert G. Carter, United States Army (retired)—to the Committee on Military Affairs.

## SENATE.

MONDAY, January 25, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

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

The PRESIDENT pro tempore. The Journal will stand approved.

### RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 17th ultimo, a statement as to the quarters and buildings rented by the Department of State in the District of Columbia and the various States and Territories, and the annual rental in each case; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

### AMERICAN NATIONAL INSTITUTE AT PARIS, FRANCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from Miss Mathilda Smedley, relative to the incorporation of the American National Institute (Prix de Paris) at Paris, France; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

### FEDERAL BUILDING AT LOS ANGELES, CAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that an additional appropriation be made for the acquisition of land for the enlargement of the Federal building and site at Los Angeles, Cal.; which was referred to the Committee on Appropriations, and ordered to be printed.

### SEÑOR ALFONSO ZELAYA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in compliance with the request of the Government of Nicaragua, through its minister at Washington, and with the consent of the Secretary of War, a draft of a resolution authorizing the Secretary of War to receive Señor Alfonso Zelaya, son of the President of Nicaragua, as a student at the Military Academy at West Point at the expense of the Government of Nicaragua; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

### THEATERS, ETC., IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 5th instant, information relative to the condition of all theaters and places of public entertainment in the District of Columbia, etc.; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

### JANITOR FOR SUBTREASURY, ST. LOUIS, MO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the assistant treasurer at St. Louis, Mo., requesting that an additional male janitor be provided for that office at a compensation of \$600 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## DIVISION OF CUSTOMS, TREASURY DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Assistant Secretary of the Treasury relative to the services of three additional clerks at \$1,200 each in the division of customs, Treasury Department, in lieu of three clerks at \$900 each; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## EXAMINER FOR AUDITOR FOR STATE AND OTHER DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Auditor for the State and other Departments, requesting that provision be made for one examiner in the office of the Auditor at a salary of \$2,000 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## JOURNALS OF LEGISLATIVE ASSEMBLY OF ARIZONA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the journals of the twenty-second legislative assembly of the Territory of Arizona for the year 1903; which, with the accompanying paper, was referred to the Committee on Territories.

## 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 with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 200) granting an increase of pension to Austin Almy;  
A bill (S. 1334) granting a pension to Amy C. Bosworth; and  
A bill (S. 1760) granting a pension to Ann A. Devore.

The message also announced that the House had passed the concurrent resolution providing for the printing of 15,000 copies of the statement of the trustees of the Louisiana Purchase Exposition Company from the date of incorporation to the year 1903, with an amendment; in which it requested the concurrence of the Senate.

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

A bill (H. R. 134) granting a pension to Wilhelmina Miller;  
A bill (H. R. 138) granting an increase of pension to Henry Hale;

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

A bill (H. R. 195) granting a pension to Michael Landy;  
A bill (H. R. 198) granting an increase of pension to Emmett Cole;

A bill (H. R. 219) granting a pension to Minerva J. Burton;  
A bill (H. R. 249) granting an increase of pension to Mollie J. Mitchell;

A bill (H. R. 475) granting a pension to Alfred C. Isachsen;  
A bill (H. R. 529) granting a pension to Emma H. Higley;  
A bill (H. R. 610) granting an increase of pension to Samuel Alexander;

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

A bill (H. R. 681) granting an increase of pension to Ella P. Kersteter;

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

A bill (H. R. 703) granting an increase of pension to Robert P. Baker;

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

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

A bill (H. R. 754) granting a pension to John M. Lawton;  
A bill (H. R. 812) granting an increase of pension to Charles F. Emery;

A bill (H. R. 865) granting an increase of pension to Charles C. Chase;

A bill (H. R. 937) granting an increase of pension to Mark A. Shelton;

A bill (H. R. 1156) granting an increase of pension to John Pan-gratz;

A bill (H. R. 1294) granting an increase of pension to William McBrien;

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

A bill (H. R. 1330) granting a pension to Samuel W. Searles;  
A bill (H. R. 1487) granting an increase of pension to Dexter T. Drake;

A bill (H. R. 1497) granting an increase of pension to Dana Cook;

A bill (H. R. 1855) granting a pension to Harriett B. Riley;  
A bill (H. R. 1859) granting an increase of pension to Patrick Cannon;

A bill (H. R. 1883) granting a pension to Harriet A. Cook;  
A bill (H. R. 1906) granting an increase of pension to George W. Blanchard;

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

A bill (H. R. 2040) granting a pension to James Anderson;  
A bill (H. R. 2111) granting an increase of pension to Henry D. Towsley;

A bill (H. R. 2123) granting a pension to Orlo H. Lyon;  
A bill (H. R. 2183) granting an increase of pension to Joseph A. Soule;

A bill (H. R. 2194) granting a pension to Mary Dewire;  
A bill (H. R. 2427) granting a pension to Cynthia Thomas;  
A bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin;

A bill (H. R. 2533) granting an increase of pension to George Wintz;

A bill (H. R. 2809) granting an increase of pension to John Watt;  
A bill (H. R. 2822) granting an increase of pension to Louisa Phillips;

A bill (H. R. 2852) granting an increase of pension to Abraham J. Yeomans;

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

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

A bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman;

A bill (H. R. 2923) granting an increase of pension to John G. Fairchild;

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

A bill (H. R. 3032) granting an increase of pension to William Pettenger;

A bill (H. R. 3037) granting a pension to William Bieber;  
A bill (H. R. 3172) granting an increase of pension to Robert E. Pogue;

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

A bill (H. R. 3258) granting a pension to Mary E. Pennock;  
A bill (H. R. 3299) granting a pension to Medie M. Flanders;

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

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

A bill (H. R. 3367) granting an increase of pension to George W. Kerby;

A bill (H. R. 3407) granting an increase of pension to Frank Lewis;

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

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

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

A bill (H. R. 3616) granting an increase of pension to James W. Davis;

A bill (H. R. 3617) granting an increase of pension to Charles M. Everett;

A bill (H. R. 3665) granting an increase of pension to Henry C. Jones;

A bill (H. R. 3815) granting an increase of pension to Hester E. Mooney;

A bill (H. R. 3836) granting an increase of pension to David H. Thompson;

A bill (H. R. 4031) granting an increase of pension to Samuel R. Wasson;

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

A bill (H. R. 4114) granting an increase of pension to Robert S. Carns;

A bill (H. R. 4136) granting an increase of pension to Caleb Arnett;

A bill (H. R. 4157) granting an increase of pension to Adam Kohlhauff;

A bill (H. R. 4251) granting an increase of pension to Joseph Hinkle;

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

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

A bill (H. R. 4325) granting an increase of pension to John A. Sills;



A bill (H. R. 4365) granting a pension to Barney L. Brookins;  
 A bill (H. R. 4457) granting an increase of pension to Mary E. Meldrum;  
 A bill (H. R. 4526) granting an increase of pension to William J. Shephard;  
 A bill (H. R. 4578) granting a pension to Catharine M. McClanahan;  
 A bill (H. R. 4759) granting an increase of pension to David P. McDonald;  
 A bill (H. R. 4887) granting an increase of pension to George N. Thorpe;  
 A bill (H. R. 4915) granting an increase of pension to James W. Hibbert;  
 A bill (H. R. 4937) granting an increase of pension to Emily Conklin;  
 A bill (H. R. 4946) granting a pension to James F. Wheeler;  
 A bill (H. R. 4987) granting an increase of pension to William Y. M. Wilkerson;  
 A bill (H. R. 5179) granting a pension to Joseph J. Murray;  
 A bill (H. R. 5199) granting an increase of pension to Emma M. Johnson;  
 A bill (H. R. 5367) granting an increase of pension to Franklin Moore;  
 A bill (H. R. 5372) granting a pension to Mariah Kuechler;  
 A bill (H. R. 5391) granting an increase of pension to James Keleher;  
 A bill (H. R. 5471) granting an increase of pension to A. Marion Gamble;  
 A bill (H. R. 5534) granting an increase of pension to Adaline Shaw Lovejoy;  
 A bill (H. R. 5538) granting a pension to Jane Elizabeth Bullock;  
 A bill (H. R. 5555) granting an increase of pension to James R. Hauptly;  
 A bill (H. R. 5609) granting an increase of pension to Benjamin F. Grigsby;  
 A bill (H. R. 5611) granting a pension to Juliette Westbrook;  
 A bill (H. R. 5617) granting an increase of pension to William P. Hereford;  
 A bill (H. R. 5634) granting an increase of pension to Robert L. Miles;  
 A bill (H. R. 5699) granting an increase of pension to James P. Johnson;  
 A bill (H. R. 5718) granting an increase of pension to Adolph Heiser;  
 A bill (H. R. 5720) granting an increase of pension to William T. Filler;  
 A bill (H. R. 5818) granting an increase of pension to Philip Snow;  
 A bill (H. R. 5865) granting an increase of pension to Joshua Harlan;  
 A bill (H. R. 5883) granting an increase of pension to David Warentz;  
 A bill (H. R. 5972) granting an increase of pension to Edward A. Wilbur;  
 A bill (H. R. 6005) granting an increase of pension to George B. Davis;  
 A bill (H. R. 6020) granting an increase of pension to William P. Conner;  
 A bill (H. R. 6023) granting an increase of pension to Charles Wigert;  
 A bill (H. R. 6025) granting an increase of pension to John Herzog;  
 A bill (H. R. 6028) granting an increase of pension to Anson Heffron;  
 A bill (H. R. 6032) granting an increase of pension to Charles S. Bellows;  
 A bill (H. R. 6036) granting an increase of pension to John Shafer;  
 A bill (H. R. 6061) granting an increase of pension to Alpheus D. Brown;  
 A bill (H. R. 6085) granting a pension to Anna M. Maier;  
 A bill (H. R. 6089) granting an increase of pension to Emma L. Nagle;  
 A bill (H. R. 6091) granting an increase of pension to John W. Brown;  
 A bill (H. R. 6342) granting an increase of pension to Thomas Springer;  
 A bill (H. R. 6352) granting a pension to Mary Huff;  
 A bill (H. R. 6426) granting an increase of pension to David J. Beidler;  
 A bill (H. R. 6442) granting an increase of pension to James P. Wallace;  
 A bill (H. R. 6547) granting a pension to John Holzer;  
 A bill (H. R. 6562) granting an increase of pension to Frances A. Thompson;

A bill (H. R. 6582) granting an increase of pension to Harry Haller;  
 A bill (H. R. 6588) granting an increase of pension to James H. Cummings;  
 A bill (H. R. 6701) granting an increase of pension to John A. Reeds;  
 A bill (H. R. 6705) granting an increase of pension to Edwin A. Forman;  
 A bill (H. R. 6879) granting a pension to Reuben A. Fennell;  
 A bill (H. R. 6947) granting an increase of pension to Joseph H. Cooper;  
 A bill (H. R. 6994) granting an increase of pension to Theresa Nebrich;  
 A bill (H. R. 7072) granting a pension to Mary McCall;  
 A bill (H. R. 7079) granting an increase of pension to John J. Fleming;  
 A bill (H. R. 7095) granting an increase of pension to Harrison H. Hakes;  
 A bill (H. R. 7355) granting an increase of pension to Henry Barrett;  
 A bill (H. R. 7439) granting an increase of pension to Helen M. Bates;  
 A bill (H. R. 7447) granting an increase of pension to William Bailey;  
 A bill (H. R. 7477) granting an increase of pension to Cyrenius Dennis;  
 A bill (H. R. 7563) granting an increase of pension to William W. Rowlett;  
 A bill (H. R. 7594) granting an increase of pension to Charles H. Miller;  
 A bill (H. R. 7682) granting an increase of pension to William H. Howard;  
 A bill (H. R. 7699) granting an increase of pension to Martha M. del B. Cunningham;  
 A bill (H. R. 7732) granting an increase of pension to Mary Chenowith;  
 A bill (H. R. 7756) granting an increase of pension to Charles Schroder;  
 A bill (H. R. 7757) granting an increase of pension to Cyrus Davidheiser;  
 A bill (H. R. 7798) granting an increase of pension to Andrew Black;  
 A bill (H. R. 7799) granting an increase of pension to John O. Rice;  
 A bill (H. R. 8058) granting an increase of pension to William M. Underhill;  
 A bill (H. R. 8123) granting a pension to Eliza S. Smith;  
 A bill (H. R. 8187) granting an increase of pension to George Jeffrey;  
 A bill (H. R. 8207) granting an increase of pension to Charles Johnson;  
 A bill (H. R. 8342) granting an increase of pension to Horace E. Davis;  
 A bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith;  
 A bill (H. R. 8717) granting an increase of pension to Henry Edwards;  
 A bill (H. R. 8728) granting a pension to Matilda Lafferty;  
 A bill (H. R. 8729) granting an increase of pension to Gustus S. Remick;  
 A bill (H. R. 8740) granting an increase of pension to Mary G. Bonesteel;  
 A bill (H. R. 8850) granting an increase of pension to Thomas Joyce;  
 A bill (H. R. 8916) granting an increase of pension to Susie C. G. Seabury;  
 A bill (H. R. 8920) granting a pension to Harriet A. Tucker;  
 A bill (H. R. 9029) granting a pension to Georgie S. Barbour;  
 A bill (H. R. 9030) granting an increase of pension to John Daly;  
 A bill (H. R. 9308) permitting the building of a dam across the Mississippi River, between the counties of Wright and Sherburne, in the State of Minnesota;  
 A bill (H. R. 9583) granting an increase of pension to James H. Hargis; and  
 A bill (H. R. 9658) to provide for the withdrawal, free of duty under bond, from the Louisiana Purchase Exposition of any articles and materials donated to incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, or to any State or municipal corporation.  
 The foregoing pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Winter Club, of Brooklyn, N. Y.; of the congregation of the First Christian Church of Hamilton, Mo., and of sundry citizens of Eau

Claire, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of the German Maennerchor of Kankakee; of the Grutle Verein of Peoria; of the Plattdeutsche Gilde Daniel Bartels, No. 6, of Chicago; of Lodge No. 353, of Chicago; of the Maennerchor of Bloomington; of the Deutscher Kranken Verein of Freeport; of the Turn Verein of Joliet; of the German Roman Catholic Benevolent Society of Freeport; of the Plattdeutsche Gilde Ewig Treu, No. 55, of Chicago; of Robert Blum Lodge, No. 58, of Chicago; of the Maennerchor of Rock Island; of the Brothers of the Melomania Lodge, No. 330, of Chicago; of Plattdeutsche Gilde Almira, No. 24, of Chicago; of Plattdeutsche Gilde John P. Altgeld, No. 34, of Chicago; of Plattdeutsche Gilde No. 56, of Chicago; of Plattdeutsche Gilde Voran, No. 63, of Chicago; of the Sharpshooters' Association of Joliet; of Court Germania, No. 19, of Chicago; of the German Krieger Verein, of Joliet; of the German Blucher Lodge, of Bloomington; of the Turn Verein of Elgin; of the Plattdeutsche Gilde of Chicago; of Fritz Reuter Council, No. 577, of Chicago; of Plattdeutsche Gilde, No. 13, of Chicago; of the Plattdeutsche Grot Gilde, of Chicago; of the Deutscher Krieger Verein, of Chicago; of the Low German Gilde, of Chicago; of Vorwaerts Lodge, No. 137, of Chicago; of the Plattdeutsche Gilde, No. 27, of Chicago; of Plattdeutsche Gilde Mathias Claudius, No. 28, of Chicago; and of the Süd-Seite Turn Verein, of Peoria, all in the State of Illinois; of Schiller Encampment, No. 33, of Bridgeport; of Zufriedenheit Lodge, No. 15, of Rockville, and of the Maennerchor of Ansonia, all in the State of Connecticut; of the Brewery Workmen's Benefit Society of Denver; of Court Germania, No. 15, of Denver; of Mozart Lodge, No. 1, of Denver; of Harmonia Lodge, No. 3689, of Pueblo; of the German Krieger Verein, of Denver; of the Social Turn Verein of Denver, and of the West Denver Turn Verein, of Denver, all in the State of Colorado; of the Helvetia Singing Section, of Sacramento; of Lodge No. 124, of Sacramento; of the Gesellschaft Teutonia, of San Francisco; of the German Red Men Singing Society, of Sacramento; of the German-American Singing Society, of Los Angeles; of Lodge No. 12, of Los Angeles; of the Deutscher Krieger Verein, of San Francisco; of the Bremervorde Verein, of San Francisco, and of the Schweizer Verein Helvetia, of Los Angeles, all in the State of California; of the Schwaben Verein, of Terre Haute; of St. Henry's Benevolent Society, of Evansville; of Schiller Tent, No. 20, of South Bend, and of the Germania Park Association, of Indianapolis, all in the State of Indiana; of the German-American Political Club, of Des Moines; of the Claus Groth Gilde, of Davenport; of the Deutscher Verein, of Lansing; of the Turn Verein of Ottumwa, and of the Deutscher Verein, of Davenport, all in the State of Iowa; of Germania Lodge, No. 15, of Wichita, Kans.; of the Louisiana Gewerbe Verein, of New Orleans, La.; of the Turn Verein of Newport; of the German Pioneer Association, of Newport; of the Anchor Mutual Aid Society, of Newport; of Mozart Lodge, No. 18, of Louisville; of the German-American Protective Aid Society, of Louisville, and of Schiller Lodge, No. 24, of Louisville, all in the State of Kentucky; of the Turn Verein of Manchester, N. H.; of the Plattdeutscher Verein of Guttenberg; of the Frohsinn Gesang Verein, of Camden; of Hermann Lodge, No. 81, of Elizabeth; of Schiller Lodge, No. 1477, of Elizabeth; of Beethoven Lodge, No. 147, of Hoboken; of the German-American Central Alliance of Hoboken; of Cherusker Lodge, No. 151, of Trenton; of the Arion Maennerchor, of Passaic; of the Maennerchor of Rahway; of the Gemuether Verein Bruder Lustig, of Elizabeth; of the Liedertafel Singing Society, of Trenton; of Germania Lodge, No. 121, of Newark; of the Beneficial Society of Bridgeton; of the Turn Verein of Trenton; of the Maennerchor of Camden, and of the East Trenton Maennerchor, of Trenton, all in the State of New Jersey; of the Gesang Verein Frohsinn, of Worcester; of Bunker Hill Lodge, No. 48, of Cambridge; of the Turn Verein Vorwaerts, of Holyoke; of the German Society of East Hampton; of the Einigkeit Club, of Salem, and of the Frohsinn Singing Society, of North Attleboro, all in the State of Massachusetts; of the Liederkranz of Butte; of Lodge No. 3, of Helena, and of Goethe Lodge, No. 6, of Marysville, all in the State of Montana; of Schiller Lodge, No. 837, of Saginaw; of the Harmonia Society of Detroit; of Barbarossa Lodge, No. 14, of Menominee; of the German Aid Society of Marquette; of the Teutonia Singing Society, of Detroit; of the Turn Verein of Detroit; of Humboldt Lodge, No. 154, of Bay City, and of the German Benevolent Workingmen Association, of Battle Creek, all in the State of Michigan; of Columbia Lodge, No. 1412, of St. Louis; of Lodge No. 113, of St. Louis; of German Order of Hungari, of St. Louis; of the Southwest Turner Society, of St. Louis; of the Turn Verein of St. Joseph; of the Saengerbund of Jefferson; of the Socialer Turn Verein, of Kansas City; of the Saengerbund of Freeburg; of the United German Singing Society of St. Louis; of the Deutschen Militar Verein of St. Louis; of the German-Austrian Benevolent Society, of St. Louis; of the Schweizer Club of St. Louis; of the Saengerbund of St. Louis; of

the Schwarzwald Unterstuetzung Verein, of Kansas City; of the Socialer Turn Verein, of St. Louis; and of the Saengerbund Sons of Hermann, of St. Louis, all in the State of Missouri; of Junior District, No. 218, of Baltimore; of the Turn Verein of Baltimore; of the Plattdeutscher Verein of Baltimore; of the Bavarian Maennerchor, of Baltimore; of the Independent Citizens' Union, of Baltimore; of the Locust Point Maennerchor, of Baltimore; of the German Beneficial Union, of Baltimore; of Von Moltke District, No. 115, of Baltimore; of the Germania Club, of Baltimore; of the Arion Singing Society, of Baltimore; of the German Beneficial Union, No. 108, of Baltimore; of Harmonia Lodge, No. 2, Improved Order Knights of Pythias, of Baltimore; of the Germania Kranken Unterstuetzungs Verein, No. 1, of Baltimore; of Wittelsvach Section, No. 1, Bavarian National Society, of Baltimore; of the Brewmasters' Association of Baltimore; of the Turn Verein of Baltimore; of Friendship Union, No. 2, of Baltimore, and of the Schwaben Verein of Baltimore, all in the State of Maryland; of the Frohsinn Singing Society, of Sacramento, Cal.; of the Turngemeinde of Wilmington, Del.; of the Turn Verein of New Haven; of Court Hermann, No. 8, of New Haven; of the Gesang Verein Liederkranz, of Bridgeport; of the Singing Society of Rockville; of Fortschritt Lodge, No. 30, of Waterbury, and of Frohsinn Lodge, No. 24, of South Manchester, all in the State of Connecticut; of the Singing Society of Chicago; of the Gesang Verein of Chicago; of the Plattdeutsche Gilde Hummel, No. 33, of Chicago; of the Plattdeutsche Gilde Vorwaerts, No. 7, of Chicago, and of the Germania Royal Circle, No. 41, of Springfield, all in the State of Illinois; of the German Military Society, of Evansville, and of St. Edwards Commandery, Knights of St. John, of Evansville, all in the State of Indiana; of the Germania Singing Society, of Salina, Kans.; of the German Workingmen's Association of Boston, Mass.; of the Arion Singing Society, of Detroit, and of the German-American Arbeiter Verein, of Detroit, all in the State of Michigan; of the Turn Verein of St. Joseph, and of the Rockaway Saengerbund, of St. Louis, all in the State of Missouri; of the Cherusker Lodge, No. 8, of Bozeman, Mont.; of the Turn Verein of Newark; of Lodge No. 208, of Bayonne City; of the Bergische Maennerchor, of Newark, and of the Turn Verein of Atlantic City, all in the State of New Jersey; of Minnesota Grove, No. 1, of St. Paul; of Freundschaft Lodge, No. 98, of Winona, and of the German-American Lodge, No. 58, of St. Paul; of the United German Society of New York City; of the Harugari Library, of Buffalo; of Lodge No. 242, of Utica; of the Hoffnung Verein, No. 55, of Buffalo; of the Harugari Wehr, No. 1, of Utica; of the Young Men's Benevolent Association of Buffalo, and of the Harmonia Singing Society, of Buffalo, all in the State of New York; of the Turn Verein of Youngstown; of the German Society of Cincinnati; of Germania Lodge, No. 113, of Cincinnati, and of Eintracht Circle, No. 6, of Marion, all in the State of Ohio; of Germania Lodge, No. 1270, of Providence, R. I.; of Lodge No. 10, of Bee Cave, Tex.; of the church council of the German Evangelical Lutheran Church of Philadelphia; of the German Benevolent Society of Latrobe; of the Maennerchor of Bethlehem; of the Mozart Harmonia Singing Society, of Philadelphia; of Rhine Lodge, No. 424, of Pittsburgh; of the Turn Verein of Allegheny, and of the Hessen-Darmstadter Volksfest Verein, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of sundry Baptist ministers of Buffalo, N. Y., 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 Utica, N. Y., praying for the enactment of legislation to prevent unjust discrimination in tariff rates between different sections and localities; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Utica, N. Y., praying for the enactment of legislation providing for the creation of an American merchant marine, to be built, owned, and manned by American citizens; which was referred to the Committee on Commerce.

He also presented a memorial of the Church & Dwight Company, of New York City, remonstrating against the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of J. Brodbent Post, No. 188, Department of New York, Grand Army of the Republic, of Dexter, N. Y., and a petition of J. B. Butler Post, No. 111, Department of New York, Grand Army of the Republic, of Pulaski, N. Y., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the Congressional Medal of Honor



Association of New York City, praying for the enactment of legislation to place all soldiers on a service-pension roll of \$75 per month who have received a medal of honor for gallantry; which was referred to the Committee on Pensions.

He also presented a petition of Admiral Farragut Garrison, No. 25, Army and Navy Union, of Albany, N. Y., praying for the enactment of legislation providing that in computing the thirty years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, and Marine Corps shall be credited; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Manufacturers' Association of New York City, remonstrating against the repeal of the national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Oil City, Pa.; of the congregation of the First Baptist Church of Greece, and of sundry citizens of Brockport, all in the State of New York, 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. FAIRBANKS presented the petition of Weil Brothers & Co., of Fort Wayne, Ind., praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Indianapolis Retail Grocers' Association, of Indianapolis, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Harris Post, No. 96, Department of Indiana, Grand Army of the Republic, of Indiana, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the Chrysanthemum Association and the Woman's Home and Foreign Missionary Society of the Presbyterian Church, of Petersburg, Ind., 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. BURNHAM presented petitions of the congregation of the Congregational Church of Seabrook and of the congregations of the Congregational and Methodist Episcopal Churches of Haverhill, all in the State of New Hampshire; of the New York Sabbath Day Association, of Milwaukee, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which were referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Society for the Protection of New Hampshire Forests, of Concord, N. H., praying for the enactment of legislation providing for the concentration of the forest work of the Government in the hands of the Secretary of Agriculture; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Society for the Protection of New Hampshire Forests, of Concord, N. H., praying for the enactment of legislation providing for the establishment of the Southern Appalachian Forest Reserve, the White Mountain Forest Reserve, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURROWS presented a petition of the Woman's Christian Temperance Union of Manton, 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.

Mr. BARD presented a petition of the Pioneers of Los Angeles County, Cal., praying for the enactment of legislation providing for the preservation of the Calaveras grove of big trees; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of Santa Ana, Cal., praying that an appropriation be made for the improvement of the inner harbor of San Pedro, Cal.; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Santa Ana, Cal., praying that an appropriation be made in aid 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 San Francisco, Cal., praying that an appropriation be made for the improvements of the harbors of the Territory of Hawaii; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the destruction of derelicts at sea; which was referred to the Committee on Commerce.

Mr. QUARLES presented a petition of the Coterie Club, of Darlington, Wis., 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 J. B. McPherson Post, No. 27, Department of Wisconsin, Grand Army of the Republic, of Lake Geneva, Wis., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Local Lodge No. 151, Brotherhood of Railroad Trainmen, of Antigo, Wis., praying for the passage of the so-called anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Guard Association of Wisconsin, praying for the enactment of legislation to increase the appropriation for the organization, armament, and discipline of the National Guard; which was referred to the Committee on Military Affairs.

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

He also presented a petition of the Commercial Club of Walla Walla, 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.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Dawson, Nebr., 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 the petition of O. L. Brown, of Tecumseh, Nebr., praying for the enactment of legislation to prohibit the importation and sale of liquors in original packages in prohibition territory; which was referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a petition of sundry citizens of Rockville, Ind., 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 memorial of the Indiana Retail Merchants' Association, of Evansville, Ind., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented a petition of Clayton Conrow, of Cinnamon, N. J., and the petition of R. E. Leighton, Bayonne, N. J., praying for the passage of the so-called Brownlow good-roads bill; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Village Improvement Society of Cranford, N. J., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented petitions of Major James H. Dandy Post, No. 43, of Perth Amboy; of George H. Thomas Post, No. 29, of Jersey City; of Mansfield Post, No. 22, of Bayonne, and of Aaron Wilkes Post, No. 23, all of the Department of New Jersey, Grand Army of the Republic, in the State of New Jersey, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. NELSON presented a memorial of the Fisherman's Protective Union of the Pacific Coast and Alaska, remonstrating against the enactment of legislation relative to the payment of allotment in the coastwise trade; which was referred to the Committee on Commerce.

He also presented petitions of Workman Post, No. 31, of Little Falls; of Jo. Moreau Post, No. 111, of Pine Island; of Post No. 3, of Spring Valley, and of Local Post of Edgerton, all of the Department of Minnesota, Grand Army of the Republic, in the State of Minnesota, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CLAY presented a petition of the board of directors of the Georgia Experiment Station, praying that the appropriations be increased for the maintenance of the agricultural experiment stations of the several States and Territories; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented petitions of General John A. Logan Post, No. 540, of Evanston; of General George Crook Post, No. 81, of Kirkwood; of John Hunter Post, No. 168, of Minier; of Warren Shed Post, No. 263, of Aldo; of Colonel John Bryner Post, No. 67, of Peoria; of Lott Post, No. 70, of Gibson; of Lawton Post, No. 792, of Danville; of George H. Thomas Post, No. 5, of Chicago; of John Wood Post, No. 96, of Quincy; of Colonel Nodim



Post, No. 140, of Champaign, and of James T. Jones Post, No. 623, of Vernon, 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. MITCHELL presented the petition of David W. Rhodes, of Bay City, Oreg., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of George Wright Post, No. 1, Department of Oregon, Grand Army of the Republic, of Portland, Oreg., praying for the enactment of legislation providing that the National Statuary Hall shall be kept commemorative by placing therein statues of only such citizens as have been illustrious for heroic renown, etc.; which was referred to the Committee on the Library.

He also presented a petition of the congregation of the United Evangelical Church of Salem, 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.

He also presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Mountain View, Hawaii, praying for the adoption of certain amendments to the land laws of Hawaii; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Forest Grove, Oreg., praying for the enactment of legislation to abolish the canteen in Soldiers' Homes, to prohibit the sale of intoxicating liquors in all Government buildings, and also that an investigation be made of the delay by the War Department in providing gymnasiums ordered by Congress; which was referred to the Committee on Military Affairs.

He also presented petitions of the Relief Corps of Forest Grove; of the congregation of the Free Methodist Church of Forest Grove; of the congregation of the Methodist Episcopal Church of Creswell; of the Woman's Christian Temperance Union of Salem, and of the Woman's Christian Temperance Union of Scio, all in the State of Oregon, 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. McLAURIN presented a petition of the Woman's Christian Temperance Union of Flora, Miss., 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. LONG presented petitions of the congregation of the First Presbyterian Church of Minneapolis; of sundry citizens of Gray County; of Thomas D. Hubbard, of Kimball, and of sundry citizens of St. Johns, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ness County, Kans., 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. McCOMAS presented the petition of Rev. J. O. Wrightson, John T. Stone, and sundry other citizens of Baltimore, Md., 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 the petition of I. E. Wheeler and sundry other citizens of Craftonville, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented a petition of the congregation of the Baptist Church of Ardmore, Ind. T., 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 sundry citizens of Westville, Ind. T., praying for the enactment of legislation providing a day of rest for railroad employees in that Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Craftonville, Cal., 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 sundry citizens of Westville, Ind. T., praying for the enactment of legislation granting the right of suffrage to the women of that Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Afton, Ind. T., praying for the enactment of legislation providing for continued protection from the sale of intoxicating liquors, and also that separate statehood be given that Territory; which was referred to the Committee on Indian Affairs.

Mr. FORAKER presented petitions of Wayne Post, No. 236, of Orrville; of Dick Mason Post, No. 304, of Lowell; of Captain William McCrey Post, No. 306, of Owensville; of Newton Falls Post, No. 310, of Newton Falls; of Hamilton Post, No. 311, of Gratiot; of Miller Moody Post, No. 314, of Belleville; of Henry Hatfield Post, No. 320, of Roundhead; of John A. Spellman Post, No. 321, of Hilliard; of Fair Post, No. 322, of Spencerville; of McClure Post, No. 326, of Grover Hill; of David McIntosh Post, No. 327, of Ravenna; of Phil. H. Sheridan Post, No. 328, of McConnellsville; of Earl Millikan Post, No. 333, of Windham; of I. N. Leggett Post, No. 336, of Montville; of U. S. Grant Post, No. 340, of Cincinnati; of Jonathan Casto Post, No. 342, of Blanchester; of Lewis Post, No. 347, of Xenia; of Commodore Perry Post, No. 350, of Cleveland; of Watkins Andrews Post, No. 352, of Trimble; of Sul. Stevens Post, No. 353, of Morrow; of Brough Post, No. 359, of Collinwood; of Reese-Mitchell Post, No. 361, of Camden; of Francis Smith Post, No. 365, of Jackson; of John W. Fowler Post, No. 366, of New Lexington; of Daniel W. Williams Post, No. 369, of Pleasant Hill; of W. W. Simpson Post, No. 370, of Belle Center; of David Lloyd Post, No. 374, of Marengo; of Samuel Slavens Post, No. 375, of Stockdale; of James Young Post, No. 376, of Burbank; of Douthitt Post, No. 377, of Edinburg; of L. D. Kee Post, No. 378, of Colebrook; of Powell Post, No. 387, of Fremont City; of Clay Hay Post, No. 383, of New Carlisle; of H. B. Ward Post, No. 385, of Canal Fulton; of Reed Post, No. 387, of Chardon; of N. M. McConkey Post, No. 391, of Catawba; of Tom Burley Post, No. 392, of Crookville; of C. C. Nichols Post, No. 394, of Newcastle; of Debolt Post, No. 396, of Centerburg; of Joseph Walter Post, No. 397, of Lincoln; of Fred C. Jones Post, No. 401, of Cincinnati; of Joseph Roth Post, No. 402, of Evansport; of Cleveland City Post, No. 403, of Cleveland; of Vinton Post, No. 408, of Pikerun; of Fred Aler Post, No. 412, of Adamsville; of S. N. Yeoman Post, No. 418, of Milledgeville; of W. H. Elliott Post, No. 420, of Alton; of Welch Post, No. 422, of Uhrichsville; of Mounts Post, No. 424, of Prospect; of Hall Post, No. 426, of West Farmington; of Miles Standish Post, No. 430, of Dexter; of Sandy Valley Post, No. 433, of Waynesburg; of Creighton Post, No. 435, of West Mecca; of Joseph Sailor Post, No. 440, of Degraff; of Eugene Reynolds Post, No. 441, of Bellefontaine; of Joseph H. Ingersoll Post, No. 444, of Miami; of Burnside Post, No. 137, of Leetonia; of Starr Post, No. 138, of Lisbon; of Tom Talbot Post, No. 143, of Somerset; of Kinsman Post, No. 150, of Kinsman; of Addison Clark Post, No. 151, of Liberty Center; of George L. Fowler Post, No. 153, of Berlin Heights; of Hiram Loudon Post, No. 155, of Montpelier; of Jobes Post, No. 157, of Greenville; of A. H. Coleman Post, No. 159, of Troy; of Isaac Willis Post, No. 160, of Limerick; of A. L. Brown Post, No. 162, of Chillicothe; of E. M. Stanton Post, No. 166, of Steubenville; of H. G. Blake Post, No. 169, of Medina; of Arthur Strong Post, No. 170, of Creston; of Royal Dunham Post, No. 187, of Bedford; of Buell Post, No. 178, of Marietta; of A. H. Day Post, No. 185, of Kent; of William Nelson Post, No. 186, of Cincinnati; of Army and Navy Post, No. 187, of Cleveland; of Channell Post, No. 188, of Utica; of Kilpatrick Post, No. 189, of Goshen; of Lieutenant Fallen Post, No. 194, of Ray; of August Willich Post, No. 195, of Cincinnati; of Jaqueth Post, No. 136, of Sycamore; of H. B. Banning Post, No. 198, of Madisonville; of Commodore Foote Post, No. 200, of Cincinnati; of Phil Hendrix Post, No. 201, of Colton; of Mart Armstrong Post, No. 202, of Lima; of Drummond Post, No. 203, of St. Clairsville; of John M. Barrere Post, No. 205, of Hillsboro; of Spiegel Post, No. 208, of Shiloh; of Shreve Post, No. 209, of Shreve; of J. P. Fyffe Post, No. 210, of Higginsport; of A. G. Wileman Post, No. 212, of Marlboro; of Hamlin Post, No. 219, of Wellington; of Robert Hilles Post, No. 220, of Barnesville; of Braunum Post, No. 221, of Bridgeport; of Charles S. Hayes Post, No. 224, of Cleves; of Brent and McBride Post, No. 225, of Richfield Center; of Anthony Marsh Post, No. 231, of Keystone; of Carr B. White Post, No. 232, of Georgetown; of Loemerz Post, No. 233, of Malinta; of Henry Cope Post, No. 237, of Wellsville; of Baxter Post, No. 238, of Lyons; of G. W. Shuster Post, No. 239, of Toronto; of Henry Clark Post, No. 252, of Peru; of Alfred Cannon Post, No. 261, of Canal Winchester; of Robert Hamilton Post, No. 262, of Bluffton; of Colonel Val Lapp Post, No. 263, of Baltimore; of Wilkins Post, No. 264, of Wharton; of James P. Mann Post, No. 267, of Lewisville; of Bloom Post, No. 269, of South Webster; of George L. Waterman Post, No. 273, of Peninsula; of J. E. Coomer Post, No. 281, of Ashley; of Ray Heller Post, No. 284, of Whitehouse; of Hughes Post, No. 285, of Malta; of Tom Dew Post, No. 222, of Buchtel; of Guiggle Post, No. 289, of South Wanton; of Bentley Post, No. 294, of Mantua; of Harry Caster Post, No. 56, of Haskins; of Morris



McMillan Post, No. 59, of Wilmington; of Smith Post, No. 61, of Jackson Center; of Neal Post, No. 62, of Sidney; of John Bell Post, No. 63, of Proctorville; of Richard Allen Post, No. 65, of Elyria; of W. T. Sherman Post, No. 68, of Hudson; of Richard Lanning Post, No. 69, of Coshocton; of Lemert Post, No. 71, of Newark; of Thoburn Post, No. 72, of Martins Ferry; of Daniel Miller Post, No. 78, of Leipsic; of Hiram Strong Post, No. 79, of Dayton; of Hazlett Post, No. 81, of Zanesville; of James St. John Post, No. 82, of Cardington; of Lieut. William S. Kishler Post, No. 83, of St. Marys; of Charles B. Mitchell Post, No. 84, of Maumee; of Bronson Post, No. 85, of Jerry City; of Columbus Golden Post, No. 89, of Athens; of Weiser Post, No. 93, of Dupont; of Currie Post, No. 94, of Cedarville; of Cantwell Post, No. 97, of Kenton; of W. A. Brand Post, No. 98, of Urbana; of W. C. Scott Post, No. 100, of Van Wert; of Carman Post, No. 101, of Ada; of Edgar Post, No. 102, of Dunkirk; of A. N. Goldwood Post, No. 104, of West Richfield; of Potter Post, No. 105, of Green Spring; of Engle Post, No. 109, of Benton Ridge; of Rice and Creglow Post, No. 112, of Attica; of Ransom Reed Post, No. 113, of Marysville; of Burkholder Post, No. 115, of Yellow Springs; of Cooper Post, No. 117, of Marion; of Strong Post, No. 118, of Jamestown; of L. M. Fuller Post, No. 123, of Rogers; of Canfield Post, No. 124, of Gibsonburg; of Cadot Post, No. 126, of Gallipolis; of Leith Post, No. 127, of Nevada; of Keller Post, No. 128, of Bucyrus; of Dick Morris Post, No. 130, of Galion; of Hart Post, No. 134, of Massillon; of Robinson Post, No. 135, of Republic; of J. A. Garfield Post, No. 136, of Columbiana; of Paulus Post, No. 4, of Ashtabula; of Veteran Post, No. 5, of National Military Home, Dayton; of Treseott Post, No. 10, of Salem; of Charles E. Austin Post, No. 11, of Austinburg; of Buckley Post, No. 12, of Akron; of George H. Thomas Post, No. 13, of Cincinnati; of Ford Post, No. 14, of Toledo; of Forsyth Post, No. 15, of Toledo; of McPherson Post, No. 16, of Niles; of Dyer Post, No. 17, of Painesville; of Lincoln Post, No. 18, of Pierpont; of McMeens Post, No. 19, of Sandusky; of Joe Hooker Post, No. 21, of Mount Vernon; of Bishop Post, No. 22, of Defiance; of The Old Guard Post, No. 23, of Dayton; of William McKinley Post, No. 25, of Canton; of Bowers Post, No. 28, of Geneva; of E. F. Noyes and R. L. McCook Post, No. 30, of Cincinnati; of W. H. Gibson Post, No. 31, of Tiffin; of Wooster-Boalt Post, No. 34, of Norwalk; of Leasure Post, No. 35, of Wauseon; of Bell Harmon Post, No. 36, of Warren; of Phil Kearny Post, No. 38, of Nelsonville; of N. L. Norris Post, No. 40, of Chagrin Falls; of Kyle Post, No. 41, of Wapakoneta; of McKill Post, No. 42, of Bainbridge; of General Lyon Post, No. 44, of East Liverpool; of Mitchell Post, No. 45, of Springfield; of Wiley Post, No. 46, of Bowling Green; of William H. Lytle Post, No. 47, of Cincinnati; of Stoker Post, No. 54, of Findlay; of Diester Post, No. 446, of Dayton; of Lorain Post, No. 448, of Lorain; of J. M. Wells Post, No. 451, of Columbus; of I. B. Richardson Post, No. 454, of Lakeside; of Colonel Melvin Clarke Post, No. 459, of Belpre; of O. H. Haskell Post, No. 463, of Perry; of John M. Mosly Post, No. 470, of Dexter City; of Page Post, No. 471, of Sylvania; of Zeno H. Scott Post, No. 479, of Moscow; of Mirane Judy Post, No. 480, of Bloomingsburg; of General Sanders Post, No. 482, of Quaker City; of Union Post, No. 483, of East Trumbull; of Emerson Opyke Post, No. 486, of Martinsburg; of Ross Newport Post, No. 489, of Newport; of Davidson Post, No. 490, of Smithville; of John Ball Post, No. 493, of Mowrystown; of S. M. Neighbor Post, No. 494, of Newcomerstown; of Harrison Wright Post, No. 497, of Gratis; of Daniels Post, No. 500, of Xenia; of Cutler Post, No. 502, of Cutler; of C. Bronard Post, No. 503, of Trumbull; of Deardorff Brock Post, No. 506, of Middletown; of Cotton Post, No. 510, of Beach City; of B. T. Steiner Post, No. 511, of Pierce; of Mark Horton Post, No. 515, of Garrettsville; of T. J. Mercer Post, No. 529, of Chesterhill; of Silas D. Prather Post, No. 590, of Baurenwelhe; of Asa R. Hillyer Post, No. 532, of Monroeville; of Lieutenant Boyd Post, No. 540, of Antioch; of Harvey J. Covell Post, No. 546, of Rockcreek; of Captain Bart Emery Post, No. 554, of Loveland; of George D. Harter Post, No. 555, of Canton; of Forest City Post, No. 556, of Cleveland; of Wilson V. Tood Post, No. 559, of Wakeman; of J. Lewis Post, No. 560, of Wilkesville; of John Bartges Post, No. 561, of North Georgetown; of Rarden Post, No. 562, of Rarden; of A. W. Graves Post, No. 563, of Lockland; of W. H. Byrd Post, No. 565, of Spring Valley; of Walter A. Slaughter Post, No. 568, of Edgerton; of W. S. Hancock Post, No. 571, of Thurman; of R. G. Shaw Post, No. 580, of Cincinnati; of L. A. Myers Post, No. 582, of Sunbury; of James A. Garfield Post, No. 591, of Mentor; of John A. Miller Post, No. 592, of Parks Mills; of W. D. W. Mitchell Post, No. 593, of Byhalia; of Al. Mason Post, No. 598, of Miamisburg; of Wilson Post, No. 602, of Vienna Cross Roads; of General W. P. Richardson Post, No. 609, of Woodsfield; of William H. Bailey Post, No. 610, of Blue Creek; of Spencer Cherrington Post, No. 614, of Jackson; of Taylor Post, No. 616, of Somerton; of A. Linnabary Post, No. 621, of Melrose; of Harlem Springs Post, No. 524, of Harlem Springs; of J. M. Hifer Post, No. 632, of

Ansonia; of John Brown Post, No. 633, of Springfield; of Rings Post, No. 637, of West Unity; of Hecker Post, No. 638, of Cincinnati; of E. L. Hughes Post, No. 640, of Buford; of Caleb Marker Post, No. 646, of New Paris; of Moses Martin Post, No. 649, of Huron; of Justus Paxton Post, No. 652, of Shauck; of J. G. Reithmuller Post, No. 658, of Hannibal; of Martin Post, No. 665, of Claysville; of Roberts Post, No. 672, of Poplar; of Kaldenbaugh Post, No. 676, of Mineral City; of J. W. Ash Post, No. 679, of Kansas; of Joseph W. Vance Post, No. 680, of Scott; of Theodore G. Merchant Post, No. 683, of Paulding; of R. Marshall Post, No. 684, of South Perry; of John H. Jackson Post, No. 689, of Cheviot; of Colonel John T. Toland Post, No. 695, of State Soldiers' Home, Upper Sandusky; of Charles N. Stout Post, No. 700, of Stout; of A. W. Duncan Post, No. 702, of Killbuck; of Fry Post, No. 706, of Brandon; of Walker Jackson Post, No. 713, of Ripley; of Volunteer Post, No. 715, of Toledo; of Lieutenant S. V. Walk Post, No. 720, of Eagle Mills; of John C. Fremont Post, No. 729, of Alliance; of Shennelfield Post, No. 734, of Ewington; of Edward Crouse Post, No. 737, of Harrisburg; of Jesse Ellis Post, No. 740, of Batavia; of David G. McFaddin Post, No. 741, of Sardinia; of George K. Moss Post, No. 742, of Broadwell; of Juday N. Sheumon Post, No. 747, of Eldorado; of Neal Post, No. 62, of Sidney; of Wallace McNeal Post, No. 687, of Iberia; of Andrew Crawford Post, No. 6, of New Philadelphia; of A. B. Banning Post, No. 198, of Madisonville; of Thurston Post, No. 213, of Lebanon; of Ricksecker Post, No. 469, of Canal Dover; of Fifer Post, No. 632, of Ansonia, all of the Department of Ohio, Grand Army of the Republic, in the State of Ohio, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of J. Dodder Post, No. 446, Department of Iowa, Grand Army of the Republic, of Grand View, Iowa, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the United Presbyterian Church of Morning Sun, of the congregation of the Baptist Church of Murray, of the congregation of the Methodist Episcopal Church of Murray, of the congregation of the United Presbyterian Church of Washington, of the congregations of the Presbyterian and Methodist Episcopal churches of Crawfordville, of the Woman's Christian Temperance Union of Oelwein, of sundry citizens of Washington, of the congregation of the Christian Church of Murray, and of the congregation of the Free Methodist Church of Morning Sun, all in the State of Iowa, 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. ALDRICH presented a petition of Netop Council, No. 7, Order of United American Mechanics, of East Providence, R. I., and a petition of the Woman's Christian Temperance Union of Charlestown, R. I., 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. WARREN presented sundry papers to accompany the bills (S. 2602) for the relief of Florville Kerlegan; (S. 1195) for the relief of the estate of A. W. McAllister, deceased; (S. 3134) for the relief of Thomas D. Ruffin; (S. 2615) for the relief of the estate of Wiley B. Brigance, deceased; (S. 1063) for the relief of the estate of Nancy Barrow, deceased; (S. 3058) for the relief of the Mount Zion Methodist Episcopal Church, of Middletown, Frederick County, Va.; (S. 607) for the relief of M. A. Reinhart; (S. 992) for the relief of Mary Ann Jackson; (S. 3214) for the relief of the Germantown Baptist Church, of Shelby County, Tenn.; (S. 3059) for the relief of the Methodist Episcopal Church of Middletown, Frederick County, Va.; (S. 1033) for the relief of the estate of John O'Ferrall, deceased; (S. 3242) for the relief of James H. Young, Benjamin F. Young, and F. A. Young; (S. 3056) for the relief of the Presbyterian Church of Strasburg, Shenandoah County, Va.; (S. 3243) for the relief of M. V. Stearnes; (S. 3445) for the relief of James Boro, Mary Boro, and the estate of James Boro, deceased; (S. 3472) for the relief of the Muhlenberg Evangelical Lutheran Church, of Harrisonburg, Rockingham County, Va., and (S. 3057) for the relief of the St. Thomas Episcopal Church, of Middletown, Frederick County, Va.; which were referred to the Committee on Claims.

Mr. FRYE presented a petition of the president and faculty of the University of Maine, Orono, Me., praying for the enactment of legislation providing for the preservation of the Calaveras grove of big trees; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of F. S. Nash and 29 other shipmasters of Brunswick, Ga., praying for the establishment of a light-ship off Point Lookout, Ga.; which was referred to the Committee on Commerce.

## MINT AT DENVER, COLO.

Mr. ALLISON. I present a letter from the Secretary of the Treasury relating to the mint at Denver, Colo., with a supplemental estimate accompanying it. I move that the letter and estimate be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

## REPORTS OF COMMITTEES.

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. 1330) granting a pension to Jerry S. Fish;

A bill (S. 3054) granting an increase of pension to Kate M. Strange;

A bill (S. 2198) granting a pension to Thomas Irvin; and

A bill (S. 1597) granting a pension to Rosa D. Mayhew.

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. 1937) granting a pension to Samuel Richards;

A bill (S. 2103) granting an increase of pension to John L. McVey; and

A bill (S. 2924) granting an increase of pension to Samuel E. Cornany.

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. 3000) granting an increase of pension to William C. Best;

A bill (H. R. 4115) granting an increase of pension to Joseph S. Young;

A bill (H. R. 3001) granting an increase of pension to Alpheus Converse; and

A bill (H. R. 5043) granting a pension to William H. Harrison.

Mr. McCUMBER, 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 (S. 1395) granting a pension to Mary Louisa McGilvary;

A bill (S. 1322) granting an increase of pension to Mary E. Dugger; and

A bill (S. 1357) granting a pension to M. Elizabeth Kent.

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. 2955) granting an increase of pension to John Hogarth Lozier;

A bill (S. 588) granting an increase of pension to Wilbur F. Little; and

A bill (S. 3452) granting an increase of pension to Charles Male.

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. 2327) granting an increase of pension to Louise Chandler;

A bill (S. 386) granting an increase of pension to Homer D. Wells;

A bill (H. R. 3776) granting an increase of pension to Alfred I. Judy;

A bill (H. R. 4200) granting an increase of pension to Milton H. Sweet; and

A bill (S. 3038) granting an increase of pension to Joseph H. Kennedy.

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. 4916) granting an increase of pension to Allen M. Pierce;

A bill (H. R. 3778) granting an increase of pension to Juliaetta Rowling;

A bill (H. R. 6619) granting an increase of pension to Benjamin R. Little;

A bill (H. R. 3013) granting an increase of pension to John A. Mavity;

A bill (H. R. 6830) granting an increase of pension to Charles E. Likes;

A bill (H. R. 2042) granting an increase of pension to Alvin B. Hubbard;

A bill (H. R. 6932) granting an increase of pension to Harvey R. King;

A bill (H. R. 2188) granting an increase of pension to Richard L. Cook;

A bill (H. R. 2472) granting an increase of pension to David F. Lewis;

A bill (H. R. 895) granting an increase of pension to Margaret M. Walker;

A bill (H. R. 1908) granting an increase of pension to Harvey D. Barr;

A bill (H. R. 2139) granting an increase of pension to James W. Kight;

A bill (H. R. 7002) granting an increase of pension to James S. Rearden; and

A bill (H. R. 2690) granting an increase of pension to Thomas Kelly.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 3608) granting a pension to Lizzie Breen, reported it with an amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (S. 2299) to authorize the Commissioners of the District of Columbia to remit fines and grant pardons, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 2596) granting a pension to Frances F. Hopkins, reported it with amendments, and submitted a report thereon.

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. 6975) granting an increase of pension to George W. Lawson; and

A bill (H. R. 5464) granting an increase of pension to Francis M. Northern.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 6331) granting an increase of pension to James M. Dickey, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3430) to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia, reported it with amendments, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 904) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Territories, to whom was referred the amendment submitted by himself on the 19th instant, proposing to appropriate \$250,000 for the construction of a wagon road from Valdez by the most practical route to Fort Egbert or Eagle, on the Yukon River, in the district of Alaska, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that the amendment and report be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 3373) granting a pension to Eliza Williams, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, 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. 3472) granting an increase of pension to Marcus E. Amsden;

A bill (H. R. 5559) granting an increase of pension to Josephine C. Chase;

A bill (H. R. 2108) granting an increase of pension to Henry D. Wright;

A bill (H. R. 1856) granting an increase of pension to Alexander H. Covert; and

A bill (H. R. 864) granting an increase of pension to Albert Moulton.

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. 3645) granting an increase of pension to Francis Hall;

A bill (S. 962) granting an increase of pension to Jennet Thoits; and

A bill (S. 3130) granting an increase of pension to Nathan P. Bowman.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 2965) granting a pension to John Herzinger, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 792) to authorize the erection of a monument at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial



troops and Indians October 10, 1774, reported it with amendments, and submitted a report thereon.

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

A bill (S. 345) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes; and

A bill (S. 2226) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 196) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect, reported it with amendments, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (S. 2166) granting an increase of pension to John D. Terry, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3274) granting an increase of pension to Jennie Long;

A bill (S. 2215) granting a pension to Sallie H. Hoffecker; and

A bill (H. R. 6022) granting an increase of pension to George W. Travis.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (H. R. 5841) granting an increase of pension to Abram Wilson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5176) granting an increase of pension to Alonzo Dutch, reported it with an amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 1419) to fix the salary of the collector of customs at Omaha, Nebr., asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

#### UTAH SENATORIAL INVESTIGATION.

Mr. BURROWS, from the Committee on Privileges and Elections, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate the right and title of REED SMOOR to a seat in the Senate as Senator from the State of Utah; and said committee, or any subcommittee thereof, is authorized to sit during the sessions of the Senate and during the recess of Congress, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expense of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. MILLARD introduced a bill (S. 3753) exempting certain officials and subordinates from civil-service law; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

He also introduced a bill (H. R. 3754) for the relief of Henry T. Clarke; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3755) granting an increase of pension to William H. Covert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 3756) for the relief of James Henderson;

A bill (S. 3757) for the relief of Mrs. Ina J. Peel;

A bill (S. 3758) for the relief of the heirs of U. H. Buck (with accompanying papers);

A bill (S. 3759) for the relief of James P. Pace, administrator of Jesse M. Pace, deceased;

A bill (S. 3760) for the relief of the estate of Mrs. Sarah T. Jarratt, or her legal representatives;

A bill (S. 3761) for the relief of Julia A. Thomas, administratrix of the estate of I. S. O. G. Greer, deceased;

A bill (S. 3762) for the relief of R. M. Lay, administrator of Henry Lay, deceased; and

A bill (S. 3763) for the relief of Smith Simmons, administrator of John Watres, deceased.

Mr. KEAN introduced a bill (S. 3764) granting an increase of pension to Michael Kuhn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3765) granting a pension to Dorethy A. Loudon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 3766) for the suppression and punishment of bribery and official corruption in the Territories of the United States, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

Mr. LATIMER introduced a bill (S. 3767) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MALLORY introduced a bill (S. 3768) for the relief of John Scott; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 3769) granting a pension to Edward G. Catlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3770) authorizing the President to appoint Henry T. Skelding, now a paymaster on the retired list of the Navy, as a pay director on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PROCTOR introduced a bill (S. 3771) granting an increase of pension to Virginia C. Spencer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BARD introduced a bill (S. 3772) correcting the military record of David Bullis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

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

A bill (S. 3773) granting an increase of pension to Charles W. Ebert;

A bill (S. 3774) granting an increase of pension to John C. Felton (with an accompanying paper); and

A bill (S. 3775) to restore the name of William L. Freeman to the pension roll (with accompanying papers).

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

A bill (S. 3776) granting an increase of pension to Thomas W. Murray (with accompanying papers);

A bill (S. 3777) granting a pension to Sarah S. Smith (with accompanying papers); and

A bill (S. 3778) granting an increase of pension to Joseph L. Cotey (with accompanying papers).

Mr. GAMBLE introduced a bill (S. 3779) 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; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3780) authorizing the Yankton, Norfolk and Southwestern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCUMBER introduced a bill (S. 3781) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3782) to carry into effect the findings of the Court of Claims in the Congressional case No. 23193, the Washington Loan and Trust Company, legal representative of the estate of Aaron Van Camp, deceased, and Mary M. U. Chapin and Rua P. Chapin, legal representatives of the estate of Virginus P. Chapin, deceased, against the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement of Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3784) granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. OVERMAN introduced a bill (S. 3785) for the relief of



James R. Neill; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3786) for the further prevention of the spread of communicable diseases in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3787) granting an appropriation to the trustees of the Woman's National Industrial Exhibit of the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HEYBURN introduced a bill (S. 3788) to provide for an examination to determine the feasibility of reclaiming the overflowed lands of the Kootenai River in northern Idaho and Montana; which was read twice by its title, and referred to the Committee on the Geological Survey.

Mr. CLAPP introduced a bill (S. 3789) to provide for the purchase of an additional site for the enlargement of the Federal building at Duluth, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced a bill (S. 3790) for the relief B. Jackman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3791) granting an increase of pension to Edwin J. Tenney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 3792) for the relief of H. H. Belew;

A bill (S. 3793) for the relief of the estate of Laodocia Bivens, deceased; and

A bill (S. 3794) for the relief of J. M. Carney.

Mr. CARMACK introduced a bill (S. 3795) granting a pension to Nora Stokes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3796) to enable the Secretary of Agriculture to conduct experiments in the noncorn-growing States and Territories in the breeding and feeding of the various classes of live stock for market and in growing crops and forage plants adapted to these purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3797) for the relief of the heirs of Elias Gilbert; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LONG introduced a bill (S. 3798) to correct the military record of Talton T. Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 3799) to revise the laws of the United States relating to trade-marks; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

He also introduced a bill (S. 3800) donating gun carriages to the Connecticut commissioners for the care and preservation of Fort Griswold; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCOMAS introduced a bill (S. 3801) granting an increase of pension to Susie G. Seabury; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3802) to enable the Joint Committee on the Library to purchase the sword of Gen. George Washington from Virginia Tayloe Lewis; which was read twice by its title, and referred to the Committee on the Library.

Mr. MITCHELL introduced a bill (S. 3803) granting a pension to David W. Rhodes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 3804) granting a pension to Jennie R. Hunt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3805) granting an increase of pension to James B. Luckey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 3806) for the relief of Mrs. A. T. Mason; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DOLLIVER introduced a bill (S. 3807) granting an increase of pension to Otis H. Shurtliff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3808) for the relief of the heirs of George Orville Ragland, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a joint resolution (S. R. 33) to authorize the President to appoint as a surgeon in the Navy Dr. Francis S. Nash; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to change the grade of the consulate at Buenos Ayres, Argentine Republic, from Class IV, Schedule B, at \$2,500 a year, to the grade of consul-general at \$3,500 a year, 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. NELSON submitted an amendment proposing to increase the salary of the consul-general at Rotterdam, Netherlands, from \$2,500 to \$3,000, 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. HEYBURN submitted an amendment proposing to appropriate \$995 to repay to the members of the tribe of Nez Percé Indians, of Idaho, the amounts contributed by them for the purpose of paying expenses incurred by the delegates sent by said tribe to Washington, D. C., to represent them in certain matters in their interest pending before the Indian Office and in Congress during the years 1902, 1903, and 1904, 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. LODGE submitted an amendment proposing to appropriate \$10,000 for inspection of consulates, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$1,040.65 to enable the Secretary of the Treasury to appoint an additional assistant appraiser for the port of Boston for the balance of the fiscal year ending June 30, 1904, 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.

Mr. MITCHELL submitted an amendment proposing to increase the salary of the printing clerk of the Senate to \$2,500 while held by the present incumbent, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### DIPLOMATIC CORRESPONDENCE RELATIVE TO PANAMA, ETC.

Mr. CULBERSON. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the President be requested to inform the Senate whether all the correspondence and notes between the Department of State and the legation of the United States at Bogota, and between either of these and the Government of Colombia for the construction of an isthmian canal, and all the correspondence and notes between the United States and any of its officials or representatives or the Government or Panama concerning the separation of Panama from Colombia have been sent to the Senate, and if not, that he be requested to send the remaining correspondence and notes to the Senate in executive session.

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

Mr. LODGE. Let it go over.

Mr. CULLOM. I think I shall have to object to its consideration to-day.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. CULLOM. I did not fully hear the resolution read. I think it had better go over for to-day.

The PRESIDENT pro tempore. The resolution will be printed and go over under the rule.

#### JUDGMENTS IN INDIAN DEPREDAATION CASES.

Mr. BAILEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Attorney-General be directed to transmit to the Senate a list of judgments of the Court of Claims for Indian-depredation cases rendered up to the time this call reaches his office, and requiring appropriations at the present session of Congress, not already transmitted.

#### HOUSE BILLS REFERRED.

The bill (H. R. 9308) permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 9658) to provide for the withdrawal, free of duty under bond, from the Louisiana Purchase Exposition of any articles and materials donated to incorporated institutions established for religious, philosophical, educational, scientific, or literary purposes, or to any State or municipal corporation, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 8748) for the relief of Serenus Kilbourne was read twice by its title, and referred to the Committee on Military Affairs.

#### SNAKE RIVER BRIDGE, ALASKA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 3341) authorizing the city of Nome, a



municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska.

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

Mr. GALLINGER. Mr. President, I do not rise to object to the consideration of the bill, but I should like to have the privilege of making a statement, occupying a few minutes, touching the order of business in the Senate.

Rule VIII provides that—

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

Now, Mr. President, the Senate has been in session, I think, about six weeks since the commencement of the regular session, and during those six weeks the Calendar has not been proceeded with a single day under the provisions of that rule.

I do not expect, Mr. President, to interrupt the debates, interesting as they are, which are going on in the Senate, but I wish to give notice that I shall watch an opportunity, day by day, if the opportunity shall present, to ask the Senate that it shall give some consideration to the Calendar, as it is provided that the Senate shall give consideration to the Calendar.

We have now a very considerable Calendar. Take, for instance, the very arduous committee of which I chance to be chairman, the Committee on the District of Columbia. We have reported a large number of bills. I do not feel like getting up day after day and asking unanimous consent to have those bills considered, but unless something is done to facilitate the ordinary business of the Senate the Calendar will not be reached possibly for weeks to come.

I should wish, Mr. President, that if no Senator is prepared to speak to-day on the pending resolutions we might devote an hour or two to the Calendar this very day. But I apprehend that the business of the Senate will be occupied otherwise. I simply want to have it understood that I shall take it upon myself, if no other Senator does, to urge at every opportune moment the fact that we ought not to neglect the Calendar for the purpose of indulging even in debate on very important questions that are agitating the country at the present time.

I simply wish to make this statement so that if I shall be somewhat importunate hereafter it will be understood what my purpose is in being so.

Mr. HALE. Mr. President, I am much pleased that the Senator from New Hampshire has given this notice. In the last Congress, at the request of many Senators, I took upon myself the same rôle, and I did push, in season and out of season, for the consideration of the Calendar. The result was that long before the end of the session we cleared up the Calendar, and Senators were not obliged to watch for a chance to get through particular bills.

I am very glad the Senator from New Hampshire, who is an old and experienced Senator and knows parliamentary law, who knows how business can be done here, has consented to take upon himself the charge of this matter, and I hope whenever other business is not pushing and pressing he will keep the Calendar before the Senate in the morning hour. Then he will find and we will find that in two or three months, as soon as other matters are out of the way, we will have cleared up the Calendar, and Senators will have gotten their bills through without having been obliged to watch for every chance.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. NELSON] has the floor. Does the Senator from South Carolina rise to the request made by the Senator from Minnesota for the consideration of a bill?

Mr. TILLMAN. I wish to make a suggestion to the Senator from Minnesota. If we begin the matter of going to the Calendar upon special requests, I do not know how long it will last. The business I have is purely morning business, and I should like to finish it, if he will allow me to take the floor and get up my resolution. If the Senator will permit me, of course I will then yield to him and others who are importunate about getting special measures through. I make the suggestion to the Senator, and ask his consent to that arrangement.

Mr. NELSON. I have no special objection to the course proposed, Mr. President, but this is a local bill, relating to Alaska,

providing for a bridge, and I am very anxious to secure its early consideration.

Mr. TILLMAN. The subject I want to call up has had some debate on it and will likely lead to more, but I think it is a very important matter. We left it dangling in the air on our last day.

Mr. NELSON. The bill has been brought before the Senate, and it will take but a minute to dispose of it. I suggest to the Senator that he allow the bill to go through.

Mr. TILLMAN. If it takes no debate, I will consent.

Mr. NELSON. It will take no debate at all.

The PRESIDENT pro tempore. The bill which the Senator from Minnesota desires to have acted upon will be read for the information of the Senate.

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

The bill was reported from the Committee on Commerce with an amendment, in section 1, page 2, line 11, after the word "prescribe," to insert:

Any bridge constructed under this act shall be a lawful structure, and shall be known as a post-road, for which no higher charge shall be made for the transportation of mail, troops, and munitions of war or other property of the United States over the same than the rate per mile charged for such transportation over the railways leading to said bridge.

The amendment was agreed to.

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

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

#### CHANGES IN RAILWAY TARIFF RATES.

Mr. QUARLES. The Senator from South Carolina, who I believe has the floor, has very kindly consented to yield to me that I may ask simply that a matter of morning business be transacted.

Some days ago I introduced a Senate resolution, No. 87, requesting certain information from the Interstate Commerce Commission. I asked for its present consideration, and an objection was made. Therefore the resolution went over. It has fallen under this mass of resolutions here. It is the desire of the Committee on Interstate Commerce to have the resolution referred to it. They have agreed to take prompt action upon it. I therefore ask unanimous consent that resolution No. 87 be taken from the Calendar and referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the resolution submitted by him directing the Interstate Commerce Commission to furnish the Senate a report showing the principal changes in railway tariff rates, etc., be taken from the table and referred to the Committee on Interstate Commerce. The Chair hears no objection, and that order is made.

#### COLLECTION DISTRICT OF INDIANA AND ILLINOIS.

Mr. HOPKINS. The Senator from South Carolina [Mr. TILLMAN], who, I understand, has the floor, has kindly consented to permit me to call up a bill from the Calendar. I ask unanimous consent for the present consideration of the bill (S. 540) providing for additional officers in the district of Chicago, in the collection district of Indiana and Illinois.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Commerce with an amendment, in line 5, after the words "naval officer," to strike out "and a surveyor for the district. The naval officer shall receive a salary of \$5,000 a year, and the surveyor shall receive a salary of \$5,000 a year" and insert "for the district, who shall perform the duties pertaining to that office, and shall receive a salary of \$5,000 a year;" so as to make the bill read:

*Be it enacted, etc.*, That there shall be in the district of Chicago, in the collection district of Indiana and Illinois, in addition to the officers now provided for by law, a naval officer for the district, who shall perform the duties pertaining to that office, and shall receive a salary of \$5,000 a year.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill providing for an additional officer in the district of Chicago, in the collection district of Indiana and Illinois."

#### REPUBLICS OF NICARAGUA AND COSTA RICA.

Mr. GAMBLE. Mr. President—

Mr. GALLINGER. Now, Mr. President, I call for the regular order.

The PRESIDENT pro tempore. The Senator from New Hampshire demands the regular order. The Chair lays before the Senate the first resolution in order, which will be stated by title.

The SECRETARY. Senate concurrent resolution No. 32, submitted by Mr. MORGAN January 11, 1904, declaring it to be the duty

of the United States to open negotiations with the Governments of Nicaragua and Costa Rica as required under the act of June 28, 1902, providing for the construction of an interoceanic canal.

Mr. TILLMAN. In the absence of the Senator from Alabama [Mr. MORGAN] who introduced the resolution, I ask that the resolution go over, retaining its place and its privileges.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

#### HOURS OF LABOR IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution the title of which will be stated.

The Secretary read the resolution submitted by Mr. STEWART on the 11th instant, as follows:

*Resolved*, That the Committee on Appropriations be instructed to inquire what amount of money would be necessary to provide sufficient additional clerks in the Departments to avoid the necessity of extending the hours of labor from 4 to half-past 4 o'clock.

Mr. STEWART. I should like to modify that resolution by inserting the word "requested" for the word "instructed;" so as to make it a request to the committee.

The PRESIDENT pro tempore. The Senator has the right to modify the resolution. The question is, Will the Senate agree to the resolution as modified?

Mr. COCKRELL. Why should not that resolution go to the Committee on Organization, Conduct, and Expenditures of the Executive Departments?

Mr. STEWART. I prefer that it shall go to the Committee on Appropriations.

Mr. COCKRELL. I do not think that the Committee on Appropriations has anything to do with that subject. It is a matter of management of the Executive Departments and not of appropriations. We have a specific committee for that purpose, which has not much business to do, and this would be a very good job for them to undertake.

Mr. STEWART. I think this a question on which we want the experience of the Committee on Appropriations, because the question of the number of clerks is determined by that committee. So I think that is the committee that should consider and investigate this matter. The Senator from Missouri will know all about it without any investigation.

Mr. COCKRELL. Then I shall say in advance that I believe in the theory of more work and less clerks, instead of more clerks and less work.

Mr. STEWART. Very well; but my preference is that the resolution should go to the Committee on Appropriations.

Mr. COCKRELL. As the object of the resolution seems to be to increase the number of clerks, I think it had better go to the committee I have indicated.

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

The resolution as modified was agreed to.

#### CORRESPONDENCE WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate—

Mr. TILLMAN. I should like to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. TILLMAN. There seems to be a considerable number of these resolutions which have come over from day to day. I was about to ask, and will now ask, if I may be allowed, that by unanimous consent they stay on the table, as nobody seems to be fretting about them or trying to dispose of them.

Mr. LODGE. Some of these resolutions can be disposed of. We have already disposed of one or two.

The PRESIDENT pro tempore. Two have been disposed of. The one referred to by the Senator from South Carolina may be reached very shortly.

The Chair lays before the Senate resolution numbered 81, submitted by the Senator from Virginia [Mr. DANIEL] on the 12th instant, which will be stated.

The SECRETARY. Senate resolution 81, requesting the President to send to the Senate all correspondence between the Secretary of State and Colombia relating to that country since November 4, 1903, and which has not been heretofore transmitted.

Mr. LODGE. That is covered substantially by the resolution introduced to-day. I suggest that it go over without losing its place.

Mr. GORMAN. I ask that that may be done.

The PRESIDENT pro tempore. The resolution will go over without losing its place.

#### RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Georgia [Mr. BACON] on the 12th instant, which will be stated.

The SECRETARY. Senate resolution 82, informing the Presi-

dent that the Senate favor and advise the negotiation of a treaty with the Republic of Colombia to satisfactorily determine and adjust all differences between the United States and Colombia growing out of the recent revolution in Panama, etc.

Mr. BACON. Mr. President, I have unfortunately been unavoidably absent from the Senate for some time. I am not able to-day to address to the Senate the few remarks which I desire to submit upon the resolution. For that reason, I ask that the resolution may go over until some time in the near future, possibly to-morrow, when I shall desire to be heard upon it.

The PRESIDENT pro tempore. The Senator from Georgia asks that the resolution may go over, retaining its place. Is there objection? The Chair hears none, and that order will be made.

#### SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate resolution numbered 86, submitted by the Senator from Colorado [Mr. PATTERSON] on the 13th instant, which will be stated.

The SECRETARY. Senate resolution 86, directing the Interstate Commerce Commission to send to the Senate copies of all petitions, etc., received relative to relieving common carriers by railroad from, etc., any of the provisions of safety-appliance acts, etc.

Mr. KEAN. When that resolution was heretofore under consideration I made a motion to refer it to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. That is the pending motion.

Mr. KEAN. But I do not see the Senator from Colorado [Mr. PATTERSON] present; and so I ask that the resolution may go over, retaining its place.

The PRESIDENT pro tempore. The Senator from New Jersey asks that the resolution may go over, retaining its place. Is there objection? The Chair hears none, and that order will be made.

#### RELATIONS WITH COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Maine [Mr. HALE] on the 13th instant as a substitute for the resolution submitted by the Senator from Georgia [Mr. BACON]. The resolution will be stated.

The SECRETARY. Senate resolution 88, that in any claim which the Republic of Colombia may make against the Republic of Panama for indemnification or loss of territory or increased burden of the debt of said Republic of Colombia, the President is requested to tender his best offices toward the peaceful adjustment of all controversies that have arisen, etc., between the two Republics.

Mr. LODGE. That should go over with the resolution of the Senator from Georgia [Mr. BACON].

Mr. BACON. That, as I understand, is a substitute for the resolution offered by me. After the statement made at the time it was offered, that it was to accompany my resolution and take whatever direction was given to that by the Senate, I think it should go over.

Mr. HALE. Let it take the course to which the Senator has referred. It was offered as a substitute for the resolution of the Senator from Georgia, and may go over, retaining its place, as his resolution has gone over.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

#### PAWNEE INDIAN SCHOOL.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate resolution numbered 93, submitted by the Senator from Tennessee [Mr. CARMACK] on the 15th instant, which will be stated.

The SECRETARY. A resolution (S. Res. 93) directing the Secretary of the Interior to transmit to the Senate the original or copies of all charges, etc., relating to the superintendent and other employees of the Pawnee Indian School, etc.

Mr. TILLMAN. I should like to make another parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. TILLMAN. I should like to know under what rule these resolutions get their status or condition of precedence. The resolution I am trying to call up was introduced on the 11th of December and is numbered 51. I notice that at least half a dozen resolutions that were subsequently introduced, and lie behind it, have been called up ahead of the one which I had on the table, which has been already called up once, but not completed. I am not complaining, but I just want to know how this thing goes.

The PRESIDENT pro tempore. The clerks are instructed to present to the Chair the resolutions in the order in which they are offered in the Senate.

Mr. TILLMAN. Then mine would have precedence over all of these, because it is numbered 51 and was offered on the 11th of December.



The PRESIDENT pro tempore. But the Senator's resolution was laid on the table, in the ordinary way of a resolution offered on the floor, and placed on the Table Calendar.

Mr. TILLMAN. But my resolution was offered, as the RECORD shows, subject to call at any time, and was so recorded on the Calendar.

Mr. McCOMAS. If the Senator will permit me, I see his resolution was introduced December 11, and on January 22 it was modified. Perhaps that may explain its present status.

Mr. TILLMAN. Then I stand corrected. I am not complaining, and we shall get to my resolution after a while, I suppose.

The PRESIDENT pro tempore. There are two Calendars, so far as that is concerned, for the guidance of the presiding officer here. One is a Calendar of resolutions that are presented and lie on the table subject to the call of the Senators offering them; the other is a Calendar of resolutions which go over under the rule, and the Chair is informed that the Senator's resolution is one which he asked might lie on the table.

Mr. TILLMAN. Subject to call, the same as the rest of the resolutions.

The PRESIDENT pro tempore. No; not the same.

Mr. COCKRELL. They are not all subject to call.

The PRESIDENT pro tempore. Some are not subject to call at all.

Mr. TILLMAN. Then, if I am displaying my ignorance, I am not at all mortified, because I just want to understand how resolutions Nos. 84 and 93, and all that kind of thing, can get ahead of No. 51, and how a resolution offered in January can get ahead of one offered in December. I should like to have light on that point.

The PRESIDENT pro tempore. The Chair is not undertaking to prevent the Senator—

Mr. TILLMAN. I hope the Chair does not imagine for a moment that I have a suspicion or even the scintilla of a suspicion that the Chair is unfair. He is incapable of such a thing.

Mr. BATE. As the resolution which was last laid before the Senate by the Chair is the one offered by my colleague [Mr. CARMACK], who is not now present, I ask that it may go over without prejudice, retaining its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

#### NICARAGUA CANAL.

The PRESIDENT pro tempore. The Chair lays before the Senate the concurrent resolution submitted by the Senator from Alabama [Mr. MORGAN] on the 20th instant, which will be stated.

The SECRETARY. Senate concurrent resolution 36, declaring that obedience to law requires that the President shall proceed to open negotiations with Nicaragua and Costa Rica for a treaty for a canal on Nicaragua route.

Mr. GORMAN. That is a resolution submitted by the Senator from Alabama [Mr. MORGAN], is it not?

The PRESIDENT pro tempore. It is.

Mr. GORMAN. I ask that it may go over without prejudice, retaining its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and that order is made.

#### RECESS APPOINTMENTS.

The PRESIDENT pro tempore. Does the Senator from South Carolina desire to call up his resolution now?

Mr. TILLMAN. I do. I ask unanimous consent that Senate resolution No. 51 be taken from the table.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent to take from the table a resolution, which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN December 11, 1903, and modified January 22, 1904, as follows:

Whereas article 2, section 2, of the Constitution of the United States provides:

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint \* \* \* all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law;"

And further:

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

And

Whereas it is known that certain officers appointed during the recess of Congress from March 4 last to November 9, and whose appointments were not confirmed by the Senate, are now in possession of and exercising the powers and functions of said offices: Be it

Resolved, That the Judiciary Committee of the Senate be, and it is hereby, authorized and instructed to report to the Senate—

First, What constitutes a "recess of the Senate," and what are the powers and limitations of the Executive in making appointments in such cases.

Second, What legislation is necessary to prevent the holding of an office by any person or persons whose commissions issue or are held by Executive exercise of unlawful authority, if any there be.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none; and it is before the Senate.

Mr. TILLMAN. Mr. President, on Friday last, when this resolution was under discussion, we did not complete the statement of the case or the bringing clearly before the Senate just what the actual facts are. The Senator from Maine [Mr. HALE] called attention to the fact that so far as he knew or understood no one on that side of the Chamber stood sponsor for or believed in the legality or constitutionality of a constructive recess. He declared, as I remember, that the appointments under discussion were not subject to any such criticism. I believe that is a correct statement of the Senator's position. If I misunderstood him, why, of course, he will correct me. The Senator also stated that an examination of the papers in the cases would disclose at once and clearly, beyond dispute, just what the status is.

Mr. HALE. I stated that I took no stock in this theory of a constructive recess, and doubted whether many Senators did, and that I did not know that the President, in sending in nominations, had committed himself to that proposition. Afterwards some question arose as to the two nominations, those of General Wood, and of Mr. Crum, of the Senator's State, which would be representative cases, covering the point which the Senator from South Carolina suggests. I stated that from an examination made, not by myself, but by some one else, I believed that the nominations sent in by the President did not disclose that he had committed himself in any way to the proposition—the new proposition, the strange proposition—of a constructive recess, but that they were sent into the Senate as original nominations.

I have since looked at the records, and they disclose as to these two cases, this condition: That after the long recess between March and November, the nominations of General Wood and Mr. Crum were sent in, referring to their being recess appointments, but that the nominations sent into this session—the regular December session—disclose nothing of that kind. They are original nominations, without referring to or setting up any question of there being a constructive recess, and we are dealing with them as original nominations.

I have the two nominations here. This is the nomination of Mr. Crum that was sent in after the actual recess, the long recess, between March and November.

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

Mr. Crum is now serving under a temporary commission.

Nobody denies that that is right. There had been a real recess, and he held the place under a recess appointment. The nomination shows that.

In December, in this session, when the nomination was sent in—the one we are considering now—it was simply sent in as an original appointment. It reads:

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

That is just like any original nomination. So that the statement I made, not on my authority, but on the authority of others, on Friday last is borne out.

Mr. MITCHELL. I wish to ask the Senator from Maine if this nomination gives Mr. Crum the right to hold office?

Mr. HALE. That is not the question we are considering. That is a question which will come before the Comptroller when a claim is made for salary.

Mr. MITCHELL. But what is the Senator's opinion?

Mr. HALE. I have not looked into the matter.

Mr. MITCHELL. I have.

Mr. HALE. I am willing to leave it to the Comptroller. He is a man of large experience, undoubted integrity, and great industry, and I have no doubt he will make short shrift, if the question comes before him, of any such thing as a constructive recess.

Mr. BAILEY. May I ask the Senator from Maine a question? The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. Certainly.

Mr. BAILEY. I agree with the Senator from Maine that it is a question for the Comptroller so far only as the salary is concerned, but that it is a question for the Senate whether a man pretending to be an officer is exercising the duties of an office without the proper appointment. The only way in which the matter can be presented to the Comptroller is on the question of salary. I take it that is the smallest part of the question presented here.

Mr. HALE. That does not take it away from the Senate. The Senate does not settle that question.

Mr. BAILEY. Not the question of salary, but I take it that no Senator will agree that the President may appoint men to office and that they may enter upon the discharge of the duties of their offices without the sanction of the Senate when the Senate is in

session, and that we should dispose of it all by waiving it back to the Comptroller of the Treasury to say whether he shall pay the salaries or not.

Mr. HALE. The Senator will bear in mind that we are not now considering the nominations. We are not in executive session. We have neither Mr. Crum nor General Wood before us.

Mr. BAILEY. I perfectly understand that.

Mr. HALE. This is only, you may say, an academic discussion.

Mr. BAILEY. My sole purpose was simply to dissent from the idea that the President could appoint a man during the session of the Senate, and that man, before he was confirmed by the Senate, could enter upon the discharge of his duties and hold the office, and that the Senate had no further concern about the matter. I simply dissent from that view of the question.

Mr. HALE. My point was only that the nomination—and my search into the documents, going to the executive room of the Secretary's office and getting the original appointment—shows that when the President sent in these nominations to this session he did not do what he did in the executive session after the actual recess. So that my original point holds good that the President does not, from anything we see here, commit himself to the theory or the proposition of a constructive recess when the two sessions were merged on the same point of time. As I said the other day, the Constitution is not a pitfall for the unwary; it does not deal in devices and surprises; but it is a plain open way. The recess provided for in the section and article of the Constitution which was read the other day is an actual recess, in which business can be done and when offices can be filled, as they ought to be filled in order to run the Government. But the discussion the other day showed that all the precedents were against the theory of a constructive recess when there is no actual recess.

All I wanted to say was that I have looked at the records and they do not show that the President sent these nominations in at this session with reference to the recess appointment, as he did in the November session. That is all that I wanted to say. We do not adopt the idea that there has been a recess at all; we are not committed to it, and there is nothing in the papers to show that the President has committed himself, and I hope he has not committed to that proposition.

Mr. TILLMAN. The papers themselves show.

Mr. HALE. I have the original nominations here, and I refer to them. I do not refer to any mere letter such as the Senator may have, but I have the original nominations, which are official documents, which speak for themselves. I do not know what the Senator has, but he can have nothing so fundamental and so conclusive as the original nominations sent by the President to this body.

Mr. TILLMAN. Mr. President, as I said the other day, this is too great a question to be decided from any partisan standpoint. I deprecated the entry into it of any partisan feeling or any supposed necessity that Senators here must express themselves and take attitudes in accord with their party affiliations. It is too serious and too great a question to be thus belittled. I reiterate and I want to emphasize, so far as I am able, that the purpose and feeling I have is simply to guard the ancient rights, the constitutional rights, of the Senate in dealing with appointments which it has to confirm.

In order to get the facts more clearly before the Senate, I will produce the letters here. I have a copy of one and the original of the other. Here is a copy of the correspondence that occurred in regard to the Crum appointment. On January 8 I addressed the following letter to the Secretary of the Treasury:

UNITED STATES SENATE,  
Washington, D. C., January 8, 1904.

Hon. LESLIE M. SHAW,  
Secretary of the Treasury Washington, D. C.

SIR: Will you please give me an answer to the following questions:  
First. When was Dr. W. D. Crum appointed collector of customs at the port of Charleston, S. C.? The date and character of his commission.  
Second. Is he now in office? If so, under what authority of law?  
Third. Did a new commission issue under the last appointment? If so, give date.  
Fourth. Has he been required to give a bond under his last appointment?  
Fifth. Has he ever received any compensation for his services, and if not, why not?

An early reply will be appreciated by,  
Yours, respectfully,

B. R. TILLMAN.

I received this answer from Secretary Shaw:

OFFICE OF THE SECRETARY, TREASURY DEPARTMENT,  
Washington, January 8, 1904.

MY DEAR SENATOR: Replying to your note of January 8, relative to Dr. W. D. Crum, collector of customs at the port of Charleston, S. C., I beg to advise:

The vacancy occurred in the fall of 1902, possibly in September, during a recess of the United States Senate. Congress regularly convened in December of that year, and on December 31 Mr. Crum's nomination was sent to the Senate. The Senate adjourned on the 4th of March without confirming the nomination. On the 5th of March, the Senate being in special session, the

nomination was again sent in. The Senate adjourned without confirming, and on March 20, 1903, the President issued a temporary commission, under which Mr. Crum entered upon the discharge of his duties. He was allowed no compensation, however, in view of the statute prohibiting it under similar circumstances. I doubt not you are familiar with the statute. The Senate again convened in special session in November, 1903, and the nomination was again sent in, but was not acted upon.

Now, here is the point:

At the adjournment of that special session, and at precisely 12 o'clock noon of the first Monday in December, 1903, Mr. Crum was reappointed.

In other words, at the precise minute when the one session died and the new session began, the extra session disappearing, the regular session began.

At the adjournment of that special session, and at precisely 12 o'clock noon of the first Monday in December, 1903, Mr. Crum was reappointed, and his nomination is now pending before the United States Senate. Under this last appointment Mr. Crum has again given bond and is in discharge of the duties of the office, but without compensation, for reasons heretofore referred to.

Very truly, yours,

(Signed) L. M. SHAW.

Hon. B. R. TILLMAN,  
United States Senate.

Now, Mr. President, if the President has not given his sanction to the constructive recess, there are two things to which I would like to call attention. The first is that it was entirely unnecessary for the Secretary of the Treasury to notify me, as he has done, that this last appointment was made precisely at 12 o'clock, between the two sessions; secondly, that under the unbroken custom and, I believe, the law, no man can hold a position and discharge its functions under such circumstances.

The appointment last March, during the recess after the Senate adjourned, was entirely legitimate and lawful. When the Senate adjourned at the special session, which began on the 9th of November, without taking action, that temporary appointment, which is mentioned here, expired by limitation of law, and under the Constitution and the laws, as I understand them, there was no authority anywhere and there is no authority now to give him another appointment, except one such as the Senator from Maine contends for, which does not give him the office, which does not induct him into office, which gives him no commission, because without the consent of the Senate he can not hold that office lawfully. We have to confirm him. He has to pass the gamut of the votes of this body in order to be able to hold that office and discharge its functions.

Mr. HALE. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from South Carolina yield to the Senator from Maine? Mr. TILLMAN. With pleasure.

Mr. HALE. Now, the Senator is discussing what will result from certain conditions about holding office and drawing pay. That is something which, while we can inquire into it and take an interest in it, does not come before us by the nomination that the President sent in. The nomination which I have just read is dated December 7, the day we assembled here. That it was made the minute this session began gives it no special rights. It is an original appointment. It is not made as the appointment was made at the beginning of the extra session, referring to the recess appointment, but is an original appointment, like anything else. That is all we have before us. I do not know what the result will be. That has to be fought out before the Comptroller.

Mr. TILLMAN. I have here a resolution, of which the Senator has failed to take cognizance, which seeks to have the Judiciary Committee investigate and report and give their authoritative opinion as lawyers as to what are the powers and rights of the Senate and what are the powers and rights of the Executive under these very conditions.

Moreover, I saw in the morning paper—I think it was this morning; certainly within the last two or three days—a cablegram from the Philippines from "Leonard S. Wood, major-general." He is not a major-general, but he is exercising the power and functions of a major-general, and with no lawful authority.

Mr. HALE. I have no objection to having the resolution referred to the Judiciary Committee and let them look up this question of constructive recess; but I do not need that. My mind is as clear as the daylight—

Mr. TILLMAN. But the Senator proposes no remedy. We all agree as to our legal rights as Senators and the powers of the Executive. At least I believe we do. But the Senator is endeavoring—I will not say that either—but he appears to be willing to let the rights of the Senate drop into abeyance or become eclipsed and to let the will of the Executive go on in filling offices contrary to the law and the Senate sit idly by.

Mr. HALE. That is not my position at all.

Mr. TILLMAN. I may be mistaken. I am merely giving his attitude as I understand it.

Mr. HALE. I have no objection to the committee reporting, but I do not need that. My mind is so clear that there is no such



thing as a constructive recess that I do not need that. All I say is that the papers which we have before us and all that will be in executive session are these original appointments, which make no reference to a recess appointment, and do not in any way by themselves commit the President to that proposition. I should be sorry to learn that the Chief Executive had adopted the strained construction, of which I have never been able to find the father, that there is a constructive recess when the two sessions come together at the identical moment of time.

As I have repeatedly said, the Comptroller will make short work of that when it comes before him, and we have not got it before us by the nomination. I have no objection to the Senator getting the Committee on the Judiciary to report if he wants to, but I could guess what their report would be.

Mr. TILLMAN. Undoubtedly; but, Mr. President, we are not considering Mr. Crum's confirmation here. If so, these doors would be closed and we would be in executive session. Mr. Crum is a mere incident—a very slight, insignificant incident—to a great constitutional question which I am trying to present here.

I am opposing the establishment of a precedent which will destroy the rights of the Senate in regard to this supposed confirmation that is necessary. If the President can do this, he can fill the most important office in the Government, and until the Senate takes up the matter and rejects it, or takes him by the throat as a predecessor of his was taken by the throat, the thing goes on, and that is the whole sum and substance of it.

I reiterate that I am not undertaking to attack the individual here, and I am not considering the individual. I am considering the constitutional condition and the destruction of one of the foundation principles of the Government.

The Senator from Maine says he does not know who is the author of the constructive-recess idea. I happen to have here a newspaper. Newspapers are not always reliable, especially when they talk about me. [Laughter.] But nevertheless they are the best light we can get, and I can gather from the statements made here a considerable amount of light on this question. I read from the Evening Star of this city of December 8. It is, as you all know, a strong Republican paper and more than friendly to the President.

**RECESS COMMISSIONS—LIVELY CONTROVERSY OVER GENERAL WOOD'S NOMINATION—NO CHANGE IN STATUS—OFFICERS, IF CONFIRMED, WOULD RANK FROM YESTERDAY—MANY EXPERT OPINIONS OFFERED—WAR DEPARTMENT WILL TEST THE CASE BY PAYING OFFICERS' SALARIES.**

According to the officials of the War Department the ending of the special session and the beginning of the regular session of Congress has made no change in the status of General Wood and the 167 other army officers whose nominations failed of action at the special session. What the President has done is for the purpose of protecting the interests of all the officers concerned in the event that there was actually a constructive recess even for an almost inappreciable period of time.

As has been stated by the Star, the President and officials of the War Department hold to the view that there was a recess, and, in order to meet that situation, recess commissions bearing date of yesterday were issued by the President to General Wood and all the other officers concerned. These commissions were in the form of commissions issued when Congress is not in session and are identical, except in the matter of date, with the recess commissions issued to the same officers in August last when the vacancies to which they were appointed occurred. Such commissions hold good until the expiration of the succeeding session of Congress.

I hope the Senator from Maine will call for those papers if they are not in the possession of individual officers. We can address a communication to the Secretary of War and ask him to tell us whether there is anything in this but mere idle reportorial gossip; whether it is a statement of the facts.

Mr. HALE. Now, the Senator can do that, but he has not done it. He can address a Senatorial inquiry to the Secretary—

Mr. TILLMAN. I do not like to have the burden of upholding the dignity of the Constitution and the time-honored traditions of this Government fall upon such weak shoulders as mine. I have an Ajax on my left and a Titan on my right, and between the two they ought to sustain this proposition and let me out.

Mr. HALE. I wish the Senator would permit me to finish my sentence.

Mr. TILLMAN. I beg the Senator's pardon. He is always so courteous and so kind, especially to me, that I beg his pardon if I have seemed to be rude.

Mr. HALE. The Senator need not do that. All I was saying was that he indicated what he might do—

Mr. TILLMAN. No; I was asking the Senator from Maine to do this very thing.

Mr. HALE. Perhaps I will. I can do it. He can or I can introduce a Senatorial resolution, asking the Secretary of the Treasury what has been the actual course in this case and whether Mr. Crum has been installed in this office.

Mr. TILLMAN. I was asking the Senator to write to the Secretary of War—

Mr. HALE. The Senator does not let me finish my sentence.

Mr. TILLMAN. I will sit quietly down.

Mr. HALE. I wish the Senator would occasionally restrain what I may call these ebullitions. The Senator from Wisconsin [Mr. SPOONER], who has had experience in it, says to me it is the

impetuosity of youth. We are all in love with the impetuosity of youth. Most of us have left it far behind, except the Senator from South Carolina. If he will hold on a moment, I will say what I started to say.

If the Senator or I choose to direct a Senatorial inquiry to the Secretary of the Treasury, asking him if Mr. Crum has been installed in this office since the extra session expired and by what method it has been done, and under what claim of law or under what commission, the Senate will pass the resolution at once, whether he introduces it or whether I do, and then we will have the subject-matter before us. But I repeat that under the nominations sent by the President to this session of Congress it does not appear that there is any reference to a recess appointment.

I do not object, as I said, to have this matter go to the Committee on the Judiciary and let them look it up, but I am afraid that, by asking the Committee on the Judiciary to consider the question, the Senator has unduly magnified the importance of this fugitive, stray, nebulous proposition, that somewhere somebody has fathered the proposition that when two sessions come together at the same point of time there is a constructive recess. And yet I will not object to his request.

Mr. TILLMAN. The Senator from Maine is so adroit a fencer and he takes things so much for granted sometimes, as a matter of course, and is apparently so innocent of guile or suspicion of guile in others—I will relieve the Senator from the suspicion of guile in himself—I take that back, I modify that—

Mr. HALE. Of course.

Mr. TILLMAN. He has had such extensive experience with public men, he has been so great a part and instrument in this Government that of course he has rather a bucolic or youthful understanding of human nature, and to that extent he is sometimes given to the pooh-poohing of things as a most effective weapon of defense, and undertaking to belittle this case and set it aside as unworthy of consideration, I think, is rather a ruse than any actual opinion of his that it can be determined in that way.

I was reading from the Star a very interesting presentation of what is asserted to be a fact. According to this paper—

In the Administration's view the original commissions expired at the end of the special session of Congress—

That was on the 7th of December—

and the new commissions will run until the expiration of the pending session provided no action is taken in the meantime on the nomination before the Senate.

In addition to the issue of these recess commissions direct to the officers, the President has also sent in their regular nominations to the same offices.

We would seem to have a double-barreled commission here, a special, so-called constructive recess appointment, and then this simple, lawful subsequent appointment, the one which we are considering and which we will consider in executive session.

In doing which he has simply followed an unbroken custom in the case of all recess appointments. These nominations are made out to take effect at the time of the original recess appointments in August last, and if they are confirmed will smooth out all the complications that have arisen over the existing anomalous situation. The action taken by the President in issuing the recess commissions is designed to continue General Wood and the other officers in the rank and grade to which they were promoted last August, thus clothing them with the authority of the higher rank and giving them the benefit of the higher pay and emoluments.

In view, however, of the contention that there was no legal recess of Congress yesterday for which these commissions were issued—

In other words, that there was not any break; we simply merged and went on, and according to the view of the Senator from Wisconsin [Mr. SPOONER], which he tentatively suggested the other day, these officers would hold until the end of this session, because there was absolutely no interregnum between the two. However, the Senator did not stand by that contention, I believe.

But you see that this whole subject has been very thoroughly canvassed and considered at the War Department, and of course by the Attorney-General and the other legal advisers of the President, and it is not a case which we can pooh-pooh and dismiss with a wave of the hand. A precedent is being established, and we can stop it only by calling attention to it and having the Senate announce authoritatively its view or by having Congress reenact a statute which unfortunately is not now on the statute books.

Secretary Root has decided to bring the question before the accounting officers of the Treasury as soon as possible. He has therefore instructed Paymaster-General Bates to make a test case by paying the salary of the higher grade to one of the officers concerned to cover a portion of the period in dispute, and forward the accounts to the Auditor of the Treasury for the War Department and the Comptroller of the Treasury with as little delay as possible. It will then be for those officers to determine the legality of the payment, and their decision on that point will also cover the much-mooted question as to whether there was or was not a recess of Congress just before the beginning of the present session.

Now, I want to ask my great friend and lawyer and constitutional headlight whether he is willing to allow a subordinate in the Treasury Department to pass upon the constitutionality of these appointments and leave the Senate dawdling around here, neglecting its duty, and too cowardly apparently to discharge it and to claim its rights and maintain them?



Mr. HALE. I can not hinder a subordinate in the War Department, or the Treasury Department, or the Secretary of either Department trying this. I do not propose—

Mr. TILLMAN. Will the Senator allow me to read a statute?

Mr. HALE. Wait a moment until I get through. I have no objection to their trying it, but it will not avail; if it is not law, nothing will come of it; there will be no salary drawn; there will be no legal incumbency of the office if the Comptroller, who has to settle this question, decides that there is no law for these men holding the office; that they can not get the pay. Then the understrapper, to whom the Senator refers, whether in the Treasury Department or in the War Department, will be up against the law. But we shall have nothing to do with it. The Comptroller will settle that question. We can express our opinion about it. The Senator, as I said before, can have an inquiry directed, but it is not before us now except in this way, that the Senator wants the Committee on the Judiciary to consider this subject. I will not go over that again.

But I do not know anybody who is responsible for the Star article. I never heard of it before. I was unfortunate enough not to read it at the time; perhaps I ought to have read it. But it never occurred to me that the Star or the Post or the Times is the exponent either of the Congress or the President. If I followed newspaper articles, as the Senator says about articles that deal with him personally, I do not know where I would be. My wits would go woolgathering all the time. I do not know of anybody who is responsible for that article, and I do not know whether these Treasury and War Department underlings have undertaken to do this; but if they have, and there is no law for it, they will get what we call in the country their come-up-ance when the matter reaches the Comptroller.

Mr. TILLMAN. I will read section 1761 of the Revised Statutes:

No money shall be paid from the Treasury as salary to any person appointed during the recess of the Senate to fill a vacancy in any existing office if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate until such appointee has been confirmed by the Senate.

It looks to me like the Comptroller would simply have to draw that, and he certainly will not pay any money. But that does not relieve the situation at all.

Mr. SPOONER. What section is it?

Mr. TILLMAN. Section 1761. Now, we will see who some of these understrappers are, according to the Star reporter:

Secretary Root and Judge-Advocate General Davis of the Army hold that as there was constructively—

Constructively—

an interval between the adjournment of the Senate in special session and its reassembling in regular session the recess commissions heretofore issued lapsed and made necessary the issue of fresh recess commissions.

In discussing the question of a recess, General Davis said that the special session of Congress must have been either continuous or discontinuous. "If continuous into the regular session," he said, "the original recess commissions ran until the expiration of the present regular session. On the other hand, if the special session was discontinuous," said General Davis, "there must have been a lapse of time, no matter how minute, before the beginning of the regular session, which would justify the issue of new recess commissions."

The officials say that the most interesting legal question relates to the standing of the officers promoted and retired upon the promotion of General Wood. The questions to be determined are whether these officers are on the active list or the retired list, and whether they are entitled to the pay of a brigadier-general or colonel, retired, or of a colonel on the active list. These are some of the matters to be determined by the Treasury officials.

Mr. HALE. The Comptroller.

Mr. TILLMAN. No; this is the Star quoting Secretary Root and Mr. Davis.

Mr. HALE. The Treasury official referred to is the Comptroller.

Mr. TILLMAN. Oh, the Comptroller.

It happened, as I said the other day in quoting the RECORD to show the attitude of the Senate in the past, that certain statutes were placed upon the statute books in 1867, at the very time when the debate from which I quoted was had. I want to read how the Congress which had to deal with Andrew Johnson thought it necessary to make the law over his veto:

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

I will read the next two sections:

SEC. 1770. Nothing in sections 1767, 1768, or 1769 shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than \$10,000, or both.

Mr. ALDRICH. That act was repealed long ago.

Mr. TILLMAN. Oh, I know it was repealed. Otherwise we would have had several of these gentlemen arrested and we would be dealing with the cases in court. But because the act was repealed in 1887, unfortunately, I say, repealed, we find that a President is now attempting to exercise authority under the constructive recess idea; that a hundred and sixty-seven officers of the Army now hold commissions contrary to law, contrary to the rights and powers, and I may say the duties of the Senate, and at least one little collector of customs down in my part of the world is in office with the commission issued under an appointment made precisely at 12 o'clock, between the two sessions of the Senate. We are face to face with the inevitable conclusion that a precedent is being established, which can only be brought up standing, and checked and destroyed, or have its force and effect destroyed by the Senate taking some action to protect itself.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. TILLMAN. With pleasure.

Mr. PLATT of Connecticut. I ask this question for the sake of information. Will the Senator from South Carolina state just what has been done in the case of Crum? Has there been a commission issued to him? Does the Senator know that fact?

Mr. TILLMAN. I only know what the Secretary of the Treasury writes. I have not gone to Mr. Crum—

Mr. PLATT of Connecticut. The Secretary of the Treasury, as I listened to his letter—

Mr. TILLMAN. I know this: Mr. Crum is in office.

Mr. PLATT of Connecticut. But what I am trying to get at is—

Mr. TILLMAN. I know Mr. Crum has been required to give a new bond in order to meet the conditions which were disclosed by the Senator from Colorado [Mr. PATTERSON] in the decision of the Supreme Court in regard to an officer thus occupying an office and his bondsmen not being responsible. This is all I know. I know Crum is in the collector's office. I know he must have a commission or he would not be there, or else the Secretary of the Treasury is grossly neglecting his duties. I take it for granted that that is so.

Mr. PLATT of Connecticut. It is an inference of the Senator from South Carolina that Crum has a regular commission.

Mr. TILLMAN. Undoubtedly. It is obliged to be; it could not be otherwise. Who can accuse the Hon. Leslie M. Shaw of palpably and willfully neglecting his duty or even of a transgression of law, unless he is backed by the President? I would not for a moment.

Mr. PLATT of Connecticut. As I heard the letter, I thought there was an absence of the statement that there had been any commission issued to him, and that is the reason why I asked the question.

Mr. TILLMAN. I want to know, then, how he exercises the functions and powers of collector without a commission?

Mr. PLATT of Connecticut. I do not know. I thought perhaps the Senator did.

Mr. TILLMAN. Then we had better ask the Secretary of the Treasury to be a little more explicit. I asked him this question, but he did not give me that explicit answer which my inquiries would have warranted. What I am after is to try to know what we are going to do about it—to discover what action the Senate will take to brush aside all this new-fangled doctrine of a constructive recess and protect itself and protect the country from such a transgression and abuse of power.

Mr. BACON. I hope the Senator will read that letter again. Let us hear it.

Mr. TILLMAN. It is as follows:

Washington, January 8.

Mr. BACON. What was the inquiry directed by the Senator, to which that is a reply?

Mr. TILLMAN. I read my letter to the Secretary. Possibly it will answer the Senator's purpose if I hand him both letters and let him read them. They will both be in the RECORD; but I can read them again.

Mr. BACON. Just as the Senator pleases.

Mr. TILLMAN. My inquiry was as follows:

UNITED STATES SENATE,  
Washington, D. C., January 8, 1904.

HON. LESLIE M. SHAW,  
Secretary of the Treasury, Washington, D. C.

SIR: Will you please give me an answer to the following questions: First. When was Dr. W. H. Crum appointed collector of customs at the port of Charleston, S. C.? The date and character of his commission.

Second. Is he now in office? If so, under what authority of law?

Third. Did a new commission issue under the last appointment? If so, give date.

Fourth. Has he been required to give a bond under his last appointment?

Fifth. Has he ever received any compensation for his services; and if not, why not?

An early reply will be appreciated by,

Yours, respectfully,

B. R. TILLMAN.



The Secretary answered on the same date, as follows:

OFFICE OF THE SECRETARY, TREASURY DEPARTMENT,  
Washington, January 8, 1904.

MY DEAR SENATOR: Replying to your note of January 8, relative to Dr. W. D. Crum, collector of customs at the port of Charleston, S. C., I beg to advise:

The vacancy occurred in the fall of 1902, possibly in September, during a recess of the United States Senate.

I will note here that the duties of the office were performed in the interim by the deputy collector.

Congress regularly convened in December of that year, and on December 31 Mr. Crum's nomination was sent to the Senate. The Senate adjourned on the 4th of March without confirming the nomination. On the 5th of March, the Senate being in special session, the nomination was again sent in. The Senate adjourned without confirming, and on March 20, 1903, the President issued a temporary commission, under which Mr. Crum entered upon the discharge of his duties. He was allowed no compensation, however, in view of the statute prohibiting it under similar circumstances. I doubt not you are familiar with the statute. The Senate again convened in special session in November, 1903, and the nomination was again sent in, but was not acted upon. At the adjournment of that special session and at precisely 12 o'clock noon of the first Monday in December, 1903, Mr. Crum was reappointed, and his nomination is now pending before the United States Senate. Under this last appointment Mr. Crum has again given bond and is in discharge of the duties of the office, but without compensation, for reasons heretofore referred to.

Very truly, yours,

L. M. SHAW.

Hon. B. R. TILLMAN,  
United States Senate.

Mr. HALE. Now, right there—

Mr. TILLMAN. Right there it says, "Mr. Crum has again given bond and is in the discharge of the duties of his office, but without compensation." It does not say whether he got a commission or not.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. I do.

Mr. HALE. The Senator is reciting what took place. What took place at the beginning of the undoubted recess after March was that the new appointment was made and a commission issued. The Secretary says, when he comes to deal with the conditions at the end of the extra session, that an appointment was made at precisely 12 o'clock, and that the Senate now has that before it. That is this appointment which I have read:

William D. Crum, South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

DECEMBER 7.

THEODORE ROOSEVELT.

There is nothing said to the effect that a commission was issued.

Mr. TILLMAN. That would not be stated in any communication of an appointment.

Mr. HALE. He goes further than that. He says that an appointment was made the moment Congress expired, and that the Senate now has it. That is what we have. This is not a recess appointment. It is a regular appointment.

Mr. TILLMAN. It is the only one we have.

Mr. HALE. It is the only one we have.

Mr. TILLMAN. This is the one made at precisely 12 o'clock. It is obliged to be that one, because there is no other.

Mr. MITCHELL. Is it not very clear from the whole correspondence that no commission has been issued this last time?

Mr. TILLMAN. Then it would be very clear that Mr. Shaw is very negligent of his duty and is indictable for malfeasance or misconduct. He states here—

Mr. MITCHELL. The letter to the Secretary of the Treasury, among other inquiries, inquired whether a commission had been issued, and the Secretary replies, "Yes; a commission was issued when the appointment was made in the regular recess."

Mr. HALE. Yes; in March.

Mr. MITCHELL. In March. Then he goes and recites later that an appointment was made at 12 o'clock, and says nothing about a commission having been issued.

Mr. HALE. And the Senate has it now.

Mr. MITCHELL. The Senate has it now under consideration. It is very clear, it seems to me, from the correspondence, taken altogether, that no commission has been issued by the President.

Mr. TILLMAN. What is Crum doing in office?

Mr. MITCHELL. I know nothing about that. I know not whether he is in office.

Mr. BAILEY. The letter of the Secretary of the Treasury states that he is.

Mr. TILLMAN. The letter states that he is and that he has given a new bond.

Mr. MITCHELL. Does the letter make that statement?

Mr. TILLMAN. Yes.

Mr. ALDRICH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. It is nearly 2 o'clock. I should like to make a practical suggestion to the Senator from South Carolina.

Mr. TILLMAN. The Senator is the most practical man I ever met, and I welcome any kind of a move in the direction of solving this question according to the Constitution and laws.

Mr. ALDRICH. The original contention of the Senator from South Carolina, as I understood him, was that certain nominations had been sent here by the President which were improperly and unlawfully made. That contention, as shown by an examination of the papers, is not correct.

Mr. TILLMAN. I dispute that. I deny it.

Mr. ALDRICH. There is certainly nothing in the nomination made—

Mr. TILLMAN. There is nothing there but the statement that the appointment was made precisely at 12 o'clock, and as that is the only one it follows as a matter of course that it is the one alluded to by the Secretary of the Treasury in his letter; that it was made during this constructive recess, or else Mr. Crum is not nominated now.

Mr. ALDRICH. With the contention that nominations were improperly made the Senate has great concern, of course, but the Senator now discloses a new condition of affairs. He raises a new question, which has no relation to the other that I can see, and that is, that certain persons are improperly holding office. I would suggest that he request the Senate to pass a resolution asking the Secretary of the Treasury to define the status of Mr. Crum, if he is holding the office of collector, and if so, by what right.

Mr. TILLMAN. I have asked him that in the letter.

Mr. ALDRICH. There is certainly no definite answer as to the status of Mr. Crum. So far as the nomination is concerned, it was entirely regular. There is no question whatever that any provision of the law or Constitution has been violated. Now, if there is another question, I would suggest to the Senator that he prepare a resolution asking for this information, and when the information is secured then it will be time enough to discuss punishment, if any, that shall be inflicted.

Mr. TILLMAN. If my friend will permit me, will he do me the kindness to draw such a resolution and submit it to me?

Mr. ALDRICH. No.

Mr. TILLMAN. Oh, the Senator has suggested that way out, and I know that he knows a great deal more about how to get out of any difficulty than I can possibly ever learn.

Mr. ALDRICH. The Senator from South Carolina does not need any assistance from me.

Mr. TILLMAN. I want to know what kind of a commission has been issued to these army officers, and if possible—

Mr. BAILEY. If the Senator from South Carolina will permit me to make a suggestion in reply to the Senator from Rhode Island, such a resolution can not be necessary now, because the Senate has before it the official reply of the Secretary of the Treasury to a letter addressed to him by the Senator from South Carolina, in which the Secretary of the Treasury expressly declares that this appointee is now in the discharge of the duties of his office. If the Senator will permit me, I will read the Secretary's very words:

Under this last appointment Mr. Crum has again given bond and is in discharge of the duties of the office, but without compensation, for reasons heretofore referred to.

Now, the Secretary of the Treasury must clearly treat this as an ad interim appointment, as a recess appointment, because unless it be a recess appointment there is no reason for withholding the salary of the official.

Mr. MITCHELL. That law only applies to a recess appointment.

Mr. BAILEY. Certainly. But the papers presented to the Senate by the Senator from South Carolina raises another very grave question, and that is the right of the President to appoint a man to office while the Senate is in session and to permit that man to enter upon the discharge of the duties of that office before his confirmation. The Secretary of the Treasury brings himself within a controverted point, an absolute controversy. I cordially agree with the Senator from Maine that there can be no such thing as a constructive recess between two sessions of Congress, one beginning the instant at which the other expires. But still there are some grounds for controversy, though not much for argument on that point.

However, when the papers are presented here intended to show that the President does not commit himself to the Secretary of the Treasury in support of a theory of a constructive recess, he does present to the Senate another and a very grave question as to his power to induct men into office during the session of the Senate before they have their appointments confirmed.

Mr. ALDRICH. Mr. President, the Senator from Texas clearly confuses nominations and appointments in his mind. At least that is the impression—

Mr. BAILEY. Not at all. I am contending that the President can nominate during the session of the Senate, but the nomi-

nee can not enter upon the discharge of the duties of the office until the Senate confirms the appointment. I make no question about his sending the nomination to the Senate, but the question I make is that he sent a nomination to the Senate regular, so far as the papers appear, but the fact develops from a letter written by the Secretary of the Treasury that his nominee is now in the discharge of the duties of the office, although his nomination was made while the Senate was in session and the Senate had not confirmed it.

Mr. ALDRICH. If the appointment made in that case was in the nature of a recess appointment, he would be clearly entitled to compensation.

Mr. BAILEY. No; he clearly would not be.

Mr. MITCHELL. It is just the reverse of that. The withholding of the salary only applies to recess appointments.

Mr. BAILEY. He would be clearly entitled to enter upon the discharge of his duties, but without salary until he was confirmed.

Mr. ALDRICH. Still the salary would date back—

Mr. BAILEY. Certainly.

Mr. ALDRICH. Until the time of the original appointment.

Mr. BAILEY. That is true.

Mr. ALDRICH. The papers show, if they show anything, that Collector Crum is now discharging the duties of the office. Under what kind of a commission or by virtue of what kind of appointment, I submit, is not clear from the Secretary's letter.

Mr. BACON. Will the Senator pardon me to make a suggestion? The Secretary of the Treasury distinctly states that Crum is in the discharge of the duties of the office under an appointment made exactly at 12 o'clock on the 7th day of December. Now, one of two things must necessarily follow from that statement. The Secretary of the Treasury regards that as an ad interim appointment, and therefore the appointee had the right to enter upon the discharge of the duties before confirmation. That must be one alternative. On the other hand, he must contend that it is not an ad interim appointment, but a regular appointment sent during the session into Congress, and that under it the appointee has the right to enter upon the discharge of his duties prior to confirmation. Now, one of those two cases must necessarily be true. There is no escape from it.

Mr. HALE. The Secretary says—

Mr. BACON. If the Senator will pardon me just a moment, as to the first, I understand there is no Senator in this Chamber who has risen in his place and taken the position that an appointment under those circumstances, as an ad interim appointment, can be defended. All declined to take that position and to defend that position. Therefore they are remitted to this proposition. If it was not an ad interim appointment, is there any possible justification under the law for the Secretary of the Treasury to recognize as a duly constituted incumbent one whose name had been sent into the Senate during a session of the Senate, but who has not been confirmed?

Now, Senators may take either horn of the dilemma they wish.

Mr. ALDRICH. What I was trying to bring to the attention of the Senator from South Carolina was that this is not a constitutional question at the present moment which demands the action or consideration of the Senate, but that we should first ascertain the precise facts. We should ascertain the entire facts. It is not to ask the Judiciary Committee for facts.

I would suggest to the Senator from South Carolina, if he is not willing to take the other course, that he allow this resolution to go to the Committee on the Judiciary, and they can take up not only the suggestions made by the Senator, but all the cognate facts and questions relating to this matter and consider them. Certainly the Senate could not pass the resolution in the form in which it is now presented, because it contains implications and insinuations which the Senate would not be willing to make; but if the Senator will allow the resolution to be referred to the Committee on the Judiciary I have no doubt he could have the matter investigated as to both the law and facts.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the Calendar of General Orders.

Mr. TILLMAN. If the Senate will indulge me a moment, I ask that the resolution may go over and retain its place on the table. I think if I get an opportunity I will ask the Senate to pass a resolution later specifically calling for all the facts, and be prepared to have no further dispute as to what really is the status. I therefore ask unanimous consent that the resolution may go over, retaining its privileges.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that the resolution shall go over without prejudice. Is there objection? The Chair hears none.

Mr. TILLMAN subsequently said: Mr. President, in furtherance of the suggestion of the Senator from Rhode Island [Mr. ALDRICH], made a while ago, that additional information be ob-

tained in regard to the matter then under discussion, I have prepared a couple of resolutions and ask unanimous consent that they may be taken up and considered now.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution he now submits. Is there objection? The Chair hears none.

The resolution was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, instructed to send to the Senate information by way of reply to the following questions:

First. What is the date of the first appointment of W. H. Crum to be collector of customs at the port of Charleston?

Second. What is the date of the second appointment, and was any commission issued thereunder?

Third. What is the date of the third appointment and its character and limitations?

Fourth. What is the date and circumstances of the fourth appointment? Has any commission been issued under it? If so, under what authority of law? Is Crum now in office; and if so, under what authority of law?

Mr. TILLMAN. I now present another resolution of a similar character, calling upon the Secretary of War for certain information.

The PRESIDENT pro tempore. The Senator from South Carolina offers a resolution and asks for its present consideration. The resolution will be read.

The Secretary read the resolution, as follows:

*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, and 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?

Mr. WARREN. Mr. President, in the absence of the acting chairman of the Committee on Military Affairs [Mr. PROCTOR], I will ask that the resolution go over.

Mr. TILLMAN. If the Senator had been in the Chamber he would know that these resolutions have been suggested after a long debate covering this whole subject, and that it was the consensus of opinion on all sides that it was necessary to get this information in order to proceed intelligently.

Mr. WARREN. Has the Senator had any conference with the acting chairman of the committee, the Senator from Vermont, regarding it?

Mr. TILLMAN. No, sir; but we had the entire matter up this morning.

Mr. WARREN. Well, Mr. President, it strikes me that a matter as broad as that and referring so directly to the duties of the Committee on Military Affairs ought not to be acted on in the absence of the acting chairman of the committee. So, unless there is some special reason to the contrary, I will ask that the resolution may go over.

Mr. TILLMAN. There is some special reason. As I said, if the Senator had been in the Chamber he would understand it. This whole subject has been under discussion during nearly the entire morning hour. I assure the Senator there is no trick in it; there is no effort to corkscrew any information. It was done in furtherance and at the suggestion and advice of the Senator from Rhode Island [Mr. ALDRICH].

Mr. WARREN. Of course, I know that the Senator would not propose anything with a trick in it. It was a mere matter where I thought somebody ought to speak for the committee. If there are other members of the Committee on Military Affairs who believe that it has been properly considered by that committee, I, of course, would have no objection.

The PRESIDENT pro tempore. Objection being made, the resolution will go over under the rule.

Mr. TILLMAN. Do I understand the Senator from Wyoming to object?

Mr. WARREN. Yes.

The PRESIDENT pro tempore. It goes over under the rule.

#### GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 2081) to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy, and for other purposes.

The Secretary read the bill, as follows:

*Be it enacted*, etc., That the Secretary of War be, and he is hereby authorized and directed to ascertain the locations and condition of all the graves of the soldiers and sailors of the Confederate army and navy in the war between the States, 1861 to 1865, who died in Federal prisons and military hospitals in the North, and who were buried near their places of confinement; to acquire possession or control over all grounds where said prison dead are buried not now possessed or under the control of the United States Government; to cause to be prepared accurate registers in triplicate, one for the superintendent's office in the cemetery, one for the Quartermaster-General's Office, and one for the War Record's Office, Confederate archives, of the



places of burial, the number of the grave, the name, company, regiment, or vessel, and State of each Confederate soldier and sailor who so died, by verification with the Confederate archives in the War Department at Washington, D. C.; to cause to be erected over said graves white marble headstones similar to those recently placed over the graves in the "Confederate section" in the National Cemetery at Arlington, Va., similarly inscribed; to build proper fencing for the preservation of said burial grounds, and to care for said burial grounds in all proper respects not herein specifically mentioned.

That for the carrying out of the objects set forth herein there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary.

And the Secretary of War is hereby authorized and directed to appoint some competent person as commissioner to ascertain the location of such Confederate graves not heretofore located, and to compare the names of those already marked with the registers in the cemeteries, and correct the same when found necessary, as preliminary to the work of marking the graves with suitable headstones, and to fix the compensation of said commissioner, who shall be allowed necessary traveling expenses.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, line 18, before the word "hundred," to strike out "one" and insert "two;" so as to make the paragraph read:

That for the carrying out of the objects set forth herein there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary.

The amendment was agreed to.

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

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

On motion of Mr. FORAKER the title was amended so as to read: "A bill to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

Mr. TELLER. Mr. President—

Mr. HALE. Mr. President, now let us have the regular order, and take up bills on the Calendar in their order.

The PRESIDENT pro tempore. The Senator from Maine demands the regular order. The regular order is the Calendar.

#### NATIONAL APPALACHIAN FOREST RESERVE.

The bill (S. 887) for the purchase of a national forest reserve in the southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve, was announced as first in order on the Calendar.

Mr. LODGE. I think that bill had better be passed over.

Mr. TELLER. I ask that the bill may be passed over. The Senator who reported it is not here.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

#### IMPROVEMENT OF BRIDGEPORT (CONN.) HARBOR.

The bill (S. 1681) to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to make such modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., adopted in the river and harbor act of March 3, 1899, as in his judgment the commercial interests of the harbor require. But the cost of completing the project as fixed by the act shall not be increased by reason of such modification.

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

#### SOLICITING SEAMEN AS LODGERS.

The bill (S. 2261) to amend section 4607 of the Revised Statutes was read, as follows:

*Be it enacted, etc.,* That section 4607 is hereby amended by adding thereto the following:

"This section shall apply to vessels of the United States and to foreign vessels."

SEC. 2. That this act shall take effect one month after its passage.

Mr. COCKRELL. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, submitted by Mr. HANNA December 19, 1903, as follows:

The Senate Committee on Commerce, to whom was referred the bill (S. 2261) to amend section 4607 of the Revised Statutes, having considered the same, report it back with an amendment to the title, and as thus amended recommend its passage.

The bill is drawn in accordance with the following suggestions of the Commissioner of Navigation in his annual report for 1903:

"An act specifically extending the provisions of section 4607 of the Revised Statutes to foreign vessels would, doubtless, curtail the opportunities of sailors' boarding-house keepers and crimps. That section provides:

"R. S. 4607. If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he

shall, for every such offense, be punishable by a fine of not more than \$50, or by imprisonment for not more than three months."

"The section was originally section 63 of the act of June 7, 1872. In Grant v. The United States (58 Fed. Rep., 694) the United States circuit court of appeals held that this act was made to govern the conduct of American seamen within the territorial limits of the United States and on board American vessels, and does not apply to foreign vessels. While section 4601, Revised Statutes, since repealed, was at issue in that case, the decision appears to be equally applicable to section 4607. The decisions quoted in the decision in Grant v. The United States, reprinted in Appendix O, explain the unsatisfactory condition of the law. If Congress shall see fit to render section 4607 applicable to foreign as well as to American vessels successful enforcement of the law will still depend on the cooperation of foreign masters and foreign authorities with the authorities of the United States. By the act of March 31, 1900, section 4606 of the Revised Statutes was amplified to cover all vessels instead of vessels of the United States. As a rule, runners for sailor boarding houses are, in consequence, kept from vessels until the quarantine and customs inspections have been passed.

"The measure proposed will keep them from vessels for twenty-four hours after arrival. The period is none too long for full compliance with all our laws relating to navigation, customs, and immigration, without interference from runners whose operations on board create conditions unfavorable to the successful prosecution of commerce. The measure proposed does not involve the abstract question of 'the right to quit work.' It places foreign vessels on the same plane as American vessels. It will not, of course, stop desertions after the lapse of twenty-four hours. In the last analysis desertions from British ships in American ports must still depend more upon the disposition of the officers of British ships than on any other one cause."

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

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

The title was amended so as to read: "A bill to amend section 4607 of the Revised Statutes, relating to soliciting seamen as lodgers."

#### REVENUE CUTTER AT HONOLULU, HAWAII.

The bill (S. 901) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii, was considered as in Committee of the Whole. It appropriates \$225,000 for the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii.

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

#### LIFE-SAVING STATION NEAR MONTARA REEF, CALIFORNIA.

The bill (S. 1748) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, was considered as in Committee of the Whole.

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

#### HENRY D. HALL.

The bill (S. 469) to restore Henry D. Hall to the Revenue-Cutter Service was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in line 5, after the words "on the," to strike out "permanent waiting orders" and insert "retired;" in line 7, after the words "officers on," to strike out "permanent waiting orders" and insert "the retired list;" so as to make the bill read:

*Be it enacted, etc.,* That the President be, and is hereby, authorized to commission Henry D. Hall, late captain in the United States Revenue-Cutter Service, a captain on the retired list of said service, with the pay of that grade provided by law for officers on the retired list.

Mr. HOPKINS. I should like to hear the report of the committee read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MARTIN December 10, 1903, and read as follows:

The Committee on Commerce, to whom was referred the bill (S. 469) to restore Henry D. Hall to the Revenue-Cutter Service, having considered the same, report it back with amendments, and as amended recommend that the bill pass.

A like bill was favorably reported from this committee in the Fifty-seventh Congress and passed the Senate. The report then made is appended and adopted as the report of the committee on the present bill. It is as follows:

"The facts in the case fully appear in the petition of Captain Hall and the letter of the Secretary of the Treasury, which are appended and made a part of this report.

"To the Senate and House of Representatives of the United States in Congress assembled:

"May it please your honorable bodies, your petitioner respectfully represents that he formerly held a commission as captain in the Revenue-Marine Service of the United States and was dismissed therefrom in what he considers to have been a summary and unjust manner.

"He therefore prays your honorable bodies to give consideration to his case and (for the reasons your petitioner herein sets forth) direct his restoration to the position aforesaid.

"To this end your petitioner would respectfully submit the following statement:

"In the spring of 1861 your petitioner (then 27 years of age) held an excellent position as first officer of the ship *Joshua Mauran*, then lying at the port of New Orleans loading for Europe. Flattering as the prospect was before him in the merchant marine, your petitioner considered it his duty to join those who, at the call of their country, volunteered their services to put down the rebellion, and he accordingly resigned his position, and, hastening to his home in the State of Maine, immediately enlisted in the first regiment of volunteer infantry raised in that State under President Lincoln's first call for 75,000

men, and in the following August (the term of enlistment of the three-months men having expired) your petitioner (at the solicitation of the late Hon. William Pitt Fessenden) was appointed to a third lieutenantancy in the Revenue-Marine Service, after having passed the prescribed examination for that position, and in February, 1863, was promoted to a second lieutenantancy (after a second examination), and in May, 1864, after passing a successful examination for the position of first lieutenant, was promoted to that grade.

"In 1868 your petitioner received his commission as captain without examination, such having been the custom and it always having been considered that the successful passage of the first lieutenant's examination was sufficient proof of an officer's competency to command, and in proof of this your petitioner would state that he was ordered to the command of various vessels prior to his promotion to a captaincy.

"In November, 1870, your petitioner was ordered to appear before a board of officers (his own peers in rank, who had never passed any examination for their own positions) for an examination as to his professional qualifications for his then present status, and as a result of said examination (which was purely theoretical in its character) was summarily dismissed the service, but not until five months subsequent to the examination; your petitioner having during this time been retained in command of a valuable vessel with many officers and men under his control, on the New England coast, in the worst season of the year and on special duty, having for its object the assistance of vessels in distress, and while performing this duty he was successful in saving the crew of a wrecked vessel (eight in number) who otherwise must have perished.

"The action of this board appears to your petitioner to have been in the last degree unjust, inasmuch as only a portion of the list of captains was called up for examination, the dividing line having been drawn by certain officers of your petitioner's own grade, who carefully drew the same below their own names, thereby leaving many officers, themselves included, exempt from this test of professional competency.

"Your petitioner would respectfully refer to his official record at the Treasury Department during nearly ten years of uninterrupted service, not a shadow of a charge having been made against him either as a gentleman or officer, of which fact, indeed, your petitioner was assured by the honorable Secretary of the Treasury subsequent to his expulsion.

"In this connection your petitioner desires to mention that among the various services rendered by him while an officer of the Revenue Marine Service was the saving of the revenue steamer *Reliance* from capture after the death of Capt. Thomas M. Dungan, during an action with the enemy in August, 1864, in Wicomico River, Virginia, and valuable assistance rendered to vessels in distress while in command of the revenue steamer *Moccasin*, at Wilmington, N. C., letters commendatory of which are on file at the Treasury Department.

"Your petitioner having during his term of service retained the confidence, respect, and protecting influence of the late Senator Fessenden up to the time of his decease, and having zealously endeavored to pursue such a course as would meet the best interests of the service, he had no reason to fear that (being deprived of influential friends by death) he would be subjected to the ordeal of a partial board only to lose a position he had so legitimately earned and so studiously endeavored to retain by strict adherence to duty and careful observance of official orders and interests.

"With regard to this examination to which your petitioner was subjected, he would respectfully state that the manner in which it was conducted convinced him most conclusively of its marked partiality and left him satisfied that, however meritorious his examination might have proved, the final report of the board would place him below the required standard.

"In view of the foregoing, and more especially of the fact of your petitioner having been examined by his own peers in rank, who had themselves never been subjected to a similar examination, and this, too, more than two years after his commission had been confirmed by the United States Senate, he can not but look upon the whole proceeding as illegal, arbitrary, and unjust, and he would beg that, in consideration of his general record, extending over a period of nearly ten years, he may be restored to his position and placed on the permanently waiting-orders list, as the sight of one eye is entirely gone and the other seriously impaired by the constant use of binocular glasses at night while on blockade duty on the Chesapeake from 1861 to 1864, and he is also a sufferer from chronic rheumatism, contracted by exposure during the same period.

"Your petitioner is constrained to believe that his dismissal was solely attributable to the fact that he was without the necessary influence to control the action of this board, and in support of this assertion I invite the most searching investigation of my official record at the Treasury Department during my whole term of service, including certificates of examinations before boards composed of officers who were my superiors in rank, and therefore fully competent to conduct such examinations, which I have always contended that the board of 1870 was not.

"Your petitioner desires to state further that since the date of his dismissal he has never ceased his effort to obtain some redress for the great injustice that he feels has been done him, by personal appeals to the Treasury Department and otherwise; failing in all which, he makes this appeal to your honorable bodies in the hope that you may take favorable action thereon.

"And your petitioner, as in duty bound, will ever pray, etc., while he remains,

"Very respectfully, your obedient servant,

"HENRY D. HALL,  
"Late Captain, U. S. R. C. S."

Mr. HOPKINS. I do not know that ultimately I shall oppose the passage of that bill, but I ask unanimous consent that it be passed over without prejudice. I should like to look into it a little further.

The PRESIDENT pro tempore. There is a letter in the report from the Secretary of the Treasury, which has not yet been read.

Mr. HOPKINS. Recommending the passage of the bill?

The PRESIDENT pro tempore. Yes.

Mr. HOPKINS. Very well. I withdraw my objection, then, and I ask that the letter be read.

The PRESIDENT pro tempore. The Secretary will resume the reading of the report.

The Secretary resumed and concluded the reading of the report, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, January 10, 1900.

SIR: I have the honor to acknowledge the receipt of Senate bill 2178, etc. The following record of Mr. H. D. Hall is drawn from the files of this Department, from which it will be seen that as an officer of the Revenue-Cutter Service it was a good one, and that he reached a captaincy after passing the required examinations; that he served as such from September 4, 1868, to April 15, 1871, efficiently and without ever having a charge of any kind

against him, thus proving his ability to command and his fitness for the commission he held:

Henry D. Hall, late captain in the Revenue-Cutter Service, was, on August 6, 1861, commissioned third lieutenant; September 6, 1861, to Baltimore, to report to Captain McGowan; September 17, 1861, to the *Hercules*, at Baltimore, Md.; April 2, 1863, to the *Jackson*, at Baltimore, Md.; July 13, 1863, commissioned second lieutenant; May 17, 1863, to the *Kewanee*, at Baltimore, Md. (building); June 4, 1864, to the *Reliance*, at Baltimore, Md.; July 11, 1864, commissioned first lieutenant; March 23, 1865, to the *Kewanee*, at New York, N. Y.; August 11, 1865, to the *Kankakee*, at New York, N. Y.; August 23, 1865, to the *Campbell*, at New London, Conn.; April 23, 1867, to the *Black*, at Edgartown, Mass.; April 22, 1868, to the *Moccasin*, at Wilmington, N. C.; September 4, 1868, commissioned captain; January 23, 1869, to the *Vigilant*, at Boston, Mass.; May 7, 1869, to the *Active*, at New Bedford, Mass.; April 15, 1871, dismissed, upon recommendation of a board of examiners.

Before being appointed, and as a prerequisite thereto, and also before his promotions to second and first lieutenant, Captain Hall passed a successful professional examination. Such examinations were not then required of first lieutenants upon being promoted to the rank of captain.

On August 12, 1864, while Captain Hall was serving on the revenue steamer *Reliance*, that vessel was attacked by a force of infantry and artillery in the Great Wicomico River, Virginia. The commanding officer, Capt. Thomas M. Dungan, was killed, a number of men killed and wounded, and some on board duty made prisoners. The attacking force was so disposed as to render the vessel's capture imminent in the narrow river. Lieutenant Hall, who succeeded to the command upon the death of Captain Dungan, by his coolness and skill extricated the vessel and brought her away without further loss.

The records show Lieutenant Hall to have been a capable and faithful officer, and contain nothing indicating a lack of qualifications for the grade he held at the time of his dismissal, aside from the recommendation of the board of examiners that he be dismissed.

It further appears that the board making this recommendation was the only board of examiners in the history of the service before whom captains who had attained this rank by faithful and efficient service and the possession of necessary professional qualifications (as ascertained in previous test examinations, as above indicated in this case) were ordered for examination.

I recommend the passage of this bill.

Respectfully,

L. J. GAGE, Secretary.

Hon. W. P. FRYE,

Chairman Committee on Commerce, United States Senate.

Mr. HOPKINS. I withdraw any objection to the bill, Mr. President.

Mr. COCKRELL. I move to amend the bill.

The PRESIDENT pro tempore. The amendments reported by the Committee on Commerce have not yet been acted upon. The question is on agreeing to those amendments, which have been read.

The amendments were agreed to.

Mr. COCKRELL. I move an amendment, to come in at the end of the bill, to insert "from and after the passage of this act:" so that it will be specific that pay is not to accrue until after the passage of the act.

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.

ANN A. DEVORE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1760) granting a pension to Ann A. Devore; which was, in line 9, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate nonconcur in the amendment of the House of Representatives and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. BURTON were appointed.

AUSTIN ALMY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 200) granting an increase of pension to Austin Almy; which was, in line 8, to strike out "twenty-four" before "dollars" and insert "twenty."

Mr. McCUMBER. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. FOSTER of Washington, and Mr. TALLAFERRO were appointed.

AMY C. BOSWORTH.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1334) granting a pension to Amy C. Bosworth; which were in line 9, after the word "month," to insert "in lieu of that she is now receiving;" and to amend the title so as to make it read "A bill granting an increase of pension to Amy C. Bosworth."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.



## FOREST RESERVE LANDS.

Mr. HEYBURN. Mr. President, I should like to interrupt the business of the Senate long enough to give notice that to-morrow, after the disposal of the morning business, I shall submit some remarks on the joint resolution (S. R. 30) directing the stay of all proceedings now pending upon any application to enter or patent even-numbered sections of the public lands of the United States in lieu of odd-numbered sections surrendered by any railroad company or its assigns within the limits of any forest reserve.

## GENERATING ELECTRICITY FROM COOSA RIVER, ALABAMA.

The bill (S. 1819) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity, was considered as in Committee of the Whole. It authorizes Robert A. Chapman and his associates to erect, construct, and maintain a dam across the Coosa River, in Alabama, at Lock No. 25, 26, 27, or 28, as now indicated by the Government survey of that river, with all other works incident thereto, for water-power purposes for generating electricity, and provides that plans, specifications, and exact location of the dam shall first be submitted to and approved by the Secretary of War, etc.

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

## PENSION AND MILITARY RELIEF BILLS.

Mr. McCUMBER. Mr. President, at this time I ask unanimous consent that to-morrow at 4 o'clock the Senate shall proceed to the consideration of unobjected pension bills on the Calendar.

Mr. WARREN. I ask the Senator if he will not include the bills reported from the Committee on Military Affairs relieving soldiers of charges of desertion? It is usual to consider them along with pension bills.

Mr. McCUMBER. I have no objection.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock to-morrow the Senate proceed to the consideration of unobjected pension bills and bills reported from the Committee on Military Affairs relieving soldiers from charges of desertion. Is there objection?

Mr. CULLOM. Mr. President, the Senator from North Dakota has just been talking to me in regard to this matter. I do not know certainly, but it is possible a condition may arise in the Senate which will render it inadvisable to consume to-morrow afternoon in the consideration of pension bills. I have, however, said to the Senator that if to-morrow there shall be nothing pressing for attention in connection with the subject which has been under discussion for some time, so far as I am concerned, I shall have no objection to pension bills being considered. Believing that there will be no trouble about it when the time comes, I do not object now.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from North Dakota that to-morrow afternoon at 4 o'clock unobjected pension bills and bills correcting the military records of soldiers be considered; and that order is made.

## LIGHT-SHIP OFF OUTER BAR, BRUNSWICK, GA.

The bill (S. 462) to construct and place a light-ship off the outer bar of Brunswick, Ga., was announced as next in order on the Calendar.

The PRESIDENT pro tempore. The Senator from Georgia suggested to the Chair that he might wish this bill to go over for the present.

Mr. CLAY. I will state to the Senate, Mr. President, that after a conference I have secured the necessary information and am ready to have the bill taken up and passed.

The PRESIDENT pro tempore. So that there is no objection to it now?

Mr. CLAY. There is no objection to the bill being passed.

The Secretary read the bill; and by unanimous consent the Senate proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments, in line 6, before the word "thousand" to strike out "one hundred," and insert "ninety;" and in line 7, before the word "thousand," to strike out "one hundred," and insert "ninety;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to have constructed and placed off the outer bar of Brunswick, Ga., a light-ship: *Provided,* That the cost shall not exceed \$90,000, and the sum of \$90,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

The amendments were 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.

## ISSUE OF DUPLICATE MEDALS.

The joint resolution (S. R. 9) authorizing the issue of duplicate medals where the originals have been lost or destroyed was considered as in Committee of the Whole. It provides that in any case where the President of the United States has heretofore, under any act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated.

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

## STATUE OF COMMODORE JOHN D. SLOAT.

The bill (S. 906) to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal., was considered as in Committee of the Whole. It proposes to appropriate \$10,000 to aid in the erection and completion of a statue of the late Commodore John D. Sloat, United States Navy, at Monterey, Cal.

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

## MONUMENT IN MEMORY OF JOHN PAUL JONES.

The bill (S. 23) for the erection of a monument to the memory of John Paul Jones was considered as in Committee of the Whole. It proposes that there shall be erected in the city of Washington, D. C., a statue to the memory of John Paul Jones and to appropriate \$50,000 for the purpose of procuring and erecting the statue, with a suitable pedestal, and for the preparation of a site.

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

## REVENUE CUTTER ON NARRAGANSETT BAY.

The bill (S. 131) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters was considered as in Committee of the Whole. It proposes to appropriate \$225,000 to be expended in constructing and equipping a steam revenue cutter for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I.

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

## DEPOT SITE FOR REVENUE-CUTTER SERVICE.

The bill (S. 1390) to provide for a site for a depot for the Revenue-Cutter Service was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to acquire a suitable site upon which to establish a depot for the Revenue-Cutter Service, and appropriates therefor the sum of \$30,000.

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

## PROTESTANT EPISCOPAL CHURCH OF WASHINGTON.

The bill (S. 492) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington" was considered as in Committee of the Whole.

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

## LAKE SUPERIOR AND MISSISSIPPI CHIPPEWA INDIANS.

The bill (S. 711) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report in this case be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. CLAPP December 11, 1903, as follows:

The Committee on Indian Affairs, to which was referred Senate bill 711, reports the same favorably and recommends that it be passed.

## DEPARTMENT OF THE INTERIOR.

Washington, March 15, 1903.

SIR: I have the honor to transmit herewith a copy of a report from the Commissioner of Indian Affairs, dated the 27th instant, submitting report on S. 4283, "A bill to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same," which was referred to the Department on the 5th instant for a report thereon; also copy of a letter from the Department, dated April 19, 1900, reporting on a similar bill, and the recommendation therein made is hereby renewed.

The attention of the committee is also called to Document No. 97, Fifty-

fifth Congress, third session, Senate, and to Report No. 8, Fifty-fifth Congress, first session, Senate, which contains full information on the subject.  
Very respectfully,

THOS. RYAN, *Acting Secretary.*  
The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

DEPARTMENT OF THE INTERIOR,  
Washington, November 28, 1903.

SIR: I have the honor to acknowledge the receipt, by your reference of the 17th instant, for report, of S. 711, being a bill "To authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same."

In reply I beg to state that the claim of these Indians was fully investigated in 1879, under a resolution of the House of Representatives, by a subcommittee (a full report of which is to be found in the CONGRESSIONAL RECORD, vol. 8, p. 3, and appendix, 45th Cong., 3d sess., p. 134), and said committee found, upon data obtained from the records of the Treasury Department and the Office of Indian Affairs, that the amount of treaty funds covered back into the Treasury was \$81,702.61 and that the difference in value of the annuities paid in currency instead of coin was \$18,670.39, or a total principal of \$100,373, and the Department, in a report to the Senate Committee on Indian Affairs, under date of April 19, 1900, recommended, for reasons given in said report, that that amount be appropriated, which recommendation is hereby renewed.

Very respectfully,

E. A. HITCHCOCK,  
*Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

DEPARTMENT OF THE INTERIOR,  
Washington, December 5, 1903.

SIR: I have the honor to acknowledge the receipt, by your reference of the 1st instant, for report, of S. 1833, being a bill "Conferring upon the Court of Claims authority to hear and determine certain claims of the Chippewa Indians in the State of Minnesota."

In reply I beg to state that on the 28th ultimo a report was submitted to your committee on S. 711, a bill "To authorize the Secretary of the Interior to fulfill treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi," which has the same object in view by authorizing the Department to settle these claims.

As early as 1879, under a resolution of the House of Representatives, these claims were fully investigated by a subcommittee composed of Hon. George M. Besbe and Hon. J. H. Stewart, assisted by I. L. Mahon, Indian agent, detailed to assist in the investigation, the report of which committee will be found in the CONGRESSIONAL RECORD, volume 8, part 3, Forty-fifth Congress, third session, page 134, and which report is full and explicit. The committee found that \$81,702.61 of treaty funds were covered back into the Treasury; that the difference in value of the annuities paid in currency instead of coin was \$18,670.39, or a total of \$100,373, and the Department, in a report to the Senate Committee on Indian Affairs, under date of April 19, 1900, recommended that that amount be appropriated, which recommendation was renewed to your committee on the 28th ultimo.

This claim has been before Congress and the Department for over twenty years and repeatedly recommended for appropriation. It is a just claim and should be paid. The Chippewa Commission, in their report of December 26, 1889, on the negotiations had with the Chippewas of Minnesota under the act of January 14, 1889, states as follows:

"In regard to the treaty of September 20, 1854, it was impossible for us to explain why its plain and unquestioned provisions had not been fulfilled. The Chippewas employed an agent, and a delegation accompanied him to Washington some years ago, and after urgently insisting upon a settlement there was found due to him the sum of \$118,400, which had accrued from balances that had been covered into the Treasury between the years 1843 and 1873. This amount has never been questioned as being due under the treaty stipulations, and in the opinion of this commission should be included in regular estimates. We gave the most solemn promises that our best efforts would be given to secure justice in this case, believing that we but voiced the intent of the Government in so doing. After giving assurances that justice would be speedily done and that we would bring the attention of the Department to those claims, the acceptance and signing of the propositions made was nearly unanimous." (See House Ex. Doc. 247, 57th Cong., 1st sess., p. 15.)

Under these circumstances I recommend that S. 1833, referring these claims to the Court of Claims, be not enacted into law, but that S. 711, on which the Department submitted a report on the 28th ultimo, be substituted therefor.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

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

#### RED LAKE INDIAN RESERVATION, MINN.

The bill (S. 1490) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to sell, subject to the homestead laws of the United States, to the highest bidder, at public auction, in tracts not to exceed 160 acres to each individual, all that part in the State of Minnesota lying westerly of the range line between ranges 38 and 39 west of the fifth principal meridian, approximating 256,000 acres. It is provided that the land shall be sold for not less than \$4 per acre.

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

#### MEMORIAL BRIDGE ACROSS THE POTOMAC.

The bill (S. 820) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property was announced as the next business in order on the Calendar.

Mr. COCKRELL. I suggest that the bill had better be passed

over without losing its place, as the Senator who reported it is not present.

The PRESIDENT pro tempore. The Senator from Missouri asks that the bill may be passed over without prejudice. Is there objection? The Chair hears none.

#### THIEF RIVER (MINNESOTA) BRIDGE.

The bill (S. 708) authorizing the Secretary of the Interior to authorize the building of a bridge across Thief River, in the State of Minnesota, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, in line 4, after the word "public," to insert "municipal;" and in line 5, before the word "wagon," to insert "free;" so as to make the bill read:

*Be it enacted, etc.* That the Secretary of the Interior is hereby authorized and empowered to authorize the proper public municipal authorities to construct a free wagon bridge across Thief River, in the State of Minnesota, at such point and subject to such conditions and restrictions as he may designate and require.

The amendments were agreed to.

Mr. COCKRELL. I should like to ask why the Secretary of the Interior has jurisdiction over this river?

Mr. NELSON. I think the reason is this: At Thief River Falls, where this bridge is to be built, under an old treaty a chief, who was called in the books Moose Tongue, had a section of land awarded to him, and I think one end of the bridge is to rest on his allotment and the other end on the Red Lake Reservation. In other words, both sides of the stream at the point where it is proposed to construct this bridge are on Indian lands. I suppose that is the reason why it is left to the Secretary of the Interior.

I have been at the very point in question. The Thief River is a little nonnavigable stream flowing into the Red Lake River, and there never has been any navigation on it. There are no logs or anything on the stream. I hardly think a bill for a bridge there is necessary, but at all events it is wholly Indian country on both sides.

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.

#### MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

The bill (S. 270) authorizing the Winnipeg, Yankton, and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, in section 2, page 2, line 25, after the word "unbroken," to strike out "or" and insert "and;" so as to read:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the corporation building the same, be built as a drawbridge, or with unbroken and continuous spans.

The amendment was agreed to.

The next amendment was, in the same section, on page 3, line 11, after the word "drawbridge," to insert "with one or more draws, as the Secretary of War may prescribe;" and in line 23, after the word "signal," to strike out "without unnecessary delay" and insert "for the passage of boats and other water craft;" so as to read:

*And provided also.* That if a bridge shall be built under this act as a drawbridge, the same shall be constructed as a pivot drawbridge, with one or more draws, as the Secretary of War may prescribe. \* \* \* *And provided also.* That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and other water craft.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 13, after the word "removed," to strike out "at" and insert "by;" in the same line, before the word "owner," to strike out "expense of the;" and in line 15, after the word "same," to insert "at their own expense;" so as to read:

*And whenever said bridge or its accessory works shall, in the opinion of the Secretary of War, unreasonably obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge or its accessory works to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed by the owner or owners of said bridge, or the persons operating or controlling the same, at their own expense.*

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 22, after the word "touches," to insert the following proviso:

*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 bridge from the operation of same.

The amendment was agreed to.

The next amendment was, in section 4, page 6, line 14, after the word "bridge," to insert:

and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.



So as to read:

The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 17, after the word "That," to strike out "Congress may at any time" and insert the words "the right to;" and in line 18, after the word "act," to insert "is hereby expressly reserved;" so as to read:

Sec. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

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

#### REPRESENTATIVES OF M. F. MERRITT, DECEASED.

The bill (S. 352) for the relief of the representatives of M. F. Merritt, deceased, was considered as in Committee of the Whole. It proposes that the claim of M. F. Merritt for further compensation for the construction of the light-draft monitor *Cohoes* may be submitted by his personal representatives, within six months after the passage of the bill, to the Court of Claims.

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

#### ROBERT D. M'AFEE AND JOHN CHIATOVICH.

The bill (S. 175) for the relief of Robert D. McAfee and John Chiatovich was considered as in Committee of the Whole. It proposes to release and discharge Robert D. McAfee and John Chiatovich from all obligation to the United States on account of the official bond executed by them on the 14th day of February, 1890, as sureties for the late Elias B. Zabriskie, as melter and refiner of the United States mint at Carson City, Nev.

Mr. SPOONER. This is the bill which was called up the other day?

Mr. STEWART. It is the same one.

Mr. COCKRELL. It is the same bill.

Mr. STEWART. It ought to be passed. There is no question about it. There is nothing to cause any hesitation in its passage.

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

#### REIMBURSEMENTS TO CITIZENS OF NEVADA.

The bill (S. 177) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada, was considered as in Committee of the Whole.

Mr. BEVERIDGE. I wish the Senator from Nevada would give a little bit of explanation of the bill.

Mr. STEWART. In 1860 there was an Indian war in Nevada, in which a large number, seventy or eighty, of our best citizens were killed. Then Captain Stewart came over with Gen. Jack Hays, Jack Hays commanding the volunteers and Stewart the regulars. The supplies were furnished to the Army for the use of the Army acting under Captain Stewart. A commission was appointed by the State to investigate these claims many years ago.

Mr. BEVERIDGE. This occurred in 1862?

Mr. STEWART. In 1860; many years ago. The claim has been here ever since, and it has passed the Senate so often that it has become very familiar.

Mr. SPOONER. I thought I recognized it.

Mr. STEWART. You have heard of it often. I suppose it passed the Senate a dozen times or more. We thought we had disposed of it in the omnibus bill about three years ago, but in making up the bill the clerk took a copy that was first introduced, the old bill, and it did not contain the whole of the claims. So they were not all in that bill. It was agreed to put them all in, but they were not in. Consequently, when the omnibus bill passed these claims were not paid. The House at that session and at the next session reported favorably on these claims, but they have not been paid. I believe that if there is anything which it has been settled ought to be paid, it is these claims. The rule is that the Government shall pay for volunteers who served with and under the direction of regular army officers.

Mr. BEVERIDGE. It is to pay the heirs or representatives of the original parties?

Mr. STEWART. Their heirs and representatives.

Mr. BEVERIDGE. It is not to pay the soldiers?

Mr. STEWART. It is not to pay the soldiers. It is to pay persons who furnished supplies.

Mr. CULLOM. How much is involved in the bill?

Mr. BEVERIDGE. What is the total?

Mr. STEWART. I think nearly \$25,000.

Mr. BEVERIDGE. May I ask the Senator a question? I have

no desire to obstruct his bill. I did not understand it, and the statement seemed a little strange to say that it had passed the Senate about a dozen times.

Mr. STEWART. Yes.

Mr. BEVERIDGE. How did it fail in the House?

Mr. STEWART. It failed in the House as bills usually fail there. It was reported favorably, but did not get through the House. Such bills often fail on account of the names; somebody objects because the names have to be read. The bill was never discussed in the House unfavorably.

Mr. BEVERIDGE. It also says "whose claims were presented to and allowed by the State board of examiners of Nevada." I did not understand that.

Mr. STEWART. The State board of examiners of Nevada sent them here and they were here examined by the Committee on Claims. They were gone through with in great detail until the committee were satisfied. They eliminated everything that was doubtful.

Mr. BEVERIDGE. When did the State board pass on the claims—a long time ago?

Mr. STEWART. A long time ago.

Mr. BEVERIDGE. Not recently?

Mr. STEWART. Not recently.

Mr. BEVERIDGE. I do not know that I have any personal objection to the consideration of the bill. There are two or three things about it that struck me enough to make the inquiries of the Senator.

Mr. STEWART. Yes; that is proper.

Mr. BEVERIDGE. First, that it occurred way back, a long time ago.

Mr. STEWART. No; it occurred in 1860.

Mr. BEVERIDGE. That is forty-three years ago.

Mr. STEWART. Yes.

Mr. BEVERIDGE. This is a payment to the representatives, and as the bill carries, as the Senator says, about \$25,000 it seemed to me worthy of a little explanation. It seems that the older Senators here are familiar with the claims.

Mr. STEWART. There have been repeated reports—elaborate reports—in both Houses, going into details and giving each item.

Mr. SPOONER. I should like to ask the Senator if there has been any payment made by the Government on account of these claims?

Mr. STEWART. On account of a part of them. As I stated, a part of these claims were paid.

Mr. SPOONER. Why were not these claims paid then?

Mr. STEWART. Because the clerk in making up the bill got hold of the first bill. That was years and years ago.

Mr. SPOONER. What clerk?

Mr. STEWART. The clerk of the committee who made it up.

Mr. SPOONER. Where were the Senators and Members from Nevada?

Mr. STEWART. The Senators and Members from Nevada were not present when the bill was made up.

Mr. SPOONER. Were they not present in the Senate and House when the bill was passed in an imperfect condition?

Mr. STEWART. Yes.

Mr. SPOONER. Why did they not correct it?

Mr. STEWART. Because they did not observe it. I did not notice it, and I generally notice almost everything.

Mr. SPOONER. You do.

Mr. STEWART. I did not notice that they had been left out.

Mr. BAILEY. And you are trying to remedy that omission.

Mr. STEWART. I am trying to remedy it. I am trying to to make amends for my former negligence.

Mr. SPOONER. I did not mean to reflect upon the Senator. Are these claims precisely of the same nature as those that were allowed?

Mr. STEWART. They are of the same nature and were allowed by the same board.

Mr. SPOONER. And proven in the same way?

Mr. STEWART. They were proven in the same way. There is no distinction between them.

Mr. PLATT of Connecticut. If the Senator will allow me, I think he ought to explain why the old bill, the first bill introduced, did not include all the claims that had been allowed by the examiners.

Mr. STEWART. It was because they examined them from time to time. They were several years in making the examination and getting the proof. They sent some to the Treasury Department and some here. After I came here they sent some to me. The claims were scattered. I introduced a bill which passed covering those that came to me, but it did not include all of them. There was a bill that had passed the Senate three or four times with all of them in. In preparing the bill an old bill was used and it left out these claims that were afterwards collected and put in. They were all the same kind of claims.

Mr. PLATT of Connecticut. The Senator assures us that these have all been audited by the examining board of the State of Nevada?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. And that certain claims audited by them have already been passed and paid?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. But these have not been paid?

Mr. STEWART. No.

Mr. PLATT of Connecticut. So these claims are of the same character?

Mr. STEWART. They are of exactly the same character.

Mr. SPOONER. I should like to have one other bit of information from the Senator, and that is whether any have been left out now?

Mr. STEWART. No; none have been left out.

Mr. SPOONER. They are all included?

Mr. STEWART. They are all included.

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

Mr. BEVERIDGE. Is there a report accompanying the bill?

Mr. STEWART. Oh, yes.

Mr. NEWLANDS. The report is No. 117.

Mr. BEVERIDGE. I confess that I should like to hear the report read. Would the Senator object to having the bill go over for a day or two?

Mr. STEWART. It is up now, and it is very hard to call up bills here.

Mr. BEVERIDGE. I am not insistent upon it.

Mr. STEWART. This same bill has passed the Senate before.

Mr. BEVERIDGE. All right.

The bill was read the third time, and passed.

N. F. PALMER, JR., & CO.

The bill (S. 334) for the relief N. F. Palmer, jr., & Co. was considered as in Committee of the Whole. It proposes to pay to N. F. Palmer, jr., & Co. the sum of \$63,620.59, in full of their claim for damages and losses incurred in the construction of the armored cruiser *Maine*, that being the amount recommended to be paid by the Secretary of the Navy.

Mr. CULLOM. We have been passing bills here every few minutes, making large appropriations, without having the reports read.

Mr. STEWART. There is a report accompanying this bill. Here is the written report.

Mr. CULLOM. It seems to me that in every case of this character we ought to have the report read.

Mr. STEWART. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

Mr. PLATT of Connecticut. Before the reading of the report, may I make an inquiry? The sum here appropriated is \$63,620.59. That has been recommended—

Mr. STEWART. By the Secretary of the Navy.

Mr. PLATT of Connecticut. By the Secretary of the Navy. The Secretary of the Navy, however, says that if it is proposed to add to that anything for insurance—

Mr. STEWART. We do not propose to do that; we just take what the Secretary recommends.

Mr. PLATT of Connecticut. There is nothing for insurance in the bill?

Mr. STEWART. No.

Mr. PLATT of Connecticut. I have no objection to it.

Mr. STEWART. The reading of the report will make it very clear.

Mr. CULLOM. I think the report had better be read.

Mr. STEWART. Very well.

Mr. BEVERIDGE. The total is \$63,620.59?

Mr. PLATT of Connecticut. Yes. The original claim was \$99,000, I believe.

Mr. STEWART. The reason why it was cut down and everything is stated in the report. The report is not very long.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. STEWART December 16, 1903, which is as follows:

The Committee on Claims, to whom was referred the bill (S. 334) for the relief of N. F. Palmer, jr., & Co., report as follows:

A similar bill was favorably reported by this committee and passed the Senate at last session, but reached the House too late in the session to be considered by the House Committee on Claims.

An amendment to the general deficiency providing for the payment of this claim was favorably reported by the Senate Committee on Naval Affairs and passed the Senate as an item in said bill, but failed to pass in conference.

Your committee's report made at last session contains all the facts in this case and is adopted as a part of this report, and your committee recommend that S. 334 do pass.

[Senate Report No. 2577, 57th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 6375) for the relief of N. F. Palmer, jr., & Co., report as follows:

This claim is for the losses and damages sustained by the firm of N. F. Pal-

mer, jr., & Co., of New York City, in furnishing and installing the machinery, including engines, boilers, and appurtenances, of the ill-fated U. S. armored cruiser *Maine*.

The *Maine* and the *Texas*, sister ships, were built by the Navy Department in Government navy-yards, the former vessel at New York and the latter at Norfolk. Contracts were made with outside firms for the machinery of these vessels. In both instances there were delays on the part of the Government in the building of the vessels, mainly caused by the inability of the Department to get the armor. The result was that when the contractors for the machinery had the engines, boilers, etc., ready for delivery and installation the vessels were not far enough advanced to receive the said machinery, and the contractors were subjected to unusual expenses and losses by reason of the unreadiness on the part of the Government. In the case of the *Texas* the builders of the machinery presented a claim to Congress for their losses as aforesaid, and were paid \$69,550.39. (See act approved May 7, 1898, 30 Stat. L., 1431.)

The bill under consideration containing the amount claimed by the firm of N. F. Palmer, jr., & Co., \$99,661.07, was referred by your committee to the Navy Department for recommendation as to what would be a fair and reasonable compensation for the losses and damages sustained by the firm. The Secretary referred the bill and accompanying papers to the bureaus of Construction and Repair and Steam Engineering, the bureaus under whose direction the work was done, for examination and recommendation. These bureaus, in a joint report, find that the claimants are "justly entitled" to compensation, and after carefully auditing the claim they find \$63,620.59 to be "a fair award." Having incorporated this report of the two bureaus in his letter, the Secretary of the Navy "concurs in the views of the bureaus and approves the statement made by them of the amount to which said company is entitled."

In view of the report of the Secretary of the Navy fixing the amount justly due the claimants, to wit, \$63,620.59, your committee recommend that said amount be paid the firm of N. F. Palmer, jr., & Co., and accordingly report back S. 6375 with the following amendment:

In lines 5 and 6, in lieu of the words "ninety-nine thousand six hundred and sixty-one dollars and seven cents," insert "sixty-three thousand six hundred and twenty dollars and fifty-nine cents."

With this amendment your committee recommend that S. 6375 do pass.

The letter of the Secretary of the Navy is appended.

NAVY DEPARTMENT,  
Washington, January 10, 1903.

SIR: The Department acknowledges the receipt of your letter of the 5th ultimo, inclosing a copy of the bill (S. 6375) for the relief of N. F. Palmer, jr., & Co., accompanied by the following documents, which are returned herewith:

House Report No. 2114, Fifty-seventh Congress, first session.

House Document No. 68, Fifty-fourth Congress, second session.

Senate Report No. 154, Fifty-fifth Congress, first session.

The claim of N. F. Palmer, jr., & Co. for the sum of \$99,661.07 arises from a contract dated April 3, 1889, entered into by that company with the Navy Department for the construction of the machinery for the United States armored cruiser *Maine* and the delivery and connection of the same on board that vessel. The terms of the contract required that the machinery should be completed and erection on the vessel begun in two years and six months, or by October 3, 1891, and that the erection should be completed one year later, or by October 3, 1892, when it was to be subjected to a four hours' trial with the vessel under way and accepted subject to satisfactory compliance with the contract stipulations as to power, weights, etc.

The hull of the *Maine* was built by the Government at the navy-yard, New York. The armor was furnished under a separate contract with the Bethlehem Iron Company. The *Maine* was launched November 18, 1890. By October 3, 1892, as required by the contract, N. F. Palmer, jr., & Co., had completed and erected on board the vessel the main engines, boilers, auxiliaries, etc., except some minor details and the hydraulic machinery for turning the turrets, which could not be installed, as the turrets and conning towers to be supplied by the Government were not yet in place. The contractors had at that time substantially completed their contract.

Owing, however, to the delay in delivery of armor, the *Maine* was in such incomplete state that it was unsafe to permit a trial under way.

On July 22, 1893, the vessel having reached a suitable state of completion, the Department permitted a dock trial to be made of the machinery, and made a partial payment to the contractors.

The official trial under the terms of the contract took place in Long Island Sound October 17, 1894, and the contractors were informed under date of October 31, 1894, of the preliminary acceptance of the machinery.

The *Maine* was not ready for the final trial required by the contract to be held six months after the preliminary acceptance, so that the machinery was finally accepted under date of June 21, 1895, after a careful inspection at the dock.

When the machinery was accepted the contractors executed the usual release provided for by the contract, but appended to it the following:

"This release is given by us with the understanding that we are not precluded thereby from presenting our claim to Congress for compensation on account of delays caused by the Government, and for expenses incurred in the care and preservation of machinery during such delays."

The claimants are now barred by the statute of limitations from prosecuting this claim before the Court of Claims.

The Department, having referred your letter and accompanying documents to the bureaus of Construction and Repair and Steam Engineering, quotes below their report in the premises:

"It appears that all the information from the files of the bureaus necessary to a recommendation in this case is contained in the documents herewith.

"We are of the opinion that the claimants are justly entitled to some compensation and that amounts should be allowed on the following points:

"(1) Interest on reservations of contract payments for the time delayed through fault of the Government.

"(2) Expenses of dock trial over and above any expense of such dock trial as is usual and necessary for every contractor to make at his own expense under the fulfillment of his contract.

"(3) Expenses of care and preservation of machinery during the time its acceptance was delayed through fault of the Government.

"(4) Additional cost of insurance and bond required by the contract for the same period.

"It does not appear from these papers, but can be determined from the records of the Department, whether the usual insurance on the machinery installed in the ship was maintained during the period of delay; but if so, its expense is a just claim. The bureaus are of the opinion that the contract requires insurance to be maintained on the trial trip, and therefore the claim should not be allowed.

"(5) The performance of a large and special contract of this nature causes any contractor a large increase in general expense by the maintenance of an extra office force of clerks and draftsmen, experts, foremen, and superintendents of labor, and the claimants are justly entitled to recover for such



part of this force as it was necessary to maintain during the period of delay caused by the Government.

"Undoubtedly the best method of settling the amounts due the contractors on those several grounds would be to refer the case to the Court of Claims, where they can be thoroughly and carefully determined, as recommended by the Department in its letter of December 8, 1893; but as such a long time has elapsed already since the contractors were justly entitled to compensation, the bureau are of the opinion that a definite recommendation should be made to enable the Department and Congress to act without the delay and expense to both parties to the case, which would be further incurred by reference to the court.

"RECOMMENDATION OF AMOUNTS DUE CLAIMANTS.

"1. Interest.—The claim for interest begins to accrue on October 3, 1892, the date of expiration of the contract, which it appears the contractors could have fulfilled but for faults of the Government. The contractors ask for interest at 6 per cent on all amounts then to be paid, viz:

"Nine reservations on previous payments.....	\$96,150
"And the last payment.....	73,500
"Total.....	169,650

"Under the schedule of just claims given above, however, interest can not be allowed on the last payment, for the work it was to pay for had not been wholly, nor probably largely, performed, as the record shows.

"Interest on this payment should not be allowed to begin to accrue until it was earned and unpaid. This date is difficult to determine, but injustice will probably not be done by assuming it earned at the date of application for the official trial, April 19, 1893, although considerable work on the turrets was done after that date. The interest account would, therefore, appear as follows:

"From October 3, 1892, date of expiration of contract, to August 5, 1893, date of payment on account (\$39,325) after dock trial, three hundred and six days, on \$63,150, at 6 per cent, \$3,327.44.

"From April 19, 1893, date of application for official trial, to November 7, 1894, date of payment after trial, \$58,500, for one year and two hundred and twelve days, \$5,548.68.

"From May 7, 1895, six months after the date of payment after official trial, to July 10, 1895, sixty-four days, at 6 per cent, on \$15,000, special reservation, \$157.80.

"Item 2.—Dock trial.—It would seem reasonable to accept as extra expenses to the contractors, say at 80 per cent of what was expended on the official dock trial held under the auspices of the board, \$8,653.80 × 0.80 = \$6,923.04.

"Item 3.—Expenses of care and preservation, as rendered by the contractors, are reasonable, \$2,513.63.

"Item 4.—Insurance can not be determined by the bureaus.

"Extra bond expense, \$1,400.

"Item 5.—Extra general expense.—It may be assumed for purposes of this case that the general expenses of the character described above which would have been incurred by the contractors under their contract if performed in the original contract time of three and one-half years would have properly amounted to 10 per cent of the contract price, viz, \$73,500, and that these expenses would be increased in proportion to the extension of the time over which the contract actually extended by delays on the part of the Government. This extension liberally construed might be considered to reach the date on which the contractors were informed of the preliminary acceptance of the vessel after official trial, which was November 1, 1894; therefore, the extension was from October 3, 1892, to that date, or two years and one month.

"On this basis the expense would be  $\$73,500 \times \frac{2\frac{1}{2}}{3\frac{1}{2}} = \$43,750$ .

"Total, \$63,620.59.

"To which should be added any cost for insurance incurred from October 3, 1892, to November 1, 1894, except that for the trial trip.

"This is considered a fair award."

The Department concurs in the views of the bureaus and approves the statement made by them of the amount to which said company is entitled on account of the matters set forth. Should it be determined to add to said amount an allowance for the cost of insurance, the company should be required to make an authentic statement relative thereto, and the matter should be submitted to the Department for verification, so far as may be permitted by its records, which will show the amount of insurance placed but not the cost thereof to the contractors.

The inclosures with your communication are returned.

Very respectfully,

W. H. MOODY, Secretary.

Hon. WILLIAM M. STEWART,

Committee on Claims, United States Senate.

Mr. CULLOM. I have looked over this report a little and having heard the Senator from Connecticut state that the bill is indorsed by a Cabinet officer, Mr. Moody, I am inclined to withdraw my request.

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

NICARAGUAN CANAL.

Mr. MORGAN. I ask unanimous consent of the Senate to allow me to submit some remarks on a resolution that I offered the other day that I wish to send to the Committee on Foreign Relations. The remarks that I have to submit are in explanation of the resolution and ought to be made before it goes to the committee.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the Senate will proceed to the consideration of concurrent resolution No. 36.

Mr. CULLOM. I understand that it is a resolution in reference to the ownership of the territory of the Isthmus.

Mr. MORGAN. Yes; it is in relation to the bill I introduced the other day.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Secretary read the concurrent resolution submitted by Mr. MORGAN on the 20th instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That obedience to the act of June 28, 1892, known as the "Spooner law," and the preservation and execution of the agreements between Costa Rica, Nicaragua, and the United States, entered into, sealed, and interchanged on December 1, 1900,

requires that the President shall proceed to open negotiations with Nicaragua and Costa Rica for a treaty to further arrange and settle the terms, in detail, for the construction of a ship canal on the Nicaragua route.

Mr. CULLOM. I hope there will be no objection to the Senator from Alabama making his speech.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the concurrent resolution is before the Senate. The Senator from Alabama is recognized.

Mr. MORGAN. Mr. President, the resolution that I offer is a companion piece, I might say, of a bill I had the honor to introduce in the Senate the other day, which has been referred to the Committee on Foreign Relations, and I wish to speak on it in connection with the topic presented in that bill.

This resolution relates solely to the duty of the United States in its dealings with Costa Rica and Nicaragua, and the duty of the President to render respect and obedience to the laws of Congress.

If the Spooner law had never passed Congress, a very powerful claim to the respectful consideration of the President is presented in dealing with the question of the location of the isthmian canal, which is based on two grounds:

First. On the relations of the United States with Nicaragua and Costa Rica since 1848, especially with reference to the enterprise of locating and constructing a canal along the San Juan River and across Lake Nicaragua, and under the conclusive agreements with those States made by President McKinley on the 1st day of December, 1900.

Second. On the ground that the Nicaragua route is the better route and is free from the engineering, sanitary, and political difficulties that already overhang the Panama route with the clouds of pestilence and war. It has no safe engineering basis or prospect of success on which we can confidently rely in building a permanent dam at Bohio, which is the key to the canal. The probabilities are strongly against the prospect of ever constructing a safe dam at Bohio. The speeches of Senator Harris, of Kansas on the Spooner bill, so completely demonstrate this proposition that its further discussion seems to be unnecessary.

The duty imposed upon the President by the Spooner law, which he repudiates and wilfully disobeys, is the question I will discuss, as it is presented in this resolution.

Under the first of these propositions I will present the records, the treaties and other agreements made between Costa Rica, Nicaragua, and the United States, in respect of canal rights and privileges, since 1848, including the McKinley compacts of December 1, 1900, with Nicaragua and Costa Rica.

I will omit any detailed account of the concessions made to private parties by those States since 1846 with the express approval of the United States, only stating that they all correspond in their purposes and general provisions with the treaties made by and on behalf of the United States. In the treaties that failed of ratification by our Senate there was no objection that they were in any sense too restricted in the terms of the concessions, or too costly to meet the requirements of our Government. They were rejected, not for any defects in them, but for political reasons that were involved in our relations with Great Britain under the Clayton-Bulwer treaty. For one, I conceive that the abrogation of that treaty is the most important act of the great career of President McKinley, and that, if the Hay-Pauncefote treaty had never been ratified, that Mr. McKinley had struck the Clayton-Bulwer treaty a fatal blow in the compacts he made with Nicaragua and Costa Rica on the 1st day of December, 1900. Those compacts and that treaty could not be reconciled; they could not possibly stand together.

The first canal concession made by Nicaragua to the United States is dated June 21, 1849. It was negotiated and signed by Elijah Hise, who was chargé d'affaires of the United States in Central America.

I will append a copy of this treaty to my remarks. (See Appendix A.) I will quote parts of articles 1, 2, and 11 to show that the grant was in perpetuity, and its scope, which is broader in its advantages than any canal concession ever made to the United States.

ARTICLE I.

It is solemnly agreed between the two high contracting parties that the State of Nicaragua doth grant to and confer upon the United States of America, or to a company of the citizens thereof, the exclusive right and privilege to make, construct, and build within the territories of the said State of Nicaragua, through or by the use and means of any of the streams, rivers, bays, harbors, lakes, or lands under the jurisdiction or within the limits of the said State, a canal or canals, a road or roads, either railways or turnpikes or any other kind of roads, for the purpose of opening a convenient passage and communication, either by land alone, or water alone, or by both land and water, and by means, if deemed proper, of locks and dams, or by any other mode of overcoming and removing the obstructions to the navigation of the said rivers, lakes, harbors, etc., between the Caribbean Sea and the Pacific Ocean, for the transit and passage of ships, steamers, sailing vessels, boats, and vessels of all kinds, as well as vehicles of every sort used for the transportation and conveyance of persons and property and of goods, wares, and merchandise of every description, and the United States or the company which may be formed by virtue of such charters as shall be made as herein provided shall be permitted for the construction of said works to procure, take, and



obtain within the territories of Nicaragua all kinds of materials, such as stone, timber, earths, and whatever else may be necessary and proper for the said purposes, free of any charge so far as the said materials may be procured on the lands belonging to said State.

#### ARTICLE II.

The State of Nicaragua cedes and grants to the United States, or to a chartered company of the citizens thereof, as the case may be, absolutely, all the land that may be required for the location and construction of said canal or canals, road or roads, and which may be necessary for the erection of buildings and houses of every description for the residence and accommodation of the engineers, superintendents, and laborers, and all others employed in the making and construction of the said works, or in governing, managing, and controlling the same, and also for the erection of all such necessary buildings as may be requisite and proper for the purpose of storing away therein all the tools, machines, materials, and property of every description which may be required for the use in the construction, repairing, preservation, and management of said works, and should any portion of the lands or materials, or of the rivers, bays, ports, or their coasts or lakes, and their shores, which may be necessary and proper to be applied for the location and construction of said works and its appurtenances, belong to individuals, the State of Nicaragua agrees and undertakes to extinguish the titles thereto, and to procure the same upon a just principle of valuation for the aforesaid public works. The aforesaid cession and grant shall include a space of not less than 300 feet on each side of the lines of said works, and extending all along the whole length thereof, so that ample space be secured on the margins of said works for the convenient use thereof. The just value of such of said lands and materials as may be private property at the date of this treaty will be paid for by said company.

#### ARTICLE III.

The State of Nicaragua agrees that the United States shall have, possess, and enjoy forever the following rights and privileges; that is to say, the right and privilege to pass, convey, transport, and send through all or any part of the territories and dominions of the State of Nicaragua, on land or water, from ocean to ocean, by means of her ports, bays, rivers, lakes, and roads, troops, infantry or cavalry, all kinds of arms, artillery, and munitions of war of all kinds, her public property of every description, public officers, civil and military, consuls, ministers, dispatch agents, her public mail and mail agents, and all other employees of the Government of the United States of America; and the same shall all and each be permitted to pass, be sent, and be conveyed through said State, in any manner, as aforesaid, in the public armed vessels of the United States, and in all such other vessels or vehicles, public or private, which may be in the temporary or permanent employment of the Government of the United States for any of the purposes aforesaid, or in any other way, free from all cost and exempt from all taxes, duties, imposts, charges, or exactions of any kind whatever, either on the persons, property, vehicles, or vessels aforesaid; and all the aforesaid privileges and the said free right of way and of transit shall be held, used, and enjoyed by the United States of America (but not by any other nation, state, or government, except Nicaragua) without cost or charge, and freely, whether the same be made through the dominions and territories of Nicaragua as they now exist, or whether the said troops, munitions of war, public officers, agents, employees, mails, public property, vehicles, and vessels, etc., shall be sent, transported, or conveyed by means of improved navigable rivers, canals, or turnpikes, or railroads, or any other public improvements which may be hereafter made in the State of Nicaragua, either by the Governments or citizens of the contracting parties, or by the governments, citizens, or people of any other nation, kingdom, or country; and the citizens of the United States shall have and enjoy all the rights and privileges of travel, passage, transit, and conveyance for themselves and their property and vessels of all kinds through the territories and dominions of the State of Nicaragua as they now exist, or through such canals or roads, railways or turnpikes, or other improvements as may be hereafter made in said State, upon terms and conditions in every particular as favorable as those enjoyed by the citizens of Nicaragua, or by the citizens of any other nation, kingdom, or country.

This treaty was not laid before the Senate by Secretary Clayton, because he was afraid the Senate would ratify it, and thereby defeat the negotiation of the Clayton-Bulwer treaty he was then conducting. I need not comment on that disaster.

Mr. Squires, minister to Nicaragua, a little later negotiated and signed another treaty with Nicaragua, making still more extensive concessions to the United States.

This treaty did not reach Washington until after the Clayton-Bulwer treaty was ratified, on July 4, 1850, and was not laid before the Senate. I pass over the Vanderbilt concessions, that Walker's raid prevented from being carried out, under which the celebrated Childs survey was made. It was to a private company, but is exceedingly liberal in its terms.

Other concessions to private persons were also made by Nicaragua, in succession, that were in like manner liberal and gave the preference in every case to American citizens.

Historical facts taken from the records of the Senate that are of great importance, as to the Panama route, were presented by me in remarks made in the Senate on the 24th of November, 1903, some of which I will again repeat:

TREATIES WITH COLOMBIA MADE BY PRESIDENT JOHNSON IN 1863 AND BY PRESIDENT GRANT IN 1870.

Mr. Seward, when he was Secretary of State, was anxious to enlarge the scope and to include specific canal concessions in the treaty of 1846-1848 with Colombia, knowing that treaty did not confer upon the United States any right to construct or own a canal or railroad on the Isthmus of Panama, and he sent Hon. Caleb Cushing as minister to Colombia, in 1863, to negotiate such an amendment to that treaty.

Mr. Cushing found the Jesuits in control of the Colombian Government, but the Liberals were in the popular majority in the Republic, and he believed they would regain power at an early date. He awaited that event, and in 1869 he concluded a treaty with Colombia under which the United States were to have the sole right of constructing a canal within the territory of Colombia, and for this purpose the Colombian Government was to reserve a strip of land across the Isthmus for the canal route itself and 10 miles on either side.

This was the first canal zone ever projected, and such a zone, with the right of our Congress to legislate for its municipal government, is the necessary corollary to the right of sole ownership and control of the canal by the United States in any foreign country.

To this great American jurist and publicist the world owes the plan that some day will give trouble in Egypt, for the want of such a provision for governing the Suez Canal by the Government that owns the controlling interest.

In Mr. Cushing's treaty the improvement of the value of lots to be held by each Government, in equal alternate parcels, was the chief consideration of the concession.

The canal was to be constructed by the United States Government, and its government and control was also to remain in our hands, and for that purpose our Government was authorized to employ military forces if the occasion should arise.

Colombia was still to retain the "political sovereignty and jurisdiction over the canal and territory appertaining thereto," but only with the proviso that she should not only allow but guarantee to the United States of America the peaceable enjoyment, control, direction, and management of the same; and in conclusion it was declared "that the political obligations herein assumed by the United States of America and the United States of Colombia are permanent and undefeasible." This is just the reverse of the provision of Article IV of the Hay-Concha treaty and the Hay-Herran treaty.

On the 15th of February, 1863, this treaty was sent to the Senate by the President, and it was rejected by that body as being "inadequate."

Mr. Cushing anticipated our present embarrassment under new counsels, but he is out of date—a back number—and I claim the honor of sharing with him the recent criticism of the envoy extraordinary and minister plenipotentiary of the Republic of Panama, just arrived from his native and beloved France, and creditor of the Panama Canal Company and legitimate successor of the king of the Mosquito tribe of Indians, who had interested their enmity toward Nicaragua, has informed the world that I am also out of date as to my information about canal facts.

In 1869, General Grant being President, negotiations with Colombia were again opened by Mr. Fish, Secretary of State, for canal concessions at Panama. He appointed Gen. Stephen A. Hurlburt, the military companion and trusted friend of President Grant, as minister to Colombia, especially charged with this negotiation.

On January 28, 1870, General Hurlburt signed a treaty with Colombian authorities which conferred on the United States the same rights, substantially, with that negotiated by Mr. Cushing. It granted to the United States the right of constructing and operating a canal within the territory of Colombia, but it looked to an international military control of the canal and its zone.

Mr. Fish submitted that treaty to the Senate for ratification or amendment, but was not thoroughly satisfied with its provisions. It was also amended by the Colombian Congress after it had been signed.

I again note the fact that De Lesseps came to Nicaragua and, by offering a large sum of money, got the House of Representatives to vote him a concession, and the Senate wanted a single vote of granting it, but the President of Nicaragua interfered and pointed to the invasion of Mexico by the French and warned the Congress against him. He then turned to Panama and the sea-level canal as his only alternative. It was not his choice, but a desperate ambition that led him to Panama.

Our Isthmian Canal Commission and the French engineers alike have pronounced that a sea-level canal at Panama is a hopeless undertaking, after most careful examination. Yet, Senators continue to attempt to revive such hopes as an argument in favor of the Panama route.

This sea-level project was attempted after the Lull survey had demonstrated (as De Lesseps admitted before a committee of the House, of which the present President pro tempore of the Senate was a member) that if a canal with locks was to be built Nicaragua was the only proper location.

And we have the results before the country, in the rash effort of the French to construct a canal with locks at Panama, on a route selected and surveyed for a sea-level canal, and our engineers have adopted such a survey for a canal with locks, never having run a line of levels between the two oceans over that ground. Contentions and dispute have arisen as to the practicability of such a route, in which our expert engineers are the chief wranglers.

If history repeats itself, this folly is still certain of repetition, and its disasters will also be repeated. And fraud being once planted in a great financial scheme that offers premiums to robbers, as has been the case in the Panama Canal project, will reproduce itself, clothed in scandals, as long as it can deceive an eager and unwary public.

The next treaty with Nicaragua for canal rights was the Dickenson-Ayon treaty, ratified June 20, 1868.

This treaty gives the United States the right to construct, use, and own a ship canal through Nicaragua, not as a sovereign, but under the authority and sovereignty of Nicaragua, as will appear from article 14. I will place all the articles from the fourteenth to the conclusion in the appendix to my remarks. (See Appendix B.)

For this concession, far exceeding in breadth the concession of Colombia in the treaty of 1846-1848, no compensation is asked.

The Wyse concession was made by Colombia March 20, 1878. That concession is the mother of all that has occurred since in respect of the two Panama canals. It was made to induce and to enable De Lesseps to organize a company of construction under its provisions. I will attach a copy in the appendix to my remarks. (See Appendix C.)

De Lesseps and his associates organized the "old" Panama Canal Company under the Wyse concession, under permission from Colombia, to reside in Paris, and it began work on the canal in 1880. This privilege granted by Colombia extended to four places—Bogota, Paris, New York, or London—where the Colombian corporation had the privilege of having its residence, but was



not subject to the jurisdiction of the country of either of those cities except Bogota, being a mere corporation living by comity within the borders of a foreign state.

Mr. Frelinghuysen, the Secretary of State, was alert as to this French enterprise, and believing that it would lead to failure he opened negotiations with Nicaragua, which resulted in a treaty, dated December 1, 1884, and was sent to the Senate with a view to its ratification.

I will insert a copy in the appendix to my remarks. (See Appendix D.)

This treaty, in articles 1 and 2, provides as follows:

ARTICLE 1. The canal shall be built by the United States of America and owned by them and the Republic of Nicaragua, and managed as hereinafter provided.

ART. 2. There shall be perpetual alliance between the United States of America and the Republic of Nicaragua, and the former agree to protect the integrity of the territory of the latter.

At that time it was not known that Costa Rica had any interest in the San Juan River, because its boundaries were disputed. That question was afterwards settled by Mr. Cleveland as umpire while he was President of the United States.

This treaty created a joint ownership of the canal by the two Governments, but the United States was to construct the canal, and the management of it was intrusted to a board of six managers, three to be appointed by each Government, the chairman of the board to be a citizen of the United States, with an additional vote in case of a tie. No compensation was to be made to Nicaragua, except \$4,000,000 as a loan, to bear interest at the rate of 3 per cent and to be paid by Nicaragua out of its one-third of the net revenues of the canal.

This joint agreement was designed to avoid apparent conflict with the Clayton-Bulwer treaty. Yet it was, in fact, in actual conflict with that treaty.

A long nonpartisan debate on this treaty occurred in the Senate. On the vote for ratification it failed of gaining a majority of two-thirds of the Senate, wanting two votes. Mr. Edmunds, of Vermont, having changed his vote to the negative, to be in order to move for a reconsideration, he made the motion, and the debate upon it occupied much of the attention of the Senate, when in executive session, until that Congress expired.

Mr. Cleveland took office as President on the 4th of March, 1885, and on the 5th sent a message to the Senate withdrawing the treaty from examination.

His right to withdraw it, unless by resolution of the Senate, was questionable, but the point was not raised by objection. Shortly thereafter he sent a message to the Senate, in which he stated his reasons for withholding the treaty, the chief of which was that it created an entangling alliance with Nicaragua and contained a guaranty to protect the sovereignty of that Republic.

After that, during that Administration, the policy of the Government was to foster the efforts of private persons to build the canal under concessions from Nicaragua, and assistance was given by the Secretary of the Navy in detailing an engineer of the Navy to survey the canal and by Congress, in granting a charter to the Maritime Canal Company of Nicaragua, to be managed under the supervision of the United States.

Afterwards the Senate passed bills in two Congresses, with very impressive majorities, to assist the company by an indorsement of its bonds in one case and the purchase of its stock in the other.

Neither of these bills was considered in the House.

The House, in the Fifty-sixth Congress, passed the first Hepburn bill by a vote of 224 yeas to 36 nays. This bill was a clean-cut and definite expression of the will of the American people that the canal should be constructed, owned, and controlled exclusively by the United States, and this could be done without regard to the Clayton-Bulwer treaty.

Thereupon, Great Britain entered into negotiations with our Government to remove the obstruction of the Clayton-Bulwer treaty, which resulted in the first Hay-Pauncefote treaty.

When that treaty was under consideration in the Senate certain amendments to it were supported by leading Republican Senators that threatened its rejection by Great Britain if it was so amended. That treaty passed the Senate with those amendments on the 20th day of December, 1900, and Great Britain refused to accept them.

Before this vote of the Senate was had Admiral Walker made to President McKinley the preliminary report of the Isthmian Canal Commission on the 30th of November, 1900, in which that Commission recommended the Nicaragua route as being the most feasible and practicable route for an isthmian canal. They repeated that recommendation to President Roosevelt in their final report on the 16th of November, 1901, a year later, before the second Hay-Pauncefote treaty was ratified.

When the preliminary report was made to Mr. McKinley on November 30, 1900, he had been already thoroughly informed of the facts through the depositions of the members of the Commission, which had been made in May, 1900, and he was prepared to

act promptly and effectively to decide the question as to the location of the canal, and the question then under discussion in the Senate as to the Clayton-Bulwer treaty, and the question of the purchase of the concessions and properties from the New Panama Canal Company. As to this purchase he had been intrusively urged by Cromwell, Bonnardell, and Hutin, director-general of the New Panama Canal Company, to his great annoyance, and he determined to end it.

Hutin, president of the canal company, addressed to Mr. Hay a caustic letter of complaint as to the report and conduct of Admiral Walker in dealing with him, which is printed in report No. 1, Fifty-seventh Congress, first session, on pages 521 to 526.

An examination of this letter, which I will insert in the appendix to my remarks, will lay widely open the whole purpose of the New Panama Canal Company in its effort to raid the Treasury of the United States by introducing and attempting to force the purchase of these fraud-infected and scandalized concessions and the miserable débris of the property in Panama that was then, as it is now, worth no more to them than the price they could wring out of the United States, our Government being the only possible purchaser.

This letter is dated November 22, 1901, after the death of President McKinley.

M. Hutin must have forgotten the first letter he wrote President McKinley, on February 28, 1899, on this subject, which is printed on pages 195-196 of the report above referred to. It opens with this statement, intended to mislead the President:

SIR: The New Panama Canal Company has never proposed and does not seek any appropriation or financial aid from the Government of the United States in the completion of its canal.

The letter of November 22, 1901, simple proves, in the first sentence, that his previous statement was false.

Mr. McKinley was as apt to detect this fraud as anyone, and he determined to crush it at one blow. He did it, like an honest, brave man. We are about to revive it, put a varnish of respectability on it, and take it into our embraces "for business reasons," the chief of which is the robbery of the Treasury of the United States.

Thus history repeats itself; fraud gains a new indorsement, and scandal is revived.

Mr. McKinley penetrated with his keen and just vision into every phase and bearing of the entire situation, and at once disposed of it by a single act. He directed Mr. Hay to open negotiations with the ministers of Nicaragua and Costa Rica on the 1st day of December, 1900, not allowing even a day to elapse after the Walker report was made to him; and on that day the following agreements were made in the same terms with Costa Rica and Nicaragua.

I will read one of the protocols, and follow it with an extract from the first Hay-Pauncefote treaty that defines the canal rights therein conceded to the United States:

*Protocol of an agreement between the Governments of the United States and of Nicaragua in regard to future negotiations for the construction of an inter-oceanic canal by way of Lake Nicaragua.*

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Nicaragua as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually agree to enter into negotiations with each other to settle the plans and the agreements in detail found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Nicaragua.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington this 1st day of December, 1900.

JOHN HAY. [SEAL.]  
LUIS F. COREA. [SEAL.]

Article I of the first Hay-Pauncefote treaty—February 5, 1900—referred to and made part of that agreement, is as follows:

#### ARTICLE I.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

In compliance with her agreement, Costa Rica instituted proceedings for the amendment of her constitution, and the President sent the following message to the Congress of that State:

*Extract from the message of Señor Rafael Iglesias, President of Costa Rica, to the Constitutional Congress.*

There are better prospects at this than at any other time that the project of construction by and under the control of the United States of America of an interoceanic canal across the Central American Isthmus will be carried out.



Costa Rica being directly interested in the construction of that great work by reason of a portion of her territory that may have to be occupied, the Government of the United States has opened with that Government negotiations looking to the conclusion of a treaty whose fundamental terms are that the United States will be authorized to occupy, under the head of a perpetual lease, a certain belt of territory for the construction, administration, and operation of the canal, and to exercise therein the jurisdiction which properly belongs to our sovereignty. In return for these and other minor concessions we are offered the guaranty of the independence and sovereignty of Costa Rica and of the integrity of her territory and the payment to the Government of a million and a half dollars.

In view of the great and paramount importance of this matter, I deem it expedient to call an advisory board consisting of persons of well-known ability and patriotism in order to enlighten me in so delicate and grave a question. A committee under the chairmanship of the secretary of state for the department of foreign relations was appointed among the members of that board. This committee has discharged its duties in a satisfactory manner touching all the points which, in its opinion, do not contravene the spirit of our political institutions, in conformity with the provisions of the fundamental code as regards the integrity of the territory and the exercise of sovereignty. In consequence thereof the Government is powerless to enter into positive negotiations with that of the United States of America unless there should be previously passed a constitutional amendment by which such concessions for the construction of the interoceanic canal may be authorized, or the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

And the constitution of Costa Rica was so accordingly amended. President McKinley did not send these agreements to the Senate. Why? Because he did not wish to notify Great Britain, while engaged in treating with her, of his determined purpose to get rid of the Clayton-Bulwer treaty by making an agreement with Nicaragua and Costa Rica that simply revoked and annulled it, so far as the United States could do it. He knew the support he had in Congress and among the people and did not stop on the halfway ground, as Mr. Arthur had been compelled to do, in the Frelinghuysen-Zavala treaty, for the want of such support from an incoming administration.

He fully understood that in these compacts he had located the canal on the Nicaragua route; that he had freed the country from the scandals of the New and Old Panama Canal companies, and that he had removed the obstructions of the Clayton-Bulwer treaty. In each of these results he quietly and firmly crystallized the wishes of the American people into compacts with these States, subject only to the authorization of Congress, and there they stand as living monuments of his wisdom and courage.

This act ranks in its importance even above the great protocols he was arranging, at the same time, with China and the five European powers, which involved the execution of princes and others of high dignity in China; the joint conduct of a great war; the protection of our missionaries; the revision of the entire tariff system of China, and hundreds of millions of dollars of fines and damages to various nations, imposed by those protocols.

They were never submitted to the Senate for its approval. Yet, we are regularly collecting the \$25,000,000, our share of those fines, while China has paid many other millions to our missionaries.

Have we quarreled with these results or denied his power to make these agreements without the advice and consent of the Senate? On the contrary, have we not, within a few days, ratified a treaty with China the basis of which was one of several of these protocols?

If these protocols of agreements with China are valid, those made by the same President during the same period are quite as valid and binding on the parties.

Challenges of disputation are frequent in the Senate of late, and, following that questionable habit—lest my sincerity might be questioned—I challenge the refutation of this precedent which now controls this Government in the affairs of supreme importance in China and Manchuria.

It is easy to follow and applaud the course of a President whose conduct is to our advantage, even after he is in his grave. But it is easier to follow and applaud a living President, in the amplitude of power and patronage, when, for ambitious reasons, he destroys the work of his predecessor by denying his right to do a splendid act that would be a benediction to the country and refusing to execute it, even under the express mandate of a statute enacted by Congress and approved by him.

But I turn from the contempt thus visited on President McKinley to that which is being visited on the States that so generously assisted him in making these protocols. They also knew and fully appreciated the great work of the President, and stood by him. His pledge to them was a sacred thing. They knew he would keep it, and they had no conception of an American President who would break it.

The constitution of Costa Rica was probably in the way of their agreement, and that State at once proceeded to change it, on our suggestion, so as to free her compact from all doubt. She did so change her constitution. Can any one deny that this was a compact between the United States and Costa Rica, when she changed her organic law that stood in the way to its perfect obligation?

Nicaragua had reserved her lands within the canal zone for three years from settlement by her own people because she had

granted them to the United States in her compact of December, 1900, and in negotiations based upon it.

In this matter and in the negotiations with Nicaragua and Costa Rica that were conducted to a conclusion with our Government every step taken by all the contracting powers was taken under and in pursuance of the protocols signed, sealed, and exchanged by Mr. Hay under the orders of President McKinley.

The light is not hid under a bushel. It is as a city seated upon a hill, which all the world can see. It is another signal light to show the world how the grand Republic deals with the little republics of America.

Let us not deceive ourselves. Because we are boasting that we are a world power, let us not forget that honor and justice are the true foundations of that power.

A correspondence between Mr. Hay and myself, as chairman of the Committee on Interoceanic Canals, which I will now read, establishes the fact of our continued and unbroken confirmation of these compacts. I will first read my letter to Mr. Hay:

WASHINGTON, D. C., March 11, 1902.

HON. JOHN HAY,  
Secretary of State.

DEAR SIR: I am instructed by the Committee on Interoceanic Canals to communicate to them the information I should derive from a conference with you on the subject of an isthmian canal; and, having had the honor of such a conference this afternoon, and desiring to make my report with accuracy, I will state the substance of our conversation, or rather its results, that you may examine it and make any corrections you may desire.

1. The negotiations with Costa Rica can be concluded at the convenience of the United States, and without any probable disagreement as to details.

2. The basis of the negotiation with Costa Rica and Nicaragua conforms, substantially, to the canal rights and privileges referred to in the treaty ratified between the United States and Great Britain—that is to say, a perpetual lease of a canal belt, from ocean to ocean, with the right on the part of the United States to construct, own, control, manage, and protect the canal, and to collect and appropriate the tolls and income of the canal for the benefit of the United States in a canal belt of 6 miles in width; this belt to be increased, during the period of construction, to a width of 10 miles, at the option of the United States, during our occupancy, and to be subject to control and protection by the United States.

3. For the lease and rights and privileges granted the United States will pay Costa Rica \$1,000,000 ninety days after the ratification of the treaty, and after that the sum of \$10,000 annually. And the United States will pay Nicaragua \$3,000,000 ninety days after the treaty with that Government is ratified, without additional stipend.

4. I refer only to the points of the negotiation above stated, as being mutually acceptable to the treaty powers, without stating in detail other points of minor importance, as to which there is substantial agreement and a confident expectation of an early conclusion of the terms of a treaty.

5. The United States does not assume any responsibility for any demand of any sort, if any exists, against Costa Rica or Nicaragua, connected with any prior concession of canal rights and privileges, or other privileges of navigation or transportation.

6. The protocols agreed to and signed in December, 1900, by the United States and by Costa Rica and Nicaragua, respectively, remain without alteration or dissent on the part of either of the Governments.

7. The former minister from Colombia, Mr. Silva, has had informal conversations with the Secretary of State on the subject of canal concessions along the Panama route, but no propositions for such concessions have been made by that Government.

Mr. Silva has taken leave of the United States as minister from Colombia, and Mr. Concha has been appointed to succeed him, but has not presented his credentials as minister to the United States.

8. Pending the negotiations with Nicaragua and Costa Rica, the above statements are as complete as the Secretary of State thinks it is proper for him to make them.

JOHN T. MORGAN, Chairman.

Mr. Hay, in replying to my letter containing these statements, says:

DEPARTMENT OF STATE,  
Washington, March 12, 1902.

HON. JOHN T. MORGAN,  
United States Senate.

DEAR SIR: I have received your letter of yesterday's date, and herewith return the copy you sent.

It states with substantial accuracy the purport of the conversation I had the honor to hold with you yesterday.

Yours, respectfully,

JOHN HAY.

On the 15th of May, 1902, Mr. Hay, Secretary of State, sent me the following letter, addressed to me as chairman of the Committee on Interoceanic Canals:

DEPARTMENT OF STATE,  
Washington, May 15, 1902.

HON. JOHN T. MORGAN,  
Chairman Committee on Interoceanic Canals, United States Senate.

SIR: I have the honor to inclose copies of letters from the Colombian minister, dated the 31st of March and the 18th and 23d of April, accompanied by the letter of exposition and the letter of William Nelson Cromwell, both dated the 31st of March, referred to in the minister's letter of that date, and also a memorandum of a convention which the Government of Colombia is ready to sign with that of the United States of America respecting the completion, maintenance, control, and protection of an interoceanic canal over the Isthmus of Panama.

I also inclose a copy of a letter which I addressed to the minister of Colombia on the 21st of April, announcing that I am directed by the President to inform him that I shall be ready to sign with him the proposed convention as soon as the Congress of the United States shall have authorized the President to enter into such an arrangement and the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give of all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal. I inclose also a project of a treaty presented to me this day by the minister of Nicaragua in behalf of his Government. I have not yet received a definite proposition from the Government of Costa Rica, but am informed by the Costa Rican minister that his Government is ready to enter into any satisfactory arrangement with that of the United States on



the basis of the protocol of December 1, 1900; but that, as set forth in the recent message of President Iglesias, an extract from which I inclose, it will be necessary that the Government of Costa Rica should, before entering into positive negotiations with that of the United States of America, adopt a constitutional amendment authorizing the necessary concessions for the construction of an interoceanic canal or to have the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

I am assured by the Costa Rican Government that these steps will be taken as soon as the Congress of the United States shall decide the question of the route of the canal. I also inclose, in accordance with the request of the Nicaraguan minister, a copy of the protocol entered into by this Government and those of Nicaragua and Costa Rica December 1, 1900.

I have the honor to submit all these documents to your committee, with the hope that this definite information as to the purposes and intentions of the Nicaraguan, Colombian, and Costa Rican Governments may be of service to you in determining the question of the route of the proposed interoceanic canal.

In view of the great interests involved the President wishes me to express to you and to the committee of which you are chairman his earnest hope that there may be as little delay as possible in the legislation which will authorize the beginning of this work, which he regards as so important and so beneficial to the country and the world.

I am, sir, very truly, your obedient servant, JOHN HAY.

The inclosures in that letter will be printed in the appendix to my remarks.

On the 18th of June Mr. Hay sent me the following letter:

DEPARTMENT OF STATE,  
Washington, June 18, 1902.

Hon. JOHN T. MORGAN,  
Chairman Committee on Interoceanic Canals, United States Senate.

SIR: I am requested by the minister of Costa Rica to inform the Committee on Interoceanic Canals that he has been instructed by his Government to make known to that of the United States that the Government of Costa Rica are prepared to take all necessary steps to put themselves in a position to negotiate with the Government of the United States a treaty for the appropriate concessions for an isthmian canal on terms substantially as proposed by the Government of the United States.

I have the honor to be, sir, your obedient servant, JOHN HAY.

The note of transmittal by Mr. Corea, minister of Nicaragua, to Mr. Hay, Secretary of State, of the draft of the completed negotiation with Nicaragua is as follows:

[Translation.]

Mr. Corea to Mr. Hay, May 14, 1902.

In pursuance of the offer made orally and in my personal note of the 12th instant to your excellency I have the honor to transmit herewith a draft of a treaty embodying the proposal of my Government touching the interoceanic canal through Nicaragua. This draft, save a few changes which I had to make in obedience to superior orders, is the same as that which your excellency prepared on February 12, and was pleased to amend on March 11 and 25 and on April 23 last, in deference to observations presented by me.

If your excellency will, as you said to me you would, lay this proposal before the proper committees of Congress, I should be pleased if it were accompanied by the protocol on the same subject which I had the honor to sign with your excellency on December 1, 1900. These papers will show that Nicaragua has been and is still disposed to enter into direct negotiations with the United States as soon as provision therefor shall have been made by Congress, and at the same time make it clear that, since no decision has yet been reached by that body in the matter, the present proposal is not to be taken as final, but remains subject to amendments by which the conclusion of a perfected and more suitable agreement between the contracting parties may be facilitated.

Please accept, Mr. Secretary, the assurances of my most distinguished consideration.

Soon after the date of Mr. Corea's note Mr. Calvo, as minister of Costa Rica, sent me, as chairman of the Committee on Interoceanic Canals, a note, in which he asserted the rights of Costa Rica under the protocol of December 1, 1900, as follows:

WASHINGTON, D. C., June 7, 1902.

MY DEAR SENATOR: It gives me pleasure to acknowledge receipt of your letter of the 5th instant and report mentioned therein. In answer thereto, and in view of the reference made to the concessions granted by my country to the Maritime Canal Company in 1888, whereby my country is considered to be bound by the contract then signed, I will say that the terms of said contract clearly define the obligations of both contracting parties, and that, without entering into an analysis of this document, it can be readily seen that by its own wording it has expired by limitation. No declaration has been made by my Government in this respect, it is true, but, on the other hand, no extension of time has been granted thereon.

It is not my purpose to make at the present time any declaration defining the views of my Government on such points, but wish only to present the facts as they are in preservation of the rights involved, which, I may add, as far as Costa Rica is concerned, are all confirmed by the history of the above-mentioned concessions. Nevertheless, you are aware that, acting on principles of equity in the pending negotiations of a treaty for the construction of the canal, as proposed in a draft submitted by his excellency the Secretary of State, provision is made for the settlement of any conflicting rights, if any, that may be claimed in this connection.

Moreover, Costa Rica has not granted any other concession to any citizens, corporations, or government for the construction of a canal or for any other work that may conflict with the pending negotiations with the United States, and therefore my Government was free to sign the protocol of December 1, 1900, for the construction by the United States of an interoceanic canal through its territory and that of the Republic of Nicaragua.

In regard to said protocol, I wish to say that no better proof can be given of the desire of my Government to stand by its terms than the interest shown in the steps taken to smooth the way for the final negotiation of a treaty for the construction of the Nicaragua Canal—if that route is chosen—as well as by the fact that I am advised by my Government that a proposition with that end in view will arrive soon, of which I have had the honor to inform his excellency the Secretary of State.

With great respect, I have the honor to be, my dear Senator, yours, very sincerely,

Hon. JOHN T. MORGAN,  
United States Senator.

J. B. CALVO.

The Committee on Interoceanic Canals made the following report with reference to the obligations and legal and diplomatic

effect of those protocols (Report No. 1663, Fifty-seventh Congress, first session), as follows:

THE CHARACTER OF THE AGREEMENTS MADE WITH COSTA RICA AND NICARAGUA.

The agreements with Costa Rica and Nicaragua of December, 1900, are definite and complete as to the character and the scope of the rights they have agreed to concede to the United States.

They are agreements under seal, exchanged between the United States and each of the other Governments, relating to the same subject. In form and solemnity and in respect of the powers of the negotiators they are of the most perfect obligation. They establish rights that only Congress can annul by refusing to accept them. And these Governments insist upon their acceptance by Congress, as is stated in Appendix B to this report.

Costa Rica and Nicaragua are bound by the stipulation of these agreements, without the right of withdrawal, according to their terms. The preliminary agreement takes effect forthwith.

Costa Rica and Nicaragua now accept the treaty that was confirmed under a subsequent negotiation as a sufficient statement of the agreement recited in the Hay-Pauncefote treaty that was pending for confirmation and was not confirmed, as they are substantially the same so far as those States are concerned. They insist on their agreements, notwithstanding the fact that the treaty of February 5, 1900, which set forth the terms of their agreement, was not confirmed, claiming that their agreements were independent of the confirmation or rejection of that treaty. The terms of that treaty were of immense importance to Costa Rica and Nicaragua, and the agreement of the United States to adhere to it was a pledge that these two Republics should no longer be shut out from all opportunity to make agreements for the construction of a canal by the United States in consequence of the doubt created by the Clayton-Bulwer treaty.

THE EFFECT OF THE HAY-PAUNCEFOTE TREATY.

The terms of the Hay-Pauncefote treaty were made, by reference, a descriptive part of the contract between the United States and Costa Rica and Nicaragua, and were of great importance to the United States, as they completely defined the scope and meaning of the control the United States would obtain over the canal and canal route under the protocols of agreement with those States.

When these three States agreed to make the Hay-Pauncefote treaty the repository, or statement, of the terms of their agreement, and did not make its confirmation a condition of their agreement, and further provided that it should be forthwith obligatory, they clearly meant that it should operate forthwith, after its acceptance by Congress, and not that it should be inoperative if the Hay-Pauncefote treaty failed of confirmation. And to this construction of their rights and obligations Nicaragua and Costa Rica agree, and no possible doubt remains as to their attitude with reference to the binding force of these agreements, when Congress authorizes the President to acquire from them the right to construct and control a ship canal.

If Congress should now accept those agreements, as it would do by the passage of the House bill No. 3116, the Government of the United States would be bound by its agreement to accept the Hay-Pauncefote treaty as a full description of the terms of its agreement with Costa Rica and Nicaragua. It could not plead the want of confirmation of the first Hay-Pauncefote treaty to get rid of its contract with Costa Rica and Nicaragua. We are held to it in law, justice, equity, and honor. We can not afford to say that after entering into these protocols with Costa Rica and Nicaragua we forced the rejection of the treaty to which they related by Great Britain and thereby escaped from the obligations we assumed in them toward those States. Especially would this be unworthy of the United States when Costa Rica and Nicaragua claim that they are in force, notwithstanding the failure of confirmation of the Hay-Pauncefote treaty of February 5, 1900.

THE PRELIMINARY AGREEMENT IS COMPLETE WHEN ACCEPTED BY CONGRESS.

The "preliminary agreement" is complete, without further negotiation, "to settle the plan and agreements in detail found necessary to accomplish the construction and provide for the ownership and control of the proposed canal."

Those "future negotiations" are pledged under the provision that the contracting parties "mutually engage to enter into such negotiations with each other." Such engagements are always regarded as honorable and imperative international obligations.

Suppose either party refuses to keep this solemn agreement, what is the remedy? There is none but the ultima ratio regum. But that is enough, for an engagement to enter into negotiations is the primary law of all peaceful solution of disputes between nations, which no nation can honorably break away from without sufficient excuse.

All the rights arising out of these agreements depend upon a fact, or condition, to be created by act of Congress. It is "that, when the President of the United States is authorized by law to acquire control of such portion of territory now belonging to Nicaragua (or Costa Rica) as may be desirable and necessary on which to construct and protect a canal," etc., "they mutually engage," etc., to do all the things that are completely defined by the protocol, and to enter into negotiations to do such other things as are "found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal."

What remains to be done to make these protocols obligatory on the parties is for Congress to authorize the President "to acquire control of the territory" for these canal purposes from these States. When that is done the contracts become obligatory, according to their terms, and nothing remains but to put them into execution.

To do this it is not necessary for the complete realization of the purpose of Congress, that any term of these protocols should be changed.

Neither Nicaragua nor Costa Rica could demand any new provision in these contracts which would affect the exclusive right of the United States to construct, own, or control a canal on the route described in the protocols and the draft of the treaty to which they refer, nor make any unjust or unreasonable exaction in the future negotiations that would deprive the United States of the just and reasonable exercise of the rights established in these protocols.

Our rights are thus defined and established by agreements that only await the acceptance of Congress, which will cover every right and privilege needed for the exclusive ownership and control of the canal.

The matters left open for future negotiations are only such as relate to "the plan and arrangements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal."

We can not obliterate these agreements by closing our eyes to them or by ignoring them. They live and will always live as mutual agreements until Congress has refused to execute them or the high contracting powers have abrogated them.

In another and most painful sense they will live to reproach us as a faithless nation, if we permit the President to violate an act



of Congress that requires him to treat with these Republics with reference to the rights established under these protocols.

I will omit, at this time, the discussion of the second proposition stated in the beginning of my remarks, further than I have stated my views in that proposition. It has been often and fully discussed in the Senate, and it is not the only decisive factor in the discussion of the duty of the President which I will now attempt briefly to discuss.

It is the duty imposed upon the President by the Spooner law that he repudiates and willfully disobeys.

I will insert a copy of that law in the appendix to my remarks. (See Appendix E.)

I have no apologies or excuses to make for insisting, as a Senator and as a private citizen, that the President is bound to obey the laws enacted by Congress, nor for saying in plain speech that he has willfully refused to obey the Spooner law in its plain and undeniable purpose, intent, and mandate.

The fact is simple and clear, and is not to be avoided by the plea that this law gave him any discretion as to whether he would proceed to negotiate with Costa Rica and Nicaragua when the effort to get a concession from Colombia for canal rights at Panama had failed.

The Hay-Herran treaty, which the Congress of Colombia refused to approve, was the act of the Senate of the United States, as it was of the President. Without the assent of the Senate he could not have enacted that treaty, in conjunction with the Congress of Colombia, as the supreme law of the United States.

In enacting this law—the Hay-Herran treaty—sixty-one Senators in a full Senate cooperated with the President, and however they may have compared with him in wisdom and ability, they agreed with him that the treaty should terminate, lapse, and be utterly void unless the ratification by the Congress of Colombia should be made and exchanged at Washington not later than the 22d of September, 1903.

The ratification provided for in that vote of the Senate is the law of the treaty that the President could not revoke or alter without the consent of the Senate. By that law the Hay-Herran treaty was to live or die.

Not only was this proposed law defeated by its own limitations so that it was dead, but the President in his annual message to Congress on the 4th of January declares in terms of violent emphasis that a canal treaty with Colombia is impossible. I need not quote those statements from his message, because no one has insisted or will insist to the contrary.

The Hay-Herran treaty ceased to have any effect at the end of the 22d of September, 1903.

With that event and at that time all the provisions of the Spooner law as to a canal at Panama, including the appropriation for that object, ceased to be operative or capable of being executed, and the contemplated construction of a canal at Panama under that law and in accordance with it could not longer exist.

This annulled all discretionary power of the President as to a "reasonable time." For that discretion, which must always be exercised lawfully, was given alone as to the time of concluding a treaty with Colombia. When that ceased, the mandate of the law became imperative. All discretion ceased and the law commanded him to open negotiations with Costa Rica and Nicaragua, which he simply refused to do.

It is impossible and absurd that, in deciding that he will make no negotiations with Nicaragua and Costa Rica, he can claim the discretionary right of opening negotiations with them at an indefinite future period when he may have changed his mind, or until he could assist in creating a government in Panama with which to treat for canal concessions. The Spooner law had no more reference to a treaty with the then unbegotten Republic of Panama than it had to the yet unborn republic of Canada.

It alarms the people to witness the efforts of Senators to relieve the President of the dangerous attitude he thus assumes toward the law of the land. It is clear to them that his course is that of lawless disobedience, however painful it may be to the people to witness the fact. No American can take a just pride in any public act that requires for its explanation such a strain upon common sense and such draft upon the ingenious sophistries that Senators have been compelled to resort to in this debate.

The President says in his message that "the essence" of the Spooner law is that a canal shall be built at Panama. If there is such an essence in that law, I am sure its author was not aware of the fact when he formulated it. The Senator from Wisconsin [Mr. SPOONER], who is as clear in his forecast as most men are in their retrospect, did not divine this essence as being the master spirit of the act, that should overrule its solid substance.

The President says:

When the Congress directed that we should take the Panama route under treaty with Colombia, the essence of the condition, of course, referred not to the Government which controlled that route, but to the route itself; to the

territory across which the route lay, not to the name which for the moment the territory bore on the map. The purpose of the law was to authorize the President to make a treaty with the power in actual control of the Isthmus of Panama. This purpose has been fulfilled.

If that is true, the President concealed his real purpose when he approved the Spooner law, and that act speaks with a double tongue—one that speaks to the world and the other to himself alone.

No one, unless it was the President, then looked forward to the dismemberment of Colombia as the means of getting a canal at Panama. If he contemplated such a situation at that time, his bad faith toward Colombia and Nicaragua and Costa Rica is conclusively proven.

The deduction the President makes from his alleged "essence" of the Spooner law is that he has the right to locate and build the canal at Panama, contrary to the plain English of the law and to its clear intent and to all of its conditions and provisions and its positive injunctions and mandate. He has made the unique discovery on his own interpretation of the statute, as to its essence, that is related solely to a canal at Panama, to the exclusion of a canal on the route through Nicaragua and Costa Rica. He sets aside the law providing for that route as if it had neither essence nor substance.

He evidently conceives that his will is the real essence of that law, and not the will of Congress, conclusively expressed both in the language and purposes of that act.

If the President or any officer was sworn to obey and execute the "essence" of the law instead of its plain mandate, and against its positive injunctions of a specified duty imposed by its express terms, our country would soon cease to be a land of laws and would be ruled by sentiment and passion and all the unsubstantial things that are classified as essences. If this precedent is established on this momentous occasion, we will be compelled to change the oath and insert, as is done on some other occasions, that it is taken "without mental reservation or the purpose of evasion."

Socialism and anarchy could scarcely be supplied with a more satisfactory code than that it is the true rule of construction that the essence of the laws controls all their positive provisions so as to justify crime and social disorganizations, if the essence they wish to flavor it with is palatable to them.

The President's justification of his disobedience of the Spooner law is that its sole purpose was to locate and build a canal at Panama, which is not true; and that, this being the sole end to be accomplished through its agency, it is the essence of the law to do that and prevent the opening of a canal on the Nicaragua route, and that "the end justified the means," no matter what violence is done to plain language, or what injustice, or wrong, or disappointment, or public or private grievances may result.

In the discovery of this "essence" the President is quite as unique as he is in the methods by which he transforms it into the material agencies of force and arms, with which he breaks the peace of nations and disrupts an American republic by paralyzing all its rightful powers to protect its own life.

In the sight of God and of man it is not true that the treaty of 1846 gave us the right to destroy the sovereignty of Colombia for the purpose, if that was the purpose, of protecting the transit of lawful commerce across the Isthmus of Panama. In a case of extreme and unavoidable necessity arising out of the wrong or the neglect of Colombia our utmost limit of right would be to suspend her authority over the transit until the evil, either actual or threatened, has passed. Instead of that Mr. Hay turned over all the treaty rights of Colombia to the parties who assailed her sovereignty.

That act is without any excuse, either of necessity or justice, or of treaty right on the part of the United States.

The President, unconsciously, I hope, extracts this "essence" or dogma of higher law from the dungeons of the Spanish Inquisition of the middle ages, where all Christendom has earnestly hoped it would remain entombed forever.

The President's excuses are that "the end justifies the means;" and the "essence" is the end to be reached; and the judge of the essence is he who has the power to reach the end and the will to accomplish it, in defiance of the substance stated in the form and express declaration of statute laws. This is "the higher law" that the President appeals to in excluding the Nicaragua route from the provisions of the Spooner law.

In that law the Nicaragua route was as much a part of the essence of its provisions as those that relate to the Panama route. There is no discrimination as to the "essence" of the Spooner law, whether it is applied to the one canal route or to the other. It is an obvious perversion of that law to apply its provisions exclusively to the Panama route, and to the destruction of the Nicaragua route.

As to those routes the provisions were distinctive and separate,



being connected only by two provisions: First, that of providing for the construction of a canal, including an indefinite sum of money for the purpose of purchasing concessions on either route, and, second, the provision for an isthmian canal commission and other agents or contractors to execute the work.

As to all other matters, the provisions of the Spooner law are as separate and distinct as if they were in separate laws, the provisions pertaining to the Nicaragua route to take effect when those pertaining to the Panama route ceased to be effective.

The provisions relating to the Nicaragua act came into full force and effect when either of the conditions stated in the laws and announced in the message of the President made it impossible for Colombia to grant concessions to the United States on the Panama route.

Such impossibility, when its existence became certain, covered the special appropriation for the Panama route into the Treasury, and that ended the matter as to that route.

The act relating to a canal at Panama would have been *functus officio* if it had been a separate law. It is not less so because it is a part of the Spooner law.

It is a law that has expired by its own limitations and is as dead as if it had been repealed.

The Spooner law prescribed the terms and conditions for the cesser or expiry of that part of the act that applied to a canal at Panama. The fact of the failure of Colombia to ratify the Hay-Herran treaty, and to exchange the ratifications with the Government of the United States on or before the 22d of September, 1903, even if standing alone, completed the condition on which the provisions in favor of the Nicaragua route became operative; and the condition on which any money could be applied, under that act, to a canal at Panama ceased and fell, and with it fell the appropriation of \$40,000,000 for the purchase of concessions, rights of property, and all else, from the New Panama Canal Company, described in the first section of the Spooner law, because those conditions were mutually dependent.

This state of facts is put beyond dispute by the official statements of the President in his annual message to Congress, from which I will read extracts:

Nevertheless the Government of Colombia not merely repudiated the treaty, but repudiated it in such manner as to make it evident by the time the Colombian Congress adjourned that not the slightest hope remained of ever getting a satisfactory treaty from them. The Government of Colombia made the treaty, and yet when the Colombian Congress was called to ratify it the vote against ratification was unanimous. It does not appear that the Government made any real effort to secure ratification.

Every effort has been made by the Government of the United States to persuade Colombia to follow a course which was essentially not only to our interests and to the interests of the world, but to the interests of Colombia itself. These efforts have failed; and Colombia, by her persistence in repulsing the advances that have been made, has forced us, for the sake of our own honor and of the interest and well-being, not merely of our own people, but of the people of the Isthmus of Panama and the people of the civilized countries of the world, to take decisive steps to bring to an end a condition of affairs which had become intolerable. The new Republic of Panama immediately offered to negotiate a treaty with us. This treaty I herewith submit. By its our interests are better safeguarded than in the treaty with Colombia which was ratified by the Senate at its last session. It is better in its terms than the treaties offered to us by the Republics of Nicaragua and Costa Rica.

Has the President asked Nicaragua or Costa Rica for better terms than those secured by Mr. McKinley in his compacts with those States? Or has he asked them for better terms than are agreed upon in protocols settled by the Secretary of State, in execution of those protocols, as is shown by his several letters which I have just read to the Senate? He has done neither of these things, nor has he invited either of those States to enter into any negotiations with our Government since the failure of the Hay-Herran treaty.

Without any such effort, why does he say to Congress that the Hay-Varilla treaty "is better in its terms than the treaty offered to us by the Republics of Nicaragua and Costa Rica?" To what treaties does he allude, and why has he not laid them before the Senate, that they may have a voice in determining their qualities and whether they are not so good as the Hay-Varilla treaty?

At a time prior to the Panama secession the President informs Congress that he intended to lay this matter before them for consideration, but changed his purpose. He says in his message that he did not attempt to treat with Nicaragua or Costa Rica, and gives his reasons, as follows:

By the act of June 23, 1902, the Congress authorized the President to enter into treaty with Colombia for the building of the canal across the Isthmus of Panama; it being provided that in the event of failure to secure such treaty after the lapse of a reasonable time, recourse should be had to building a canal through Nicaragua. It has not been necessary to consider this alternative, as I am enabled to lay before the Senate a treaty providing for the building of the canal across the Isthmus of Panama. This was the route which commended itself to the deliberate judgment of the Congress, and we can now acquire by treaty the right to construct the canal over this route. The question now, therefore, is not by which route the isthmian canal shall be built, for that question has been definitely and irrevocably decided. The question is simply whether or not we shall have an isthmian canal.

Did the Spooner law empower him to refuse even to consider the alternative route through Nicaragua, if he should discover that there was a hope or prospect of the secession of Panama from

Colombia? I voted for that law, it being the only chance to get any canal, and I protest, for myself and my colleagues in the Senate, that the construction placed on our votes, by the President, has no foundation in fact.

He also says:

*As events turned out, the question of a reasonable time did not enter into the matter at all.*

I hope that after this statement by the President we shall not hear very much debate or discussion on the floor of the Senate about a reasonable time given him in which to negotiate treaties with Nicaragua, or to see if he could not fight his way back into Panama. He says:

*As events turned out, the question of a reasonable time did not enter into the matter at all.*

Then, taking shelter under the "reasonable time" clause in the Spooner law, he says, I repeat:

A second alternative was that by the close of the session on the last day of October, without the ratification of the treaty by Colombia and without any steps taken by Panama, the American Congress on assembling early in November would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panama route, and yet there had not been a lapse of a reasonable time—using the word "reasonable" in any proper sense—such as would justify the Administration going to the Nicaragua route. This situation seemed on the whole the most likely, and as a matter of fact I had made the original draft of my message to the Congress with a view to its existence.

What was this "alternative" to which he looked forward, and what was the "situation that seemed, on the whole, most likely" to happen? The President answers this query in terms that are direct and unmistakable, as follows:

My intention was to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others; and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take what other steps were useful in order to begin the enterprise.

If we follow the President in a declaration of this kind, we will have the reputation of being not only a great world power, but of being the most hectoring and arrogant nation that ever existed in the world. Again, he says:

A third possibility was that the people of the Isthmus who had formerly constituted an independent state, and who until recently were united to Colombia only by a loose tie of federal relationship, might take the protection of their own vital interests into their own hands, reassert their former rights, declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work for civilization. This third possibility is what actually occurred. Everyone knew that it was a possibility, but it was not until toward the end of October that it appeared to be an imminent probability. Although the Administration, of course, had special means of knowledge, no such means were necessary in order to appreciate the possibility, and toward the end the likelihood, of such a revolutionary outbreak, and of its success. It was a matter of common notoriety.

This is a bold confession of an unworthy purpose—the waiting for the expected secession of Panama to obtain a canal route that we could not otherwise secure.

Surely this is not of the "essence" of the Spooner law.

It was this "third possibility" and only that which induced the President to refuse to treat with Nicaragua and Costa Rica, as he was required to do under the act of Congress called the "Spooner law," and this he admits.

He expected Panama to secede from Colombia for reasons which he says were commonly known, and he waited "a reasonable time" for that event, during which he insists that there was no reasonable time for even offering to treat with Nicaragua and Costa Rica.

The President found it necessary in his justification of this action to totally pervert the plain meaning of the Spooner law in his explanatory message.

He says:

It was further provided that "should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia \* \* \*

There come in three asterisks indicating the omission of matter which changes the meaning of the act—

within a reasonable time and upon reasonable terms, then the President" should endeavor to provide for a canal by the Nicaragua route. The language quoted—

It was not quoted; it was misquoted—

defines with exactness and precision what was to be done, and what as a matter of fact has been done. The President was authorized to go to the Nicaragua route only if within a reasonable time he could not obtain "control of the necessary territory of the Republic of Colombia." This control has now been obtained; the provision of the act has been complied with; it is no longer possible under existing legislation to go to the Nicaragua route as an alternative.

No Senator on this floor has stated that proposition and nobody has attempted to defend it.

This act marked the climax of the effort on the part of the United States to secure, so far as legislation was concerned, an interoceanic canal across the Isthmus. The effort to secure a treaty for this purpose with one of the Central American republics did not stand on the same footing with the effort to secure a treaty under any ordinary conditions.



Why did not the President, in quoting the Spooner law in his message, add, as that law provides, that the control of the necessary territory should be obtained by treaty with Colombia?

That statement would have destroyed the whole fabric of his explanation, and would have saved the country from the moral pressure of his statement that—

This control has now been obtained; the provisions of the act have been complied with; it is no longer possible under existing circumstances to go to Nicaragua as an alternative.

This is a final decree and is not based on what Congress enacted, or in the remotest degree contemplated when that act was passed, or that the President contemplated when he approved it.

The "essence" of the act, as it is construed by the President, gave off no intimation of its hidden existence until Congress had rejected the Hay-Herran treaty and it was commonly known that some conspirators in Panama would "rise as one man" and declare for independence.

The final fulmination of this "essence" took on immediately the odor of gunpowder and the "pomp and circumstance of glorious war." It startled our people, but it has failed to excite any other than serious inquiry whether it has not placed the country in a false and humiliating attitude.

Congress still has the opportunity, by adopting the concurrent resolution before the Senate, to refuse to accept the burden of this irregularity by asking the President to execute the still living parts of the Spooner law in opening negotiations with Costa Rica and Nicaragua under that law and in conformity with the compact made with those States by President McKinley. Let them at least have a chance to refuse to make concessions that we are satisfied with.

The Panama Canal is out of the question and will so remain until Congress shall, by legislation, substitute some other act for the Spooner Act, or shall make some other appropriation for building a canal at Panama in place of that provided in the Spooner law, which has lapsed and is covered into the Treasury.

Colombia has refused to create the condition on which the appropriation can be applied to a canal at Panama, and the President has officially informed Congress that the refusal of Colombia is final and irrevocable.

No officer of the United States can lawfully draw a dollar from the Treasury to pay for canal concessions to be purchased from Panama or from Colombia, or for any property or concessions from the New Panama Canal Company, and it may as well be said now as later that such money can not lawfully be drawn from the Treasury.

When the Hay-Varilla treaty is ratified, not one dollar of appropriation will remain available for constructing any isthmian canal. What then? A scramble for a new appropriation, with obstruction from all the opponents of any canal, unending debate, and a final adjournment of Congress, with great promises of appropriations, until after the Presidential election.

Has the vitality and force of the Spooner law been destroyed as to the provisions and appropriations made, separately, for the Nicaragua route, because the Panama route has been dropped from the law and has ceased to be possible under the provisions of the Spooner law? The appropriation for the construction of the canal at Panama is \$180,000,000, while that for the canal on the Nicaragua route is \$180,000,000. These separate funds are not a joint charge on the Treasury, subject at the same time to be drawn out on a warrant of the President. He must draw from each fund the money to construct the canal that is selected under the terms and provisions of the Spooner law, and his right to draw from either of these separate funds establishes the fact that neither the President nor any other person can lawfully draw money from the other fund.

The right to draw money from one of these funds negatives and destroys the other fund, for both can not be at the same time subject to the warrant of the President.

His right and duty to resort to the separate fund set apart for the construction of the Nicaragua Canal became effective, and the money became available, when the President's right and duty to apply it to the separate fund appropriated for the construction of the Panama Canal ceased, the only remaining condition being that the canal concessions described in the Spooner law should be obtained from Nicaragua and Costa Rica by satisfactory treaties.

But the ratification of the Hay-Varilla treaty repeals the appropriation in the Spooner law for the Nicaragua route, as the failure of the Hay-Herran treaty, in legal effect, covered the appropriation of that law into the Treasury. Those who shall vote to ratify the Hay-Herran treaty will vote to repeal all existing appropriation for any isthmian canal.

The plain and simple duty, enjoined on him and made mandatory by the Spooner law, the President has openly and defiantly refused to perform, and the purpose of this resolution is to further direct and urge him to perform that duty.

Before further discussing this very grave and important matter

I will call attention to the present state of obligation resting on Costa Rica and Nicaragua under and in virtue of their agreements or compacts under seal, made with President McKinley on December 1, 1900.

Neither of those States has repudiated its agreement, nor could one State do this without the consent of the other, because they were made at the same time, in exactly the same terms, and with reference to a corresponding public policy of both of those States as to the same canal, in the prescribed route of which they had a joint and indivisible interest.

The San Juan River is the boundary between these States, and their rights in its waters are so held in common that a canal could not be constructed, of which that river is an essential part, without the consent of both States.

Not only is it true that neither of these States has attempted to repudiate or to abrogate or to dissent from their respective agreements, but I have shown from the statements of the ministers of Nicaragua and Costa Rica that so long as they were permitted by our Government they proceeded with the treaty negotiations that are expressly provided for in those protocols and in conformity therewith, until they were concluded and the treaty drafts were ready for signature—a copy of which I have to-day and heretofore presented to the Senate.

These documents are in the archives of the Department of State.

The agreements of these Governments and of the United States to enter into treaties to arrange and execute in detail the basic concessions in those agreements, which are under seal and are duly signed by the accredited agents of all three of the contracting powers, are, of themselves, even as independent agreements, binding and in every sense obligatory under the laws of nations.

It is a serious breach of faith in a nation to refuse to negotiate, or to treat with another power with which it has made such an agreement. The United States is under that obligation to Nicaragua and Costa Rica in these protocols, and the President violates our pledged faith as well as the mandate of the Spooner law when he refuses to comply with that duty.

These States have waited with proper and dignified patience the ending of our dealings with Colombia under the Hay-Herran treaty and have made no demands or protests in respect of their rights under these protocols; but their silence is not in any sense to be construed to their disadvantage, and their respectful attitude toward the United States since the passage of the Spooner law and since the defeat of the Hay-Herran treaty can not be set up by us as an abandonment of their rights or the repudiation of their obligations under these protocols or of the pledges of our Government given to them in the Spooner law.

To Costa Rica and Nicaragua the canal through the route along their water courses is of such importance that few minds dare to conceive of its magnitude. They know and feel very deeply the blow inflicted upon their country by the breach of faith and the present ungrateful attitude of our Government toward them, in which they have my most sincere sympathy and commiseration and that of many millions of our people—indeed, of all Christian nations.

They have witnessed our struggle with Great Britain during more than a half century for the right and privilege of building a canal through their country to connect the oceans, and in every phase of that controversy, which called forth our best diplomatic efforts and aroused our deepest anxieties and apprehensions, these Republics stood by our Government as if they had been States in our Union.

They have refused us nothing that our Government or our people have desired at their hands, and have not even complained when we have broken the public faith with them.

This is all established by the official documents I have laid before the Senate to-day, which could be multiplied, twice over, by other evidence of equal value.

They have suffered war at the hands of Colombia and will again have to suffer it, because they granted canal concessions to the United States; and M. Bunau-Varilla, minister from Panama, and the cidevant "champion of the Panama Canal"—a contractor who grew rich in its service—has trumpeted falsehoods as to the Nicaragua route from the forums of many of our cities.

He joins Mr. Loomis, Assistant Secretary of State, in the grossest misrepresentations as to the opinion of great American engineers, whom he is afraid to name to the public, that the Nicaragua route is impracticable.

De Lesseps, after Nicaragua refused to sell him a canal concession at a great price, took his revenge by coming to the United States and leaving a fund of \$2,500,000 in the hands of an "American committee" in New York.

A salary of \$25,000 per annum was paid out of this fund to a Secretary of the Navy as president of that committee.

When President Hayes heard of this strange honor thus conferred on the Secretary of the Navy, that Cabinet officer could not resign his office quick enough to escape a summary dismissal.



That Secretary then devoted his best efforts to the work of "laying the Nicaraguans on their backs," as he wrote a friend, and De Lesseps and, succeeding him, the New Panama Canal Company, has kept up the fight against the Nicaragua Canal, which has finally created civil war in Colombia from 1898 to 1902, and has made every American republic unfriendly to the United States.

And Nicaragua and Costa Rica have taken shelter under the Republic of Panama and her queenly mother, the United States, to avoid the further hostility of Colombia.

It may be, very soon, that we will be cogitating the question whether Nicaragua and Costa Rica have escaped the conclusive grants in the protocols of December 1, 1900. We may find that they are of great service to the United States and have not perished through our indifference to the honorable obligations they impose on us. We may need those agreements in an hour that may be full of danger to the United States.

In such a case, I am glad that I have had occasion to say to their representatives that, in my judgment, they are irrevocably bound by these grants, unless the United States will voluntarily release them by act of Congress. This has never been done, and will never be done, no matter what national reproaches we may incur, for the owners and freighters of sailing ships, and the people who will soon be in the power of a great railroad and steamship trust, through the Panama Canal, will clamor for the competitive advantages of the Nicaragua route in a way not to be misunderstood.

And much sooner than we expect, the Panama Canal, with its sea gate at the western entrance to control the tide of 21 feet that is a daily visitor, will retard the passage of ships to less than one an hour, so that it can not accommodate even the steamships that will seek to pass through it; and sooner than we expect the wonderful increase in tonnage that passes the canal at Sault Ste. Marie will be only a feeble illustration of that which will pass through an American isthmian canal.

I am glad of the opportunity now to record the opinion that in fifty years another canal through the Isthmus will be as much needed to accommodate the commerce between the oceans as the one that is now so eagerly desired.

We look back for fifty years at the humiliating part we have played under the Clayton-Bulwer treaty with deep regret, but with some satisfaction, because it united all our strength on the Nicaragua canal route and abrogated that barrier to a splendid future.

We have still an enemy in our midst that divides our strength, and has suddenly and wickedly enticed us into discordant factions.

We look with a sense of shame and indignation at the part we are now playing in a sister republic, with a dummy we are using as Great Britain used the Mosquito King, that we call a republic.

The Panama Canal Company is the real enemy, with whose wiles and frauds and intrigues our country is being agitated and its splendid fame is being darkened.

The Republic of Panama is the spawn of the company. Its first breath of life came in a prediction, made last August, from the "champion" of the Panama Canal Company, and the officers of the railroad owned and controlled by that company fulfilled the prophecy on the 3d of November. This company, condemned in the reports of the Isthmian Canal Commission as having its origin in robberies of the old Panama Canal Company, for which its leading stockholders were convicted as felons in the French courts and were pardoned on their promise to organize the New Panama Canal Company and to complete the canal, has created all the discord that is now aggravated into war between Panama and Colombia, and has driven cut the Republics of Costa Rica and Nicaragua as if they were culprit nations.

We see Nicaragua and Costa Rica, our true friends, cast out in hopeless despair, but still wearing, as chains that we may yet employ to bind them, the necklace that McKinley laid upon their shoulders as tokens of honor. And when we ask ourselves why there should be a tinge of shame on the brow of the Republic, we will say—if we should speak truly—the Senate will be compelled to say—it is because we aided the President to violate the law and in repealing all canal appropriations of the Spooner law, including that for the Nicaragua Canal, through a treaty with Panama, that he should thereby compel Democrats to support his wayward and defiant violation of the laws of the United States or else get no appropriation for a canal, even on the Panama route. Nor do I believe they will ever get any.

For one, I decline to assist the President in the open contempt and violation of an act of Congress which he approved, in order to gratify his latest whim.

Let him first cast out the beam from his own eye, that he may see more clearly the mote that is in our eyes.

Let him not force the New Panama Canal Company into the question of a canal at Panama or at Nicaragua. Let the country be free to do full justice to that company, its agents, and its diplomatic champions, without the handicap of "the contemplated purchase" of its alleged concessions and property rights,

with France and Panama at its back, to force us to purchase these things at its own price and on its own terms.

Let full justice be done to the Panama Canal Company. In that case it will reap the harvest that comes from its own broken promises that it never intended to keep. It will not be of gold, if we are true to ourselves. It will cease to be known in our country except as the promoter of two wars in Colombia, the last of which is about to open, unless we intervene to prevent it.

I will devote some attention to these wars and prove the complicity of that company in them on another occasion.

#### APPENDIX.

[Extract from the message of Señor Rafael Iglesias, President of Costa Rica, to the Constitutional Congress.]

There are better prospects at this than at any other time that the project of construction by and under the control of the United States of America of an interoceanic canal across the Central American Isthmus will be carried out.

Costa Rica being directly interested in the construction of that great work, by reason of a portion of her territory that may have to be occupied, the Government of the United States has opened with that Government negotiations looking to the conclusion of a treaty whose fundamental terms are that the United States will be authorized to occupy under the head of a perpetual lease a certain belt of territory for the construction, administration, and operation of the canal, and to exercise therein the jurisdiction which properly belongs to our sovereignty.

In return for these and other minor concessions we are offered the guaranty of the independence and sovereignty of Costa Rica and of the integrity of her territory and the payment to the Government of a million and a half dollars. In view of the great and paramount importance of this matter, I deemed it expedient to call an advisory board consisting of persons of well-known ability and patriotism, in order to enlighten me in so delicate and grave a question. A committee, under the chairmanship of the secretary of state for the department of foreign relations, was appointed among the members of that board. This committee has discharged its duties in a satisfactory manner, touching all the points which in its opinion do not contravene the spirit of our political institutions, in conformity to the provisions of the fundamental code as regards the integrity of the territory and the exercise of sovereignty. In consequence thereof the Government is powerless to enter into positive negotiations with that of the United States of America unless there should be previously passed a constitutional amendment by which such concessions for the construction of the interoceanic canal may be authorized, or the matter referred to public opinion in some other way by calling a constituent assembly for the purpose.

#### NEGOTIATION WITH COLOMBIA.

LEGACION DE COLOMBIA,  
Washington, D. C., March 31, 1903.

I have the honor to hand your excellency the proposal of the Republic of Colombia for a concessory convention or treaty between the Republic of Colombia and the United States of America respecting the completion, maintenance, operation, control, and protection of the interoceanic canal over the Isthmus of Panama.

I soon shall hand you a letter of exposition, and also have requested Mr. William Nelson Cromwell, general counsel of the New Panama Canal Company, to present you a statement, which I have approved.

Please accept these additional communications in connection with the proposed treaty.

I avail myself of this opportunity to renew to your excellency the assurance of my high consideration.

— JOSE VICENTE CONCHA.

HON. JOHN HAY,  
Secretary of State of the United States.

[Translation.]

LEGACION OF COLOMBIA,  
Washington, D. C., March 31, 1903.

The undersigned, envoy extraordinary and minister plenipotentiary of the Republic of Colombia, has the honor to supplement the note which he had the honor to hand to the honorable Secretary of State, together with the memorandum setting forth the bases of a treaty between Colombia and the United States for the purpose of securing the authorization of Colombia for the New Panama Canal Company to transfer its rights and privileges to the American Government and of regulating the relations between the contracting parties in respect of this enterprise.

The bases have been formulated after a serious and mature consideration of those which were submitted to the legation on the subject by the president of the Isthmian Canal Commission, which had been intrusted by the honorable Secretary of State with the discussion of the question. The intent of these bases has been to condense the most liberal terms that could be granted by Colombia in the matter.

The Republic that I represent realizes the importance of the contemplated interoceanic waterway for the civilization and progress of the world, and since nature has placed the shortest and most expeditious route within the territory of the Republic, Colombia widely and generously opens her doors, so that the grand work may be achieved within the shortest possible time.

If the people of the United States evince an earnest desire that their Government apply its energies and treasure to the completion of the canal, Colombia not only will not place any obstacle whatever in the way of such a purpose or keep her concessions within the bounds of those previously conceded to private enterprise, but will enlarge those concessions to such an extent as to renounce a demand for the ownership after the lapse of a number of years of operation, as stipulated in the French company's contract; she will grant the use of a much more extensive zone than that originally conceded for the execution of the work, extend facilities in all the ports of the Republic for cooperation in the work of the enterprise, relinquish her proprietary and usufructuary rights in the Panama Railway, and, lastly, foregoes a fixed participation in the proceeds of the canal, confining her demands to a fee or annuity for the price of the zone, the revenues of the railway, and the heavier expenses put upon the public administration in the Isthmus by the increase of population and the traffic consequent to the work on the canal itself.

Thus does Colombia give fresh evidence of her long standing and cordial sentiments of friendship toward the United States, and evinces in a clear and sincere manner the gratification with which she will receive the industrious and intelligent citizens of your Republic in her territory.

Colombia has no lust of unwise lucre through the construction of the canal



in her territory, and a final convention on this subject will not be hampered by pecuniary considerations. Her pride in the matter is bent on having the neutral waterway between the two oceans, that ideal of universal peace and progress, become a reality on her territory and under the protection of her sovereignty. The compensations asked by Colombia have special importance only in that they will imply a practical and constant recognition of her sovereignty.

The undersigned has no doubt that the mere perusal of the memorandum will bring forward the justice and equity of the propositions, which, if accepted, would be perfected in the same spirit.

The undersigned embraces this opportunity to reiterate to the honorable Secretary the assurances of his highest and most distinguished consideration.

Hon. JOHN HAY,  
Secretary of State of the United States.

JOSE VICENTE CONCHA.

SULLIVAN & CROMWELL,  
49 and 51 Wall Street, New York, March 31, 1902.

Hon. JOHN HAY,  
Secretary of State, Washington, D. C.

SIR: In connection with the presentation by Señor Jose Vicente Concha, minister plenipotentiary and envoy extraordinary from the Republic of Colombia, of a proposed concessionary convention or treaty between the United States and Colombia, to further the completion, operation, control, and protection of the Panama Canal by the United States, I have been requested by the minister, in view of my relation to the subject as general counsel of the Panama Canal Company, and of my knowledge of the minister's views derived from our daily conferences in the preparation of the treaty, to submit the following reflections:

Colombia welcomes the United States to its territory, and will facilitate in every way reasonable within its power the consummation of the desires and needs of the United States for the completion, operation, maintenance, control, and protection of the interoceanic canal across its domain—subject, of course, to the sovereignty of Colombia and a reasonable and just convention between the two nations.

Colombia views with admiration, as does the rest of the world, the splendid magnanimity, the farseeing statesmanship, the virile and comprehensive policy which moves this people to construct the greatest undertaking which ever has engaged the attention of mankind, not for its own benefit alone, nor with selfish preference to its own commerce, but for the common benefit, upon equal terms and under universal neutrality in times of peace for all the peoples of the earth.

History does not furnish another instance of such national generosity, patriotism, and wisdom.

This could not but call out from Colombia the warmest response; and that nation takes pride in associating herself with an affair conducted upon such an elevated plane of national and international duty and concern.

The Isthmian Canal Commission, a most distinguished and able body, selected with such care by President McKinley to consider all possible isthmian canal routes and to determine which of them it is most to the interest of the United States to acquire, has reported unanimously that the Panama route is the most practicable and feasible route for an isthmian canal, to be under the control, management, and ownership of the United States. Therefore the solution of the problem involves only two other conditions:

1. The sale by the New Panama Canal Company to the United States of the concession, property, and rights of the canal, with the shares of the Panama Railroad Company; and
2. A new concessionary convention or treaty with Colombia.

The first of these two conditions already has been made easy of fulfillment in the formal acceptance by the New Panama Canal Company of the valuation fixed by the Isthmian Canal Commission—\$40,000,000—and by its duly authorized proposal to the United States for a sale of the property at that price (subject, of course, to a satisfactory convention being arrived at between the United States and Colombia).

The sole remaining condition, then, is the determination of the concessionary and treaty relations of the United States to a zone of territory across the Isthmus of Panama necessary for the consummation of the undertaking.

There has not been a moment in which Colombia has not entertained the keenest desire to further the designs of the United States, and this sentiment has prevailed under each succeeding administration in Colombia and alike in both of the great national parties who alternately have ruled in that country.

This sentiment is neither new-born nor inspired by hope of pecuniary gain. The two nations are old friends, and this feeling assumed practical form in 1846, when the treaty of that year was made, which expressly provided for the construction of this canal, in furtherance of which Colombia guaranteed to the United States the free transit of the Isthmus and granted extraordinary concessions to the people and commerce of the United States upon terms of perfect equality with its own citizens, while the United States in turn guaranteed the neutrality of the Isthmus and of the canal to be constructed upon it, as well as the sovereignty of Colombia over that territory.

It is a significant fact that this treaty of 1846-1848, assuring to the United States especial rights and privileges upon the Isthmus of Panama in connection with any interoceanic canal or railroad across the Isthmus of Panama, antedates the Clayton-Bulwer treaty. The treaty of 1846-1848 is in full force, as it has continued to be without change from the date of its execution.

Colombia has never made a treaty with any other nation upon the subject of an isthmian canal, although it was at liberty to do so.

These treaty ties, cementing their joint design for the construction of a new highway for the world, have held the two nations together in common interests and unbroken friendship for more than a half century.

By granting the concessions now owned by the New Panama Canal Company and by furthering the construction of the canal to its present advanced stage of completion by the old and new Panama canal companies, Colombia initiated the great work which now, happily, the United States may consummate.

While the minister of Colombia was in Washington for more than a year, waiting for the moment when the subject could be seriously and attentively discussed, it is only since January 4, 1902, that anything could be definitely said or done, since then, and then only, was a definite proposal of sale made by the canal company. Immediately thereupon, however, the Government of Colombia, requiring the service of its then minister in other important fields, designated its minister of war, Señor Concha, as minister plenipotentiary and envoy extraordinary to come at once from Bogota to Washington, charged with its ripest views and amplest instructions, to confer with the executive authorities of the United States, and, after exchange of information and opinions, to reach a satisfactory convention.

Minister Concha has devoted himself since his arrival a few weeks ago absorbingly to this task, and is prepared to reach a conclusion with the executive officers of the Government.

He is fully empowered to negotiate and sign a treaty, subject only to the ratification of the Colombian Congress, as in like cases with all nations.

But Colombia is in the dark as to the precise desires and needs of the United States upon the subject, and Minister Concha can not, of course, an-

ticipate in his first statement all the reasonable requirements of this Government. He wishes, however, to manifest in the most hearty manner the desire of his Government to facilitate the purposes of the United States, and this disposition is manifested by the comprehensive convention which he has this day submitted to you, but not as an ultimatum.

The establishment of a canal convention involves, as you are so well aware, besides the utilization of a canal zone for the construction, operation, maintenance, control, and protection of a canal, railroad and auxiliary works, as well as a grant renewable perpetually and a consent to the sale by the New Panama Canal Company (all of which Colombia concedes in the convention submitted), but also numerous other grave questions relating to judicial procedure, punishment of crimes, the capture of criminals, sanitary and police regulations of Panama and Colon, proper regard to the vested interests upon the Isthmus, exemption of the United States from all forms of taxes, port charges or other dues, etc. Quite aside from pecuniary matters, these are subjects which only can be examined and negotiated directly with you in person and are impossible of negotiation with the Houses of Congress.

Permit me to call attention to the facts that a canal convention in respect of the Isthmus of Panama necessarily involves considerations which do not relate to a section where there is but a wilderness uninhabited by man and producing no income to the nation. The convention respecting the Panama route covers a zone which has been the pathway of commerce across the continent for four hundred years, with important cities at its termini, with villages along the route, with a settled population, with considerable property, and with important vested interests which are to be taken into consideration.

All of this represents an increment of value in civilizing influences, in means of protection, in expenditures of national funds for improvement and development, as well as in certitude of engineering plans, of all which the United States now may derive the benefit.

It would be neither in order nor fitting for the canal company or myself to express any views, one way or the other, upon any of the provisions of the proposed treaty, and our reserve in that regard will be noted. However, I beg to refer, by special request of the minister, to Article XXV of his proposed treaty, and which article relates to the pecuniary terms. Colombia is prepared to discuss, negotiate, and decide upon the precise sum or sums which may be reasonable for the United States to pay and for Colombia to ask, but as the subject is in the hands of Congress and it seems impracticable at the moment to secure a definite expression of the views of the United States upon the subject, Colombia manifests its good faith and reasonableness by proposing that the annuity shall be only such sum as mutually may be agreed upon between the nations, or, failing in such agreement, such fair and reasonable amount as may be determined by a high commission, presided over by the president of the International Peace Tribunal of The Hague, the remaining members being nominated in equal number by the two nations.

Such annuity would only be fixed once in a hundred years. The national requirements of Colombia make a payment of \$7,000,000 desirable, and you will note the provisions on that head; but I also ask you to note that Colombia waives the annuity for the first fourteen years. This method insures to the United States the concessionary rights which it requires and which can not be affected or interrupted by any difference or delay respecting the ascertainment of the annuity. The United States is only required to pay such sum as it may agree upon or as may be determined to be fair and reasonable. Colombia does not ask more than what may be determined to be fair and reasonable, and surely the United States does not wish to do less than that.

I have the honor to be, Mr. Secretary, your obedient servant,  
WM. NELSON CROMWELL,  
General Counsel New Panama Canal Company.

LEGACION DE COLOMBIA,  
Washington, D. C., April 18, 1902.

SIR: Confirming the conclusions reached as the result of the conference held between yourself and Mr. Cromwell, and adopting, as far as practicable, your valuable suggestions, I beg leave to hand you the concessionary convention or treaty (in Spanish and in English) embodying the amendments agreed upon in the conference referred to.

My previous communication of March 31, 1902, proposing the concessionary convention or treaty in behalf of my Government, and the expository communications of myself and Mr. Cromwell under the same date, apply equally to the inclosures.

Awaiting the pleasure of your excellency, I have the honor to renew the assurances of my high consideration.

J. V. CONCHA.

Hon. JOHN HAY,  
Secretary of State of the United States,  
Department of State.

Memorandum of points to be embodied in a convention between the Republic of Colombia and the United States of America for the construction of an interoceanic canal by the Panama route and the management of the railroad over said Isthmus in furtherance of Article XXXV of the treaty of 1845-1848 existing between said nations. Presented by the undersigned envoy extraordinary and minister plenipotentiary of the Republic of Colombia.

#### ARTICLE I.

The Government of Colombia 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, with the exception of the public lands situated outside of the zone hereinafter specified, now corresponding to the concessions to both said enterprises, which public lands shall revert to the Republic of Colombia.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company, to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least.

The railroad company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the railroad company of the outstanding bonds issued by said railroad company.

#### ARTICLE II.

The United States shall have the exclusive right to excavate, construct, maintain, operate, control, and protect a maritime canal from the Atlantic to the Pacific Ocean, to and across the territory of Colombia, such canal to be of sufficient depth and capacity for vessels of the largest tonnage and greatest draft now engaged in commerce, and also the same rights for the construction, maintenance, operation, control, and protection of railway, telegraph and telephone lines, canals, dikes, dams, reservoirs, and such other auxiliary works as may be necessary and convenient for the construction, maintenance, protection, and operation of the canal.



## ARTICLE III.

To enable the United States to exercise the rights and privileges granted by the foregoing articles, the Republic of Colombia grants to that Government the use of a zone of territory along the route of the canal to be opened 5 kilometers in width on either side thereof, measured from its center line, excluding the cities of Panama and Colon. So far as necessary for the construction, maintenance, and operation of the canal, the United States shall have the use and occupation of the group of small islands in the bay of Panama named Perico, Naos, and Flamenco, together with 10 fathoms of water in the bay of Limon in extension of the canal; but the same shall not be construed as being within the zone herein defined nor governed by the special provisions applicable to the zone. This concession shall be for the term of one hundred years, renewable at the option of the United States for periods of similar durations and subject to the payment of the amount hereinafter expressed.

This grant shall in no manner invalidate the titles or rights of private landholders in the said zone of territory, nor shall it interfere with the rights of way over the public roads of the Department.

All the stipulations contained in article 35 of the treaty of 1846-1848 between the contracting parties shall continue and apply in full force to the cities of Panama and Colon and to the accessory community lands within the said zone; and the territory thereon shall be neutral territory and the United States shall continue to guarantee the neutrality thereof and the sovereignty of Colombia thereover, in conformity with the above-mentioned article 35 of said treaty.

In furtherance of this provision, there shall be created a joint commission by the Governments of Colombia and the United States that shall establish and enforce sanitary and police regulations.

## ARTICLE IV.

The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.

The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever, or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but, on the contrary, it desires to strengthen the power of the republics on this continent, and to promote, develop, and maintain their prosperity and independence.

## ARTICLE V.

The Republic of Colombia authorizes the United States to construct and maintain at each entrance and terminus of the proposed canal a port for vessels using the same, with suitable light-houses and other aids to navigation; and the United States is authorized to use and occupy, within the limits of the zone fixed by this convention, such parts of the coast line, and of the lands and islands adjacent thereto, as are necessary for this purpose, including the construction and maintenance of breakwaters, dikes, jetties, embankments, coaling stations, docks, and other appropriate works. And the United States undertakes the construction and maintenance of such works, and will bear all the expense thereof. The ports, when established, shall be declared free, and their demarcations shall be clearly and definitely defined.

To give effect to this article the United States will give special attention and care to the maintenance of works for drainage, sanitary, and healthful purposes along the line of the canal and its dependencies, in order to prevent the invasion of epidemics, or of securing their prompt suppression, should they appear. With this end in view, the United States will organize hospitals along the line of the canal and will suitably supply the towns of Panama and Colon with the necessary aqueducts and drainage works, in order to prevent their becoming centers of infection on account of their proximity to the canal.

The Government of Colombia will secure the possession of the land that may be required in the towns of Panama and Colon to effect the improvements above referred to, and the Government of the United States shall be authorized to impose and collect equitable water rates previously agreed upon with the Government of Colombia during fifty years, for the service rendered; but on the expiration of said term the use of the water shall be free for the inhabitants of Panama and Colon, except to the extent that may be necessary for the maintenance of said aqueducts.

## ARTICLE VI.

The Republic of Colombia agrees that it will not cede or lease to any foreign government any of its islands or harbors within or adjacent to the Bay of Panama nor on the Atlantic coast of Colombia between the Atrato River and the western boundary of the Department of Panama for the purpose of establishing fortifications, naval or coaling stations, military posts, docks, or other works that might interfere with the construction, maintenance, operation, protection, safety, and free use of the canal and auxiliary works. In order to enable Colombia to comply with this stipulation, the Government of the United States agrees to give Colombia the material support that may be required, in order to prevent the occupation of said islands and ports, guaranteeing there the sovereignty, independence, and integrity of Colombia.

## ARTICLE VII.

The Republic of Colombia includes in the foregoing grant the right, without obstacle, cost, or impediment, to the free navigation and use of the waters of the Chagres River and other streams, lakes, and lagoons, and of all waterways, natural and artificial, within the jurisdiction and under the dominion of the Republic of Colombia in the Department of Panama, that may be necessary or desirable for the construction, maintenance, and operation of the canal and its auxiliary works, including the right to raise and lower the levels of the waters and to deflect them, and to rectify and navigate any and all streams, lakes, and lagoons. All damages caused to private landowners by inundation, or by the deviation of water course, or in other ways, arising out of the construction or operation of the canal, shall in each case be appraised and settled by a joint commission, appointed by the Governments of Colombia and the United States; but the cost of the indemnities so agreed upon shall be borne solely by the United States.

## ARTICLE VIII.

The Government of Colombia declares free for all time the ports at either entrance of the canal and the waters thereof in such manner that there shall not be collected by the Government of Colombia custom-house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, nor any other charges or taxes of any kind shall be levied or imposed by the Government of Colombia 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, and operation of the main work or its auxiliaries, or upon the cargo, officers, crew, or passengers of any such vessel; it being the intent of this convention that all vessels and their cargoes, crews, and passengers shall be permitted to use and pass through the canal, and the ports leading thereto, subject to no other demands or impositions than such tolls and charges as may be imposed by the United States for the use of the canal and other works; it being understood that such tolls and charges shall be equal for vessels of all nations.

The ports leading to the canal also shall be free to the commerce of the world, and no duties or taxes shall be imposed, except upon merchandise destined to be introduced for the consumption of the rest of the Republic of Colombia or the Department of Panama and upon vessels touching at the ports of Colon and Panama and which do not cross the canal. Though the said ports shall be free and open to all, the Government of Colombia may establish in them such custom-houses and guards as Colombia may deem necessary to collect duties on importations destined to other portions of Colombia and to prevent contraband trade. The United States shall have the right to make use of the ports at the two extremities of the canal as places of anchorage in order to make repairs, for loading, unloading, depositing, or transshipping cargoes, either in transit or destined for the service of the canal.

## ARTICLE IX.

There shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the vessels that may use it, tugs and other vessels employed in the service of the canal, the railways and auxiliary works, 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 or that may be necessary for the service of the canal or railroad and their dependencies, whether situated within the cities of Panama and Colon or any other place authorized by the provisions of this convention.

Nor shall there be imposed contributions or charges of a personal character of whatever species upon officers, employees, laborers, and other individuals in the service of the canal and its dependencies.

## ARTICLE X.

It is agreed that telegraph and telephone lines, when established for canal purposes, may also, under suitable regulations, be used for public and private business in connection with the systems of Colombia and the other American republics and with the lines of cable companies authorized to enter the ports and territory of these republics; but the official dispatches of the Government of Colombia and the authorities of the Department of Panama shall not pay for such service higher tolls than those required from the officials in the service of the United States.

## ARTICLE XI.

The Government of Colombia shall permit the immigration and free access to the lands and workshops of the canal enterprises of all employees and workmen, of whatever nationality, under contract to work upon the said canal and its dependencies, with their respective families; and all such persons shall be free and exempt from the military service of the Republic of Colombia.

## ARTICLE XII.

The United States may import at any time into the said zone free of custom duties, imposts, taxes, or other charges, and without any restriction, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, and operation of the canal and auxiliary works; also, all provisions, medicines, clothings, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States within the said zone and for their families. If any such articles are disposed of for use without the zone and within the territory of the Republic, they shall be subject to the same import or other duties as like articles under the laws of Colombia, or the ordinances of the Department of Panama.

## ARTICLE XIII.

The United States shall have authority within the said zone to protect and make secure the canal, as well as railways and other auxiliary works, and to preserve order and discipline among the laborers and other persons who may congregate in that region in consequence of the proposed work.

The Governments of Colombia and the United States shall agree upon the regulations necessary for said purpose, as well as to the capture and delivery of criminals to the respective authorities. Special regulations also shall be agreed upon, in the manner aforesaid, for the establishment of laws and jurisdiction to decide controversies that may arise respecting contracts relative to the construction and management of the canal and its dependencies, as well as to the trial and punishment of crimes that may be committed within the said zone of the canal.

## ARTICLE XIV.

The works of the canal, the railways, and their auxiliaries shall be declared of public utility, and in consequence all areas of land and water necessary for the construction, maintenance, and operation of the canal and the other specified works may be expropriated in conformity with the laws of Colombia, except that the indemnity shall be conclusively determined, without appeal, by a joint commission appointed by the Governments of Colombia and the United States.

The indemnities awarded by the commission for such expropriation shall be borne by the United States, but the appraisal of said lands and the assessment of damages shall be based upon their value before the commencement of the work upon the canal.

## ARTICLE XV.

The Republic of Colombia 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 in distress having the right to pass through the canal and wishing to anchor in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of Colombia.

## ARTICLE XVI.

The canal, when constructed, and the entrances thereto, shall be neutral in perpetuity, and shall be opened upon equal terms to the vessels of all nations at uniform tonnage and other rates that may be imposed in virtue of the stipulations of this convention and in conformity with the stipulations of the treaty entered into by the Governments of the United States and Great Britain, on November 18, 1901, and known as the Hay-Pauncefote treaty.

## ARTICLE XVII.

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times, without paying charges of any kind. This exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Colombia or of the Department of Panama or of the police force charged with the preservation of public order, as well as to their baggage, munitions of war, and supplies.

## ARTICLE XVIII.

The United States shall have full power and authority to establish and enforce regulations for the use of the canal, railways, and the entering ports and auxiliary works, and to fix rates of tolls and charges thereof subject to the limitations stated in the Article XVI.

## ARTICLE XIX.

The rights and privileges granted to the United States by this convention shall not affect the sovereignty of the Republic of Colombia over the real



estate that may be acquired by the United States, by reason of the transfer of the rights of the New Panama Canal Company and the Panama Railroad Company lying outside of the said canal zone.

## ARTICLE XX.

If by virtue of any existing treaty between the Republic of Colombia and any third power there may be privileges or concessions relative to an inter-oceanic means of communication which especially favors such third power and which in any of its terms may be incompatible with the terms of the present convention, the Republic of Colombia 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 their involuntary annulment, the Republic of Colombia agrees to procure its modification or annulment in such form that there shall not exist any conflicts with the stipulations of the present convention.

## ARTICLE XXI.

The rights and privileges granted by the Republic of Colombia to the United States in the preceding articles are understood to be free from all anterior 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, the claimants shall resort to the Government of Colombia and not to the United States for any indemnity or compromise which may be required.

## ARTICLE XXII.

The Government of Colombia renounces the participation to which it might be entitled in the future earnings of the canal under Article XV of the contract with the Universal Panama Canal Company; and it likewise renounces now and hereafter all the rights reserved in the said concession which shall belong to Colombia at the expiration of the term of ninety-nine years of the concession granted to the above-mentioned company.

## 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 other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case, but if the Government of Colombia can not effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that sole purpose; and as soon as the necessity shall have ceased will withdraw the forces so employed. Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, and other works, or to the lives and property of the persons employed upon the canal, railways, and other works the Government of the United States is authorized to act in the interest of their protection without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated; and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose, those of the United States shall retire.

## ARTICLE XXIV.

The Government of the United States agrees to complete the construction of the preliminary works necessary, together with all the auxiliary works, in the shortest time possible; and within two years from the date of the exchange of ratification of this convention the main works of this canal proper shall be commenced, and it shall be opened to the traffic between the two oceans within twelve years after such period of two years. In case, however, that any difficulties or obstacles should arise in the construction of the canal which are at present impossible to foresee, in consideration of the good faith with which the Government of the United States shall have proceeded and the large amount of money expended so far on the works and the nature of the difficulties which may have arisen, the Government of Colombia will prolong the terms stipulated in this article up to twelve years more for the completion of the work of the canal.

## ARTICLE XXV.

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of \$250,000 gold which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges, and exemptions granted to the United States; and in consideration of the increase in the administrative expenses of the Department of Panama, consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the amount of \$7,000,000 in American gold on the exchange of the ratification of this convention, after its approval by the legislative bodies of both countries, and fourteen years after the date aforesaid a fair and reasonable annuity that shall be agreed upon by the contracting Governments three years before the expiration of the above-mentioned term of fourteen years.

In fixing this fair and reasonable annuity there shall be taken into consideration the present price of the usufruct of the railway as well as the compensation that is to be stipulated for the use of the zone and for the additional administrative expenses that the construction of the canal will impose upon Colombia, and also the advanced payment of \$7,000,000 and the comparative cost and conditions upon which the United States reasonably could have expected to acquire concessions satisfactory to it in respect of any other canal route.

Three years before the expiration of each term of one hundred years the annuity for the following term shall be fixed in a similar manner.

But in the event that the parties are unable to come to an understanding within the periods above referred to as to such fair and reasonable annuity, then, before the second year prior to the termination of the periods above referred to, the contracting parties shall proceed to constitute a high commission, to be composed of five members, of whom two shall be appointed by Colombia, two by the United States, and the fifth (who shall be the president of such high commission) shall be the president for the time being of the International Peace Tribunal of The Hague; and the determination reached by said commission, by a majority vote, concerning such fair and reasonable annuity that is to be paid to Colombia by the United States in conformity with this article shall be binding upon the contracting parties.

But no delay nor difference of opinion in fixing such amount shall affect nor interrupt the full operation and effect of this convention in all other respects.

## ARTICLE XXVI.

If after the lapse of five years from the date of this convention the necessary works for the opening of the canal should not have been commenced by the United States, or if after the expiration of the twelve years stipulated for the completion of the work and the extension of twelve years referred to in Article XXIV the canal should not be opened to commerce, all the concessions granted by this convention shall be forfeited and all the works, principal and accessory, machinery, and properties of the canal shall become the

property of the Republic of Colombia, and the same Republic shall recover its actual rights over the Panama Railway, without any obligation to return any of the sums that it may have received in conformity with this convention.

## ARTICLE XXVII.

This convention when signed by the contracting parties shall be submitted for legislative approval, and shall be exchanged within a term of eight months from this date.

DEPARTMENT OF STATE,  
Washington, April 21, 1902.

SIR: I have the honor to acknowledge receipt at your hands of a communication dated the 31st of March, 1902, and another of the 18th of April, inclosing a proposal of the Republic of Colombia for a concessionary convention or treaty between the Republic of Colombia and that of the United States of America respecting the completion, maintenance, operation, control, and protection of an interoceanic canal over the Isthmus of Panama.

I am directed by the President to inform you that I shall be ready to sign with you the proposed convention as soon as—

First. The Congress of the United States shall have authorized the President to enter into such an arrangement; and

Second. As soon as the law officers of this Government shall have decided upon the question of the title which the New Panama Canal Company is able to give of all the properties and rights claimed by it and pertaining to a canal across the Isthmus and covered by the pending proposal.

Accept, sir, the renewed assurances of my highest consideration.

JOHN HAY.

SEÑOR DON JOSÉ VICENTE CONCHA.

[Translation.]

LEGATION OF COLOMBIA,  
Washington, D. C., April 23, 1902.

SIR: I have the honor to acknowledge the reception of your excellency's communication of the 21st instant, by which you are pleased to inform me that you are authorized by the President of the United States to sign with the Republic of Colombia the treaty relative to the opening of the Panama Canal, and the other details connected with the said work in accordance with the draft I submitted to the Government of the United States on the 18th instant, and that you will proceed to do so as soon as permission shall have been given by the Congress of this Republic, and as the official lawyers shall have given their opinion regarding the title of the new canal company for the transfer of its rights.

When the occasion to sign the above-mentioned treaty shall arise, I will present, according to usage, the full powers authorizing me to do so.

Accept, Excellency, the sentiments of my high consideration.

JOSE VICENTE CONCHA.

HON. JOHN HAY,

Secretary of State of the United States, Department of State.

[Translation.]

Mr. Corea to Mr. Hay, May 11, 1902.

In pursuance of the offer made orally and in my personal note of the 12th instant to your excellency, I have the honor to transmit herewith a draft of a treaty embodying the proposal of my Government touching the interoceanic canal through Nicaragua. This draft, save a few changes which I had to make in obedience to superior orders, is the same as that which your excellency prepared on February 12, and was pleased to amend on March 11 and 25 and on April 23 last, in deference to observations presented by me.

If your excellency will, as you said to me you would, lay this proposal before the proper committees of Congress, I should be pleased if it were accompanied by the protocol on the same subject, which I had the honor to sign with your excellency on December 1, 1900. These papers will show that Nicaragua has been and is still disposed to enter into direct negotiations with the United States as soon as provision therefor shall have been made by Congress, and at the same time make it clear that since no decision has yet been reached by that body in the matter the present proposal is not to be taken as final, but remains subject to amendments by which the conclusion of a perfected and more suitable agreement between the contracting parties may be facilitated.

Please accept, Mr. Secretary, the assurances of my most distinguished consideration.

## APPENDIX A.

CONVENTION BETWEEN THE UNITED STATES AND NICARAGUA, JUNE 21, 1893  
(CONCLUDED BUT NOT SUBMITTED TO THE SENATE IN CONSEQUENCE OF THE SUBSEQUENT CONCLUSION OF THE CLAYTON-BULWER TREATY).

The United States of America and the State of Nicaragua, having in view the grand design of opening and establishing through the territories of the latter State a passage and communication between the Caribbean Sea and the Pacific Ocean to facilitate the commerce between the two oceans and to produce other great results, and designing to establish, regulate, and define the grants, rights, privileges, and immunities that shall appertain to each other with reference to such great object by means of a treaty and special convention, for the accomplishment of these desirable purposes the President of the United States of America has conferred full powers on Elijah Hise, chargé d'affaires of the Government of said States in Central America, and the State of Nicaragua hath likewise granted full powers to Sr. Lic<sup>da</sup> Don Buenaventura Selva, chargé d'affaires of the Government of the said State of Nicaragua near the United States legation in Central America, who, after having exchanged their said full powers in due and proper form, have agreed and do agree upon the following articles:

## ARTICLE I.

It is solemnly agreed between the two high contracting parties that the State of Nicaragua doth grant to and confer upon the United States of America, or to a company of the citizens thereof, the exclusive right and privilege to make, construct, and build within the territories of the said State of Nicaragua, through or by the use and means of any of the streams, rivers, bays, harbors, lakes, or lands under the jurisdiction or within the limits of the said State, a canal or canals, a road or roads, either railways or turnpikes or any other kind of roads, for the purpose of opening a convenient passage and communication, either by land alone, or water alone, or by both land and water, and by means, if deemed proper, of locks and dams, or by any other mode of overcoming and removing the obstructions to the navigation of the said rivers, lakes, harbors, etc., between the Caribbean Sea and the Pacific Ocean, for the transit and passage of ships, steamers, sailing vessels, boats, and vessels of all kinds, as well as vehicles of every sort used for the transportation and conveyance of persons and property and of goods, wares, and merchandise of every description, and the United States or the company which may be formed by virtue of such charters as shall be made as herein provided shall be permitted for the construction of said works to procure, take, and obtain within the territories of Nicaragua all kinds of materials, such as stone, timber, earths, and whatever else may be necessary and proper



for the said purposes, free of any charge so far as the said materials may be procured on the lands belonging to said State.

#### ARTICLE II.

The State of Nicaragua cedes and grants to the United States, or to a chartered company of the citizens thereof, as the case may be, absolutely, all the land that may be required for the location and construction of said canal or canals, road or roads, and which may be necessary for the erection of buildings and houses of every description for the residence and accommodation of the engineers, superintendents, and laborers, and all others employed in the making and construction of the said works, or in governing, managing, and controlling the same, and also for the erection of all such necessary buildings as may be requisite and proper for the purpose of storing away therein all the tools, machines, materials, and property of every description which may be required for the use in the construction, repairing, preservation, and management of said works, and should any portion of the lands or materials, or of the rivers, bays, ports, or their coasts or lakes, and their shores, which may be necessary and proper to be applied for the location and construction of said works and its appurtenances, belong to individuals, the State of Nicaragua agrees and undertakes to extinguish the titles thereto, and to procure the same upon a just principle of valuation for the aforesaid public works. The aforesaid cession and grant shall include a space of not less than 300 feet on each side of the lines of said works, and extending all along the whole length thereof, so that ample space be secured on the margins of said works for the convenient use thereof. The just value of such of said lands and materials as may be private property at the date of this treaty will be paid for by said company.

#### ARTICLE III.

It is agreed that if the Government of the United States shall decide not to undertake and construct the said works, then either the President or Congress thereof shall have the power and authority to frame, enact, and issue a charter or act of incorporation containing such liberal provisions, and such grants of rights and privileges, not inconsistent with the rights of the contracting parties herein secured, as may be necessary, convenient, and proper to effect the great objects in view, which charter and act of incorporation shall provide as follows:

First. That the company which may be formed and organized under and by virtue of its provisions shall be composed exclusively of the citizens of one or both of the contracting parties, who may subscribe for and become the owners of the whole of the capital stock required for the said works. If, however, such citizens (thus having the preference) shall fail in due time to subscribe for and become the owners of the whole amount of the said capital stock, the residue thereof not taken by them may be taken, paid in, and owned by the Governments of both or either of the contracting parties, or by the Governments or citizens of any other nation, kingdom, or country.

Second. That said company shall have the sole and exclusive right and privilege of constructing and owning such works as are herein named within the State of Nicaragua, provided the same are commenced and prosecuted within the time limited in this convention.

Third. It shall authorize the said company to build and construct said canal or canals in such directions and of such width and depth as they shall in their discretion determine, and if the plan of roads is in part or in whole adopted, the route, width, kind, and number thereof shall be determined upon by the said company as they may think proper.

Fourth. It shall provide that said company may make contracts, sue, and be sued as a corporation, with a given name and style, have a corporate seal, and engage in all such trade and business as may be proper and convenient in promoting all the operations required for the attainment of the ends in view.

Fifth. It shall contain provisions adequate for the organization of said company; it shall provide for the appointment of the officers, agents, engineers, surveyors, superintendents, and other employees of said company; and that said company may make and adopt all its own by-laws and regulations, so that the same be not in conflict with the provisions of this convention.

Sixth. It shall provide that said company may not only build and construct, but also enlarge, alter, repair, and reconstruct the said works as they may think proper, and that they may manage and govern the same and manage and control the financial affairs of the corporation.

Seventh. It shall provide that the said company shall make annual reports to the executive governments of the United States and the State of Nicaragua, setting forth their receipts and expenditures, and the condition, operations, and affairs of the said company.

Eighth. It shall provide that the management of the affairs of said company shall be vested and lodged in nine managers, five of whom shall be appointed by the company for a period of time and in a manner to be regulated by the said charter, and in like manner two of the said managers shall be appointed by the President of the United States and two by the Executive Chief of the State of Nicaragua, and the said nine managers shall appoint their own president.

Ninth. It shall provide that the Governments of either of the contracting parties may, through their committees, freely examine and investigate the affairs, business operations, and condition, financial and otherwise, of the said company, and for such purpose such committees may examine the books and papers of the company, and examine the officers thereof and other witnesses on oath, and make reports thereon to their respective Governments.

Tenth. It shall provide that said company shall have the sole and exclusive right and privilege of conveying persons and passengers, and of conveying all steamers, ships, and vessels of all kinds, by towage or otherwise, and of transporting in the vessels of others or of their own all property, goods, wares, and merchandise over, through, and upon said navigable waters, canal or canals, road or roads, which shall be improved, made, or constructed by them at such rates, charges, duties, and tolls as the said company may think proper to establish; except, however, that the said charter shall further provide that all the vessels of war and all other public vessels of every description belonging to the Governments of the two contracting parties, as well also as all other vessels which may be engaged in the permanent or temporary employment of the said Governments to transport their troops, munitions of war, their public property of all kinds, and to convey their public agents, consuls, ministers, and all their officers, civil and military, shall be permitted to have the free and unrestricted use of the said canal or canals and navigable waters, and shall if necessary and required be conveyed through the same by the said company free of all costs and charge; said charter shall further provide also that the public mails of the contracting parties shall be conveyed and transported along and over the said works by the said company, in their own vessels or vehicles, free of cost or charge, and the contracting parties agree and stipulate with all solemnity that the aforesaid rights and privileges shall be enjoyed by each other perpetually, and that said charter shall provide accordingly; said charter shall also further provide that the citizens of the two parties shall enjoy and possess the right and privilege with their vessels, goods, merchandise, and property, and persons to pass and be conveyed through, upon, and over the said canals, roads, and navigable waters on terms at least as favorable as the subjects or citizens of any other nation or country.

Eleventh. Said charter shall provide that the said works shall be com-

menced by said company within ten years after it shall be fully organized under said charter, or otherwise forfeit their privileges; so likewise if they shall after said works are begun declare their intention to abandon them and cease to prosecute the same for four entire successive years intentionally.

#### ARTICLE IV.

The charter aforesaid may contain such other provisions and grants of rights and privileges not in violation of or in conflict with any of the preceding or subsequent articles of this treaty as may be deemed necessary, convenient, or proper for the objects in view by either the President or Congress of the United States, and the same when framed and issued shall be approved and legalized by the Government of the State of Nicaragua, and no privileges or emoluments shall be granted in said charter to either of the contracting parties which shall not likewise be held and enjoyed to the same extent by the other.

#### ARTICLE V.

The Government of the United States shall have the right to erect such forts and fortifications at the ends and along the lines of said works, and to arm and occupy the same in such manner and with as many troops as may be deemed necessary by the said Government for the protection and defense thereof, and also for the preservation of the peace and neutrality of the territories of Nicaragua, to whom pertains equal rights as inherent to her sovereignty.

#### ARTICLE VI.

The public armed vessels, letters of marque, and privateers, and the private merchant and trading vessels belonging either to the governments, or the subjects, or citizens of nations, kingdoms, or countries with which either of the contracting parties may be at war, shall not, during the continuance of such war, be suffered or allowed to come in the ports at the terminations of said canals nor be allowed to pass on or through the same, on any account whatever; neither shall the vessels of neutral nations, whether public or private, be allowed to convey by means of said canal articles contraband of war, to or for the enemies of either of the contracting parties, or to or for other nations or states who may be at war with each other; nor shall the vessels of countries which are engaged in war with each other, owned or employed and armed by them to carry on such war, during the continuance be allowed to pass through the said canals. The public and private vessels of all nations, kingdoms, and countries which are in peace with both the contracting parties and with each other shall be permitted to enter said ports, and to pass or be conveyed through the said canals, but they shall be subject, however, to the payment of such duties, charges, and tolls as may be established by the proprietors of the said works.

#### ARTICLE VII.

The State of Nicaragua may, of course, exercise her right of erecting and establishing anywhere on the routes or margins, or at the points of termination of said works, custom-houses and warehouses, and to collect duties, according to her own laws, upon the goods, wares, and merchandise imported for sale or consumption into her territories by means of said works, and the State of Nicaragua may adopt and enforce all needful rules and regulations to prevent smuggling or the introduction of contraband goods in her territories; but it is expressly agreed that the State of Nicaragua shall not impose, enforce, or collect any taxes, charges, or duties of any kind or amount on the persons (for passports), or property, or on goods, wares, or merchandise of any class or kind on their travel or transit over, or for passing through her territories by means of said canals, roads, etc., provided the said property, goods, wares, and merchandise shall be not sold or not introduced for sale or consumption into the said State, but be exported to other states or countries.

#### ARTICLE VIII.

The ports at the points of termination of said works shall be free to both the contracting parties and their citizens, respectively; and their public and private vessels of all kinds shall enter and remain therein and depart therefrom and not be subjected to the payment of any port charges, tonnage duties, or other imposition whatever.

#### ARTICLE IX.

The persons employed in the location and construction of said works, the owners thereof, and all their agents, and officers, and employees of every sort, shall be under the special protection of the Governments of both the contracting parties, and they shall not be subject to any kind of taxation on their persons or property, nor shall they be required to pay any contributions or to perform any civil or military duty or service whatever for either of the two Governments during their employment about the said works; and all provisions, including wines and liquors, and all merchandise imported into Nicaragua for their clothing and subsistence shall be free and exempt from all duties and taxes, direct or indirect; and all such articles, property, stores, tools, implements, and machines, etc., as may be required for surveys and explorations, and for locating and constructing said works, shall be imported into the State of Nicaragua free from all taxes and duties whatever thereon, and the vessels employed in the importation of the said subsistence, clothing, tools, implements, etc., shall also be free and exempt from all port charges and tonnage duties in all the ports, rivers, lakes, or harbors on the coasts or within the limits of the State of Nicaragua; and entire liberty is to be enjoyed by the said company to make full and complete surveys and explorations of the ports, bays, seas, lakes, rivers, and territories of Nicaragua, in order to the location of said works and for the procurement of lands and materials necessary for the same, in which explorations and surveys Nicaragua, at her own expense, may participate, if she thinks proper.

#### ARTICLE X.

The State of Nicaragua grants and cedes to the United States or to a company to be chartered as herein provided, as the case may be, all the land within 2 leagues square belonging to the said State, and which may be appropriated at the date of this treaty, at each point of the terminations of said works at the seas on each side, that is to say, 3 miles square on each side of both ends of said works, to serve for the sites of two free cities which it is anticipated will hereafter be established at said points, the inhabitants of which free cities shall enjoy the following rights and immunities:

First. They shall govern themselves by means of their own municipal government, to be administered by officers, legislative, executive, and judicial, chosen and elected by themselves according to their own regulations.

Second. They shall have the right of trial by jury in their own city courts.

Third. They shall have the most perfect freedom of religious belief and of religious worship, public and private.

Fourth. They shall not be required to pay any tax upon their real estate or other property except such as may be imposed by the municipality and collected for the city treasury, and to be used and applied for the benefit of such cities.

Fifth. They shall not be required to perform any military services, except for the defense of the said cities in which they may reside.

Sixth. The said cities will of course be under the qualified dominion and government of the State of Nicaragua, not to be exercised in any manner, however, in violation of their rights and immunities as herein specified; and said



free cities shall be under the protection of the governments of both the contracting parties.

#### ARTICLE XI.

The State of Nicaragua agrees that the United States shall have, possess, and enjoy forever the following rights and privileges; that is to say, the right and privilege to pass, convey, transport, and send through all or any part of the territories and dominions of the State of Nicaragua, on land or water, from ocean to ocean, by means of her ports, bays, rivers, lakes, and roads, troops, infantry or cavalry, all kinds of arms, artillery, and munitions of war of all kinds, her public property of every description, public officers, civil and military, consuls, ministers, dispatch agents, her public mail and mail agents, and all other employees of the Government of the United States of America; and the same shall all and each be permitted to pass, be sent, and be conveyed through said State, in any manner, as aforesaid, in the public armed vessels of the United States, and in all such other vessels or vehicles, public or private, which may be in the temporary or permanent employment of the Government of the United States for any of the purposes aforesaid, or in any other way, free from all cost and exempt from all taxes, duties, imposts, charges, or exactions of any kind whatever, either on the persons, property, vehicles, or vessels aforesaid; and all the aforesaid privileges and the said free right of way and of transit shall be held, used, and enjoyed by the United States of America (but not by any other nation, state, or government, except Nicaragua) without cost or charge, and freely, whether the same be made through the dominions and territories of Nicaragua as they now exist, or whether the said troops, munitions of war, public officers, agents, employees, mails, public property, vehicles, and vessels, etc., shall be sent, transported, or conveyed by means of improved navigable rivers, canals, or turnpikes, or railroads, or any other public improvements which may be hereafter made in the State of Nicaragua, either by the Governments or citizens of the contracting parties, or by the governments, citizens, or people of any other nation, kingdom, or country; and the citizens of the United States shall have and enjoy all the rights and privileges of travel, passage, transit, and conveyance for themselves and their property and vessels of all kinds through the territories and dominions of the State of Nicaragua as they now exist or through such canals or roads, railways, or turnpikes, or other improvements as may be hereafter made in said State, upon terms and conditions in every particular as favorable as those enjoyed by the citizens of Nicaragua, or by the citizens of any other nation, kingdom, or country.

#### ARTICLE XII.

In consideration of the premises as set forth in the foregoing eleven articles, the United States of America doth solemnly agree and undertake to protect and defend the State of Nicaragua in the possession and exercise of the sovereignty and dominion of all the country, coasts, ports, lakes, rivers, and territories that may be rightfully under the jurisdiction and within the just and true limits and boundaries of the said State; and when the circumstances and condition of the country may require it the United States shall employ their naval and military force to preserve the peace and maintain the neutrality of the said coasts, ports, lakes, rivers, and territories, and to hold and keep the same under the dominion and sovereignty of the Government of the State of Nicaragua or of the government of such state or political community of which Nicaragua may voluntarily become a member, or with which, of her own accord, she may hereafter be identified: *Provided, however,* That the said sovereignty and dominion of the State of Nicaragua, so guaranteed as above, shall not be held, maintained, or exercised by said State in any such manner as to conflict or to be inconsistent with the rights and privileges herein secured to the United States and her citizens; and to prevent all misunderstanding, it is expressly stipulated that the United States are not bound, nor do they undertake, to aid, assist, or support Nicaragua in offensive wars or wars of aggression waged and carried on by said State with foreign powers or with the neighboring states, outside of her just limits, and beyond the territories rightfully within her jurisdiction; but the contracting parties agree and undertake that, if necessary, the naval and military forces and the entire means and resources of both the contracting parties shall be employed to put down all wars and bloodshed arising therefrom, and to suppress all violations of the peace and interruptions of the neutrality of the said State of Nicaragua; and for further explanation it is understood that if the State of Nicaragua should become involved in a war with any foreign power or neighboring state within her own borders, to defend the territories rightfully belonging to her, or to recover such territories wrongfully wrested from her, the United States engages to defend Nicaragua in carrying on such war within her own rightful limits: *Provided, however,* That such war is just, and provided, moreover, that if peace is prevailing in the State of Nicaragua, no wars or hostilities shall be first commenced in said State by either of the contracting parties without previous friendly consultations, and unless with the consent of both their governments, given according to their laws and constitutions, respectively.

#### ARTICLE XIII.

The contracting parties, in negotiating this treaty, have had in view the contract entered into between the State of Nicaragua, through their commissioner, José Trinidad Muñoz, and a certain company styled "Compañía de transito de Nicaragua," composed of certain persons named Willard Parker, Simeon H. Ackerman, Asher Kurshoed, and David J. Brown, through the said David J. Brown as their agent, which contract was executed and signed by said commissioner and agent on March 14, 1849, and ratified by the legislative power of the State of Nicaragua on March 16, 1849, and approved by the executive power of said State on the 17th of March 1849. Now, in view of this contract, it is further agreed as follows:

First. If the above-named company shall accede to this treaty in all its parts, or if they shall voluntarily abandon their contract, or if they shall forfeit their rights under said contract by failing to perform and execute the terms and conditions thereof in due time, then this treaty shall remain and be valid in all its parts.

Second. But if the said company shall not accede to this treaty in all its parts, and if they shall not abandon or forfeit their said contract, but if they shall execute the same and comply with its terms, and build the said works all in the time required, then, in such case, this treaty in all its parts, wherein the State of Nicaragua grants to the United States, or to a company to be chartered by the President or Congress thereof, the exclusive privilege to be the constructors and owners of said works, shall be void and of no force or effect.

Third. Nevertheless, in such case as is set forth in the second section next preceding, if said company shall accede to the fifth (5th), the sixth (6th), the eighth (8th), and the eleventh (11th) articles of this treaty, and shall consent and agree that the United States of America, and the citizens thereof, shall have and enjoy all the rights and privileges therein granted to them, and as defined also in the tenth (10th) section of the third (3rd) article, then, in such case, the above-named fifth (5th), sixth (6th), eighth (8th), and eleventh (11th) articles of this treaty, as also the twelfth (12th) article thereof, shall be valid and obligatory between the contracting parties.

Fourth. But if in such case existing as is set forth in the second section above the said company shall refuse to accede or agree to the said fifth (5th), sixth (6th), eighth (8th), and eleventh (11th) articles hereof, as specified in

the preceding third section, then this treaty shall be altogether void and of no force or effect whatever.

But the contracting parties, anticipating that said company, being satisfied that the great enterprise in view can not succeed unless under the protection and patronage of two Governments, will concur and cooperate with them in the promotion thereof, they are assured that this treaty will meet their cordial approbation, and that it will be fully acceded to by them.

The present special convention between the United States of America and the State of Nicaragua shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Director of the State of Nicaragua, with the consent of the Legislative Chambers thereof, and the ratifications shall be exchanged in the city of Washington, Santiago de Managua, or Leon, within the term of two years, counting from this date.

In faith whereof, we, the plenipotentiaries of the United States of America and of the State of Nicaragua, have signed and sealed these presents in the city of Guatemala, on the 21st day of June, in the year of our Lord 1849, in the seventy-third year of the independence of the United States of America and in the twenty-eighth year of the independence of the State of Nicaragua.

[SEAL.]  
[SEAL.]

ELIJAH HISE.  
BUENAVA SELVA.

#### APPENDIX B.

#### CONCESSIONS AND DECREES OF THE REPUBLIC OF COSTA RICA TO THE NICARAGUA CANAL ASSOCIATION OF NEW YORK.

#### ARTICLE XIV.

The association shall construct, at its expense, and shall keep in good condition, two large ports, one on the Atlantic and one on the Pacific, at such points or localities as it may select within or without the territory of Costa Rica, to serve as termini of the canal; and each of them shall have a lighthouse of the first order.

#### ARTICLE XV.

All the area within the territory of Costa Rica, whether at the ports, roadsteads, or rivers of the two oceans, which may be necessary for the establishment of the canal, its paths, and embankments, or which may be occupied and covered by water after raising the dams which are to be constructed in the beds of the rivers, or for all necessary deviations to be made, as well as for reservoirs, dikes, spaces about the locks, stations, light-houses, and canals, storehouses, buildings, and workshops, deposits for materials, and also all those required for the routes, service railways, and canals of the same nature, for the transportation of materials to the line of the work, and for feeders of the canal; in short, all lands and places within the territory of Costa Rica necessary to the construction and operation of the canal, as may be laid down in the final drawings and plans made by the engineers of the association, shall be placed by the State at the disposal of the said association under the conditions set forth in the following articles.

#### ARTICLE XVI.

Such unappropriated lands as belong to the State shall be given to the association without any compensation whatever, and with regard to those lands belonging to private parties the State undertakes to condemn them should the association demand it.

The compensation which, in agreement with the laws of Costa Rica, may have to be paid in such cases shall be paid by the association, and to it shall be added the amount of the expenses and costs of the respective actions, in such a way that the national treasury shall suffer no loss.

#### ARTICLE XVII.

In all relating to the condemnation to be made under the provisions of the preceding articles the association shall enjoy all the immunities and privileges that the laws of the country grant to the State, so that the association may not be obliged to pay more than the State would under similar circumstances.

#### ARTICLE XVIII.

For the construction, maintenance, and operation of the canal the association shall have the right to take free of charge from the lands belonging to the State whatever material of a spontaneous production of the land that may be found on them, especially timber for construction and fuel, and limestone, clay for bricks, and earth for fillings that are to be made. As regards materials of the said class found on lands belonging to private parties, the association shall have the same rights and privileges granted by the laws to the State.

#### ARTICLE XIX.

If it should be necessary for the association to occupy temporarily and during the construction of the canal lands in the territory of Costa Rica which are not included in those designated in the Articles XV, XVI, and XVIII, it shall not be obliged to pay any compensation for them if they are unappropriated lands. And the State shall not have the right to sell or dispose of them in any other manner after the association has once determined to occupy them, unless under the reservation of this right, the limit of which shall be the execution of the works of the interoceanic canal. Should the said lands belong to private parties, then the association shall enjoy, so far as the temporary occupation thereof is concerned, all the rights and franchises which the laws grant to the State, with the special privilege of occupying them immediately after the declaration of utility and necessity and after payment of the proper compensation, which shall never exceed that which the State would be obliged to pay in a similar case.

#### ARTICLE XX.

The Republic of Costa Rica desiring to aid efficiently the association in this enterprise cedes in fee simple to the said association the public lands hereinafter mentioned, in alternate lots, with other similar ones which it reserves for itself, to wit:

First. On the right or southern bank of the San Juan River, from a point 3 English miles below Castillo Viejo to the confluence of the San Carlos, should the canal follow the valley of the San Juan, lots fronting on the canal 3 English miles front by 6 deep.

Second. Between the San Carlos River and the Atlantic, should the canal pass wholly or in part through the territory of Costa Rica, or along the boundary of Costa Rica, lots of 3 English miles frontage on the canal and 4 deep.

Third. Should the route of the Selmas Bay be adopted, lots of 2 English miles frontage on the canal by 2 deep in the Costa Rican territory crossed by the canal or along which it may run, from the Pacific Ocean to a point 2 English miles distant from the mouth of the Sapoa River in the Lake of Nicaragua.

Fourth. Should the canal deviate from the San Juan River more than 4 miles toward the interior of Costa Rica, lots to be measured on both sides of the canal of 2 miles front and 2 deep. Should the deviation be less than 4 miles, then the lots of the northern bank of the canal shall have a front of 2 miles and extend in depth until they touch the San Juan River.

Fifth. From the Rio Frio to the Sapoa on the south coast of the Lake of



Nicaragua, at 2 miles distant from the same and following the curve of its bank, lots of 2 English miles front by 2 deep.

Sixth. In the places where the company in accordance with the Government may select from the existing unappropriated public lands twenty-five lots, each 2 English miles in frontage by 4 deep. As a general rule, at the extremities of the interoceanic canal, should the same be within the territory of Costa Rica, the opposite lots will be allotted, one to the Government and one to the company; but, if this be not possible, the first will belong to the Government.

The State shall vest in the association the possession of said lands as soon as the location of the canal is finally determined and its construction begun by the association.

The rights required by private parties in the lands set forth in the preceding clauses are hereby reserved.

The measurement and setting out of all lands ceded by this contract shall be made at the expense of the grantee, with the intervention of the Government.

The final title deeds shall be issued in due proportion as the work advances, and not before.

Between the Atlantic and the point 3 miles below Castilla Viejo all parts of the San Juan and Colorado rivers occupied by the canal shall be considered, for the purposes of the present article, as a part of the said canal.

It is hereby understood that the whole of the lands transferred to the association by Costa Rica, in the different places and in the form as set forth in the foregoing article, shall not exceed in amount one-fourth of the total amount of lands granted to the company by the Government of Nicaragua, according to the contract made by it. Should they exceed such amount the difference shall be deducted by reducing the number of lots mentioned in subdivision fifth of this article.

#### ARTICLE XXI.

The State reserves the right to occupy, in the several lots of land ceded to the association, such space as may be needed for such roads and public buildings as it may deem convenient. In the same manner it shall have the right to use timber and other building materials which may be found on said land whenever they may be necessary for any work upon which it may determine. Should these lands become the property of private persons by virtue of a transfer made by the company, and the State should need them for the purpose set forth in this article, or for some other purposes, it shall pay their owners for them in conformity with the laws, and the expropriated parties shall have no right or claim against the association.

Should the association have made improvements on the lands referred to, whether for the purposes of utility, ornament, or pleasure, the State shall be bound to compensate it for such damages as it may suffer according to appraisals of experts.

#### ARTICLE XXII.

Mines of coal, gold, silver, iron, or other metals and stone quarries situated in the lands ceded to the association shall belong to it by right without the necessity of previous denunciation, and it shall have the right to work them whenever it may deem it convenient, subject to the laws of the Republic, but such lands as may be transferred by the association to private parties shall not enjoy this privilege.

#### ARTICLE XXIII.

The association shall also have the right to utilize for the works of the canal and its appurtenances the timber in the forests situated in the land granted to it by the State from the very moment from which it enters into possession of the same under the present contract, the acquired rights always being reserved.

#### ARTICLE XXIV.

From the day in which the present concession shall be ratified by Congress no alienation shall be made of any unappropriated lands necessary for the construction of the canal, nor of those ceded to the association on the banks of the same. Nor shall the said lands be leased to the prejudice of the company. However, should the location of the canal not be definitely settled when this contract is ratified, the line of the canal shall for the purposes of this article be presumed to follow the northern boundary line of Costa Rica.

The association shall have the right of doing throughout the whole extent of the canal within the territory of Costa Rica, at the mouths of the canal on the two oceans, and in the whole extent of the lands which under the present contract have been granted to it according to articles 15, 16, and 20 all such works as may be necessary for locating, leveling, excavating, and dredging the canal, and all other works that may be required for the establishment, feeding, operation, preservation, and maintenance of the canal.

The association is especially authorized to make along the line of the canal and on the Costa Rican bank of the San Juan River and its Costa Rican affluents and confluents, as well as on the Costa Rican rivers tributary to the Lake of Nicaragua, the lakes or water courses which may be utilized in their flow to the Pacific or to the Atlantic; to construct dikes and dams, make rectifications, dredgings, embankments, and deviations; to locate buoys, and in general to do all the works that in the opinion of the engineers of the association may be deemed indispensable for the construction, feeding, navigation, and operation of the canal. The embankments, fillings, and dikes which may be made within the territory of Costa Rica, at the mouths of the canal on the ports on the two oceans, by using materials resulting from the excavation of the canal, shall belong in fee simple to the association; but the Government shall have the right to occupy them in whole or in part after compensation made. Should any part of the canal be within the territory of Costa Rica, the association shall not obstruct such port nor widen its beaches unless there is absolute necessity to do so, and in this case the embankments and fillings that it may be necessary to construct in front of said port shall belong to the Republic.

In general the association shall have the right to use all the lakes and rivers of Costa Rica, the waters of which may be necessary in the judgment of the engineers of the association to construct and feed the canal and to maintain its operations, but this right shall have the following restrictions, to wit:

First. The navigation of the Costa Rican rivers, which the association may dam or otherwise use for the benefit of the canal, shall remain at the termination of the respective works in as good condition as it was before they were made.

Second. In the places where the waters of said rivers may overflow in consequence of the erection of dams or other artificial obstructions made by the association, the said association shall be obliged to do whatever may be practicable to prevent the formation of swamps and marshes.

Third. Such damages as may be caused to private parties in consequence of the deviation or elevation of the streams shall be compensated for by the association according to appraisals made by experts in conformity with the laws of the Republic, but the association shall not be obliged to pay more than the State would under similar circumstances.

#### ARTICLE XXVI.

The association can not import merchandise into the territory of the Republic for the purposes of trafficking with it without paying the custom duties

established by law, but it shall have the right to import free from custom duties and of any other imposts whatsoever the articles needed for the works of the enterprise, its surveys, explorations, examination of localities, constructions, use, operation, maintenance, repairs, and improvements of the canal, and also for the telegraphic and railroad service of the same, and for the works and workshops of the company, and the said articles may consist of implements, machinery, apparatus, coal, limestone of all classes, lime, iron, and other metals, whether raw or manufactured, mining powder, dynamite, or any other analogous substance. These articles may be transported between whatever points they may be needed during the work of the construction of the canal, and shall be landed and stored free from all local taxes.

The association shall also have the right to import free from duties or imposts, during the work of constructing the canal, such provisions, clothing for the workmen, and medicines as may be absolutely necessary for its own consumption.

Those articles the commerce of which is not free are excepted from the privileges granted in this article, and shall remain subject, with the exception of gunpowder, dynamite, and other explosives, to such requisites and duties as are established by law.

#### ARTICLE XXVII.

The vessels that the association may employ as tug boats or for the service of the canal shall be free from all imposts or taxes of any kind whatever, and also the material to be used for their repair and the fuel that they may consume.

The vessels and their appurtenances, from whatever place they may come, for the service of the association shall be exempt from all duties and imposts.

#### ARTICLE XXVIII.

The Government shall enact such regulations as it may deem necessary to prevent smuggling and for the preservation of public order in the region of the canal lying within the territory of Costa Rica or bordering on it and in the waters where it may exert joint jurisdiction. The company shall be bound to lend its assistance for the enforcement of such regulations. But in the free zone along the margin of the canal, as hereinafter provided, measures for the prevention of smuggling shall be limited to vigilance on the part of the employee or employees whom it may concern, without right to any further measures, either against passengers, vessels, or their cargoes, excepting when an attempt at smuggling may be discovered, it being the intention of the State that there shall be most ample freedom of transit through the canal for persons and property, with the sole limitations established by this contract. Consequently, the association shall have the right to unload and reload ships in transit at such point as may be necessary in order to make repairs or lighten the vessels or shift their cargoes, or on account of any accident that unavoidably may render it necessary, without being subject thereby to search, exactions, or contributions of any kind, provided in each case, and before beginning operations, notice is given to the nearest custom-house authority.

#### ARTICLE XXIX.

The Government shall afford its protection, in conformity with the laws of the Republic, to the engineers, contractors, employees, and laborers that may be engaged in the preliminary surveys or in the works of construction and operation of the canal.

#### ARTICLE XXX.

The association shall be exempt from all forced loans and military exactions, whether in time of peace or of war. The foreign agents or employees shall also be exempt from direct taxes, forced loans, and military exactions during the time in which they are in the service of the canal, but they shall pay the direct taxes established by law in case they may become owners of real property or commercial or industrial establishments.

#### ARTICLE XXXI.

The association may freely introduce into the lands granted to it employees and laborers of every race who may be needed in its works and workshops; and it may also introduce immigrants of all nationalities excepting Asiatics and negroes. Both the immigrants and the employees and laborers shall be subject to the laws of the Republic and to the regulations of the company. The Government assures them aid and protection and the enjoyment of their rights and guaranties in conformity with the constitution and the national laws during the time that they may remain within Costa Rican territory.

#### ARTICLE XXXII.

The Government of Costa Rica shall assure the association and its agents, under the laws of the Republic, as it does to the other inhabitants, the full enjoyment of the guaranties and rights which the constitution and laws grant to them. Reciprocally, the association and its agents bind themselves strictly to respect the laws and regulations in force in Costa Rica, and especially to comply with the final decisions of the courts, without considering themselves vested with other rights than those granted by law to Costa Rican citizens.

#### ARTICLE XXXIII.

The Government shall establish all along the line of the canal which may be within the territory of Costa Rica or along its frontier or in the waters appertaining to it in ownership or joint jurisdiction, such police stations and revenue offices as in its judgment may be necessary for the preservation of order in the region of the canal and for the observance of the fiscal laws of the Republic.

The expenses incident to said services, including those of buildings, salaries, wages, and allowances of the employees and transportation of the forces, and which may be in excess of such as are now borne by the Government for the custom-house actually established at the mouth of the San Carlos, or on any other point that may be crossed by the canal, shall be paid to the public treasury by the company on such terms and conditions as may be established hereafter, taking into consideration the requirements and necessities of such services.

The association shall also have the right to establish guards and watchmen for the service of the canal and the enforcement of its regulations.

#### ARTICLE XXXIV.

All contracts in regard to the works of the canal that the association may enter into in foreign countries shall be valid and effective, and shall have full force and effect in Costa Rica, provided they do not violate the laws of the Republic.

#### ARTICLE XXXV.

The association shall be exempt during the period of this concession both in time of peace and in time of war from all kinds of taxes upon the real estate that it may acquire by virtue of this contract and from all kinds of direct taxes, local charges, or any other imposts relating to the property and use of the canal, or of its buildings and the construction and dependencies thereof, all along its extent, including those situated in the ports and maritime establishments on the two oceans.

This franchise is not transferable to the purchasers of the real estate which the association may alienate under this grant.



## ARTICLE XXXVI.

The Republic of Costa Rica shall not establish any tonnage, anchorage, pilot, or light-house dues or any other charges of any kind whatsoever, upon vessels of any class whatever or upon the merchandise, baggage, and passengers which may pass through the canal from one ocean to the other; all such dues are reserved for the benefit of the association as provided for in Article XXXIX.

## ARTICLE XXXVII.

For the purpose of securing the most ample liberty of transit of persons and property a free zone shall be established on each side of the canal, and the width thereof shall be 90 meters and 288 millimeters, measured from the water's edge in the canal.

All traffic declared illegal by the laws of the Republic shall, however, be prohibited within the said zone and the revenue authorities whose duty it is to watch for and prevent smuggling shall act in conformity with the stipulations of Article XXVIII.

It is expressly agreed that every vessel that may pass through the part of the canal which may be within the territory of Costa Rica or along its borders or in waters over which it exerts jurisdiction shall carry on board an officer appointed by the Government whenever the authorities may deem it convenient, and that officer shall act in conformity with the law should he discover that it is being violated.

The two ports to be constructed for the entrance and exit of the canal on both oceans, which may be wholly or in part within the territory or in waters of Costa Rica, shall be declared free ports and shall be recognized as such from the opening of the canal to the end of this concession.

The Government, in agreement with the company, shall establish, by means of a special decree, the limits of this franchise, which shall never extend beyond the waters of the ports comprised between the mouth of the canal and the entrance of said ports.

All merchandise that shall be loaded or discharged at any point of the canal within the territory of Costa Rica, and intended for internal commerce, shall pay the import and export duties fixed by the revenue laws of the State.

## ARTICLE XXXVIII.

For the proper administration of the canal and its dependencies, and in order to facilitate its construction and operation, the association shall establish the proper regulations, which shall be binding upon every person who may be found in its waters or in its dependencies; the sole reservation being that the rights and sovereignty of the State be respected.

It is understood that the association, in the exercise of the powers conferred by this article, shall not make other regulations than those necessary for the administration and particular management of the canal; and that, before carrying them into effect, they shall be submitted for the approval of the Government. The State shall lend the aid of its authority to enforce these regulations.

## ARTICLE XXXIX.

By way of compensation for the expenses incurred in the surveys, construction, maintenance, and operation of the canal, or any part thereof, during the period of said privilege, the said association shall have the right to establish and collect for the passage of all kinds of ships, vessels, travelers, and merchandise through the canal and in the waters and ports pertaining to it, such dues of navigation, tonnage, pilotage, towage, storage, lay days, anchorage, light, roadsteads, wharfrage, hospital dues, and any other similar charges in conformity with the tariffs to be established by it in accordance with article 45 of this contract.

These tariffs may be modified by the association at any time, on condition that all modifications that may be introduced in it shall be previously communicated to the Government, which, in case of finding them within the limits established by said article 45, shall cause them to be complied with as if they were regulations enacted by itself.

The payment of all the tariff dues shall be exacted without any exception or preference and under identical conditions from all vessels, whatever be the place they come from or their nationality, with the exception stipulated in the following article.

## ARTICLE XL.

In compensation for the privileges and concessions that Costa Rica grants by this contract, it is hereby stipulated that the Republic shall enjoy the special privilege that Costa Rican vessels, navigating under the flag of Costa Rica, shall be entitled to navigate the canal at a reduction of 50 per cent of the general tariff while engaged in the coasting trade or in the reciprocal trade with the other Republics of Central America.

To enjoy this privilege, the said vessels shall be necessarily of the register of the Republic, and belong to citizens of the same.

A reduction of 50 per cent of the general tariff is also granted to all vessels that begin their voyage for a foreign country at any of the ports belonging to the Republic with a cargo wholly consisting of products of the country.

Costa Rican vessels of war and revenue cutters shall pay no dues in passing through the canal. No dues shall be paid by the vessels of the national register navigating either Costa Rican waters connected with the canal or the canal itself, without passing out of the locks, but said vessels are not in any way to obstruct the free navigation of the canal.

Costa Rica, on its part, shall not object to the enjoyment by Nicaraguan ships of the advantage granted in this article to those of Costa Rica, provided that Nicaragua, on its part, consents that the ships of Costa Rica shall enjoy in Nicaraguan waters the said privilege.

All the concessions to which this article refers shall be extended to the other republics of Central America, or any of them, whenever Costa Rica and Nicaragua shall find themselves free from international obligations which may prevent it, or whenever one or more of said republics shall form a single nation with Costa Rica.

## ARTICLE XLI.

In case it may be possible to utilize the waters of the canal and its dependencies for the irrigation of plantations, gardens, and streets, or for the supply of towns that may be without it, or as motive power for private enterprises, the company shall have the power to supply it, collecting dues in proportion to the amount furnished, according to the tariff that it may establish in agreement with the Government.

## ARTICLE XLII.

The association shall undertake at its expense the final surveys of the ground and the location of the line of the canal by a commission of competent engineers. The Government of Costa Rica shall have the right of visiting and inspecting the final surveys which are in progress, and those already completed by an engineer appointed by said Government, and whose salary shall be paid by the association, the amount thereof to be fixed hereafter by special agreement between the Government and the company.

A period of two years and a half, to be counted from the date of the ratification of this contract, is granted the association for the final surveys of the canal, and within the said time the association shall have to make the said final surveys, organize the company which is to carry on the work, and begin the work of construction.

The work of construction shall be understood to have commenced if within three years after its inception \$2,000,000 have been expended on it.

The period herein provided for shall admit of extension by the Republic at the request of the association, and upon grounds of justice, in the judgment of the Government.

## ARTICLE XLIII.

A term of ten years is also granted to the association for the construction, completion, and opening to traffic the canal for maritime navigation. However, should events of main force arise, duly justified and sufficient to impede the regular progress of the works during the period of the said ten years, an extension shall be granted equal in duration to the time that may have been lost by such delays.

If at the expiration of the ten years aforesaid the works should not be completed so as to have the maritime communication between the two oceans opened, in consideration of the great capital the company may have invested in the enterprise, and the good will and ability it may have shown and the difficulties encountered, the Republic binds itself to grant a new extension.

## ARTICLE XLIV.

As a guaranty of the fulfillment of the obligations which the final company which is to construct the canal incurs in accordance with article 42, it shall deposit to the order of the Government of Costa Rica, in a bank or in a mercantile house in this city, or with an agent which the Government may designate, immediately after the certificates are issued, 1,000 shares of its capital stock of the normal value of \$100 each. The said 1,000 shares of capital stock shall be considered in advance to the Government of the payment of the police and revenue expenses to be made under article 33, and the association shall be credited with the actual value of said shares at the time such payments are made.

## ARTICLE XLV.

In consideration of the valuable privileges, franchises, and concessions granted by virtue of this contract to the association, the Republic shall receive in shares, certificates, or other values representing the capital stock of the final company, an amount equal to 1½ per cent of the total amount of issue of said capital stock, in shares or certificates of \$100 each. This sum shall in no event be less than \$1,500,000. Said shares shall be considered as fully paid up and two-thirds thereof shall not be transferable. All these shares shall participate in the benefits, interest, distributions, dividends, amortizations, rights, privileges, and all other advantages granted to paid-up shares, without any difference whatever. These shares, together with the other privileges herein granted by the association to the Government, shall be in full compensation to the Republic for all public unappropriated lands that may be flooded and for all the privileges and concession conferred by this contract, and shall cover completely all claims of this description on the part of the State against the association or the final company. The shares to which this article refers shall be delivered to the agent appointed by the Government for this purpose as soon as the company may be ready to issue certificates of its capital.

## ARTICLE XLVI.

From the earnings of the enterprise the company shall take, in the first place, the necessary amount to cover all the expenses for maintenance, operation, and administration; all the sums necessary to secure the interest, which shall not exceed 6 per cent, and the amortization of the obligations and of the shares, and what remains shall form the net profits, of which at least 80 per cent shall be divided among the shareholders, it being understood that after the lapse of ten years after the completion of the canal the company shall in no case divide among its shareholders in payment of dividends, directly or indirectly, by issue of shares or otherwise, more than 15 per cent annually or in this proportion, from dues collected from the aforesaid canal; and where it shall appear that these dues yield a greater profit, they shall be reduced to the fixed limit of 15 per cent per annum.

## ARTICLE XLVII.

The present concession shall be forfeited:

First. Through the failure on the part of the company to comply with any one of the conditions contained in Articles VII, XLII, and XLIII.

Second. If the service of the canal, after it is completed, is interrupted for six months, unless in case of unforeseen accidents or main force.

When the concessions shall have been declared forfeited from whichever of these causes, the public lands granted by virtue of the present contract shall revert to the Republic in whatever condition they may be, and without compensation, such lands as may have been alienated by the company with the formalities prescribed by law shall be excepted, provided that such alienations shall not have taken place within the six months preceding the date on which the company may have become legally liable to the penalty herein established.

## ARTICLE XLVIII.

At the expiration of the ninety-nine years stipulated in this concession, or in the event of the forfeiture expressed in the preceding article, the Republic shall enter into the possession in perpetuity of that part of the canal, its warehouses, stations, and other establishments used for the management thereof that may be found within the national territory. Such works as may be found in waters in which the Republic has joint sovereignty shall belong to her in joint ownership. And in regard to such parts of the canal or of the waters thereof in which Costa Rica has not the eminent domain, but simply the right of use and free navigation, the Republic, at the expiration of the ninety-nine years, or in the cases of forfeiture above named, shall retain in perpetuity the said rights of use and free navigation. The Republic shall not be obliged to pay to the company any compensation for the same.

There shall be excepted from this condition the vessels belonging to the company, its stores of coal and other materials, its mechanical workshops, its floating capital and reserve fund, and at the expiration of the said ninety-nine years also the lands ceded to it by the State under the present contract, excepting those in which the works indicated in the first part of this article may be found established, which will become the property of the State, with their immediate dependencies as necessary for the service of the canal and an integral part of the same.

But the company shall have the right, at the expiration of the aforesaid term of ninety-nine years, to the full enjoyment and a free use and control of the canal and such parts thereof as may be within the territory of Costa Rica, with all the privileges and advantages granted by this concession in the capacity of lessee for a second period of ninety-nine years, upon payment to the Government of Costa Rica of 6½ per cent of the annual net profits of the enterprise, besides the dividends due to it for its share in the capital stock.

The company shall have the right to fix at its discretion the dues referred to in article 39 of this concession, so that the shareholders, after the payment of 3½ per cent is deducted, shall still receive dividends of 10 per cent per annum on the whole capital.

At the expiration of this second period of ninety-nine years the Government shall enter into perpetual possession of the canal and the other property referred to in the first part of this article; and this delivery shall also embrace everything excluded in the said first part, except the lands ceded to the association by this contract and the reserve and sinking fund.



The failure to comply with any of the conditions of the lease shall terminate it, and the State shall enter into the possession of the part of the canal which corresponds to it, owing to it being situated in Costa Rican territory or in the places in which Costa Rica is joint owner, and also of the other works which belong to the canal, in accordance with the provisions of the preceding paragraph.

## ARTICLE XLIX.

Any misunderstanding that may arise between the Republic and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators, composed of four members, two of whom shall be appointed by the State and two by the company.

These arbitrators shall be designated by each party within the period of four months from the day on which one of them shall give notice to the other in writing of the want of agreement on the point at issue. Should one of the parties allow this period to lapse it shall be considered as assenting to the opinion or claim of the other.

The majority of the votes of the arbitrators shall finally decide without recourse. In case of a tie vote the arbitrators shall appoint, by mutual consent, a fifth person, who shall decide, and in case of their default the respective parties will appoint him. If they can not agree to such appointment they shall draw by lot the names of the diplomatic representatives accredited to Costa Rica, and the first one drawn out shall exercise the functions of the fifth arbitrator. He shall concur on one of the two opinions, and what may be so decided shall be final and without recourse of any kind. If the fifth arbitrator should fail, the second person drawn shall exercise these functions, and so on successively until the decision is reached.

Prior to the initiation of the works of opening the canal the Government, in concurrence with the company, shall formulate a set of rules to be observed by the arbitrators in all matters relating to procedure.

All questions between the association and private parties residing in Costa Rica shall be determined by the ordinary courts of Costa Rica in conformity with the legislation of the Republic. In matters pertaining to parties not residing in Costa Rica the rules of private international law shall be observed.

## ARTICLE L.

This contract, after being approved by the honorable general President of the Republic, shall be submitted to the supreme legislative power for the purpose that if they deem it convenient they should impart to it the necessary ratification, and in case such approval is not obtained the Nicaragua Canal Association will be released from all the obligations to which it is bound by it. Such ratification or nonratification shall be made within one hundred and twenty days from this date.

In witness whereof the undersigned have set their hands to four copies of the present contract, two for each party, in San José de Costa Rica, 31st July, 1888.

PEDRO PEREZ ZELEDÓN.  
A. G. MENOCAL.

## APPENDIX C.

[New Panama Canal Company—Concessions—Contracts with the United States of Colombia, dated March 20, 1878; December 10, 1890; April 4, 1893.]

## WYSE CONCESSION, MARCH 20, 1878.

[Translation from the Diario Oficial of Bogota, Wednesday, May 22, 1878.]

## CONTRACT FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL ACROSS COLOMBIAN TERRITORY.

Eustorgio Salgar, secretary of the interior and of foreign relations of the United States of Colombia, duly authorized, of the one part, and of the other part Lucien N. B. Wyse, chief of the Isthmus Scientific Surveying Expedition in 1876, 1877, and 1878, member and delegate of the board of directors of the International Interoceanic Canal Association, presided by General Etienne Thirr, in conformity with powers bestowed at Paris, from the 27th to the 29th of October, 1877, have celebrated the following contract:

ARTICLE 1. The Government of the United States of Colombia grants to Mr. Lucien N. B. Wyse, who accepts it in the name of the civil International Interoceanic Canal Association, represented by their board of directors, the exclusive privilege for the construction across its territory, and for the operating of a canal between the Atlantic and Pacific oceans. Said canal may be constructed without restrictive stipulations of any kind.

This concession is made under the following conditions:

First. The duration of the privileges shall be for ninety-nine years from the day on which the canal shall be wholly or partially opened to public service, or when the grantees or their representatives commence to collect the dues on transit and navigation.

Second. From the date of approbation by the Colombian Congress for the opening of the interoceanic canal the Government of the Republic can not construct, nor concede to any company or individual, under any consideration whatever, the right to construct another canal across Colombian territory which shall communicate the two oceans. Should the grantees wish to construct a railroad as an auxiliary to the canal, the Government, with the exception of existing rights, can not grant to any other company or individual the right to build another interoceanic railroad, nor do so itself during the time allowed for the construction and use of the canal.

Third. The necessary studies of the ground and the route for the line of the canal shall be made at the expense of the grantees by an international commission of individuals and competent engineers, in which two Colombian engineers shall take part. The commission shall determine the general route of the canal and report to the Colombian Government directly, or to its diplomatic agents in the United States or Europe, upon the results obtained, at the latest in 1881, unless unavoidable circumstances clearly proven should prevent their so doing. The report shall comprise in duplicate the scientific labors performed and an estimate of the projected work.

Fourth. The grantees shall then have a period of two years to organize a universal joint stock company, which shall take charge of the enterprise and of the construction of the canal. This term shall commence from the date mentioned in the preceding paragraph.

Fifth. The canal shall be finished and placed at the public service within the subsequent twelve years after the formation of the company which will undertake its construction, but the executive power is authorized to grant a further maximum term of six years in the case of encountering superhuman obstacles beyond the power of the company, and, if after one-third of the canal is built, the company should acknowledge the impossibility of concluding the work in the said twelve years.

Sixth. The canal shall have the length, depth, and all other conditions requisite in order that sailing vessels and steamships measuring up to 140 meters long, 16 meters in width, and 8 meters in draft shall, with lowered topmast, be able to pass the canal.

Seventh. All public lands which may be required for the route of the canal, the ports, stations, wharves, moorings, warehouses, and in general for the construction and service of the canal as well as for the railway, should it be convenient to build it, shall be ceded gratis to the grantees.

Eighth. These unoccupied public lands shall revert to the Government of the Republic with the railroad and canal at the termination of this privilege;

there is also granted for the use of the canal a belt of land 200 meters wide on each side of its banks throughout all the distance which it may run, but the owners of lands on its banks shall have free access to the canal and its ports as well as to the right of use of any roads which the grantees may open there; and this without paying any dues to the company.

Ninth. If the lands through which the canal shall pass, or upon which the railroad may be built, should, in whole or in part, be private property, the grantees shall have the right to demand their expropriation by the Government according to all the legal formalities in such cases. The indemnity which shall be made to the landowners, and which shall be based on their actual value, shall be at the expense of the company. The grantees shall enjoy in this case, and in those of temporary occupation of private property, all the rights and privileges which the existing legislation confers.

Tenth. The grantees may establish and operate at their cost the telegraph lines which they may consider useful as auxiliaries in the building and management of the canal.

Eleventh. It is, however, stipulated and agreed that if, before the payment of the security determined upon in article 2, the Colombian Government should receive any formal proposal, sufficiently guaranteed, in the opinion of the said Government, to construct the canal in less time and under more advantageous conditions for the United States of Colombia, said proposal shall be communicated to the grantees or their representatives, that they may be substituted therein, in which case they shall be preferred; but if they do not accept such substitution, the Colombian Government, in the new contract which they may celebrate, shall exact, besides the guaranty mentioned in article 2, the sum of \$300,000 in coin, which shall be given as indemnity to the grantees.

ART. 2. Within the term of twelve months from the date at which the international commission shall have presented the definite results of their studies the grantees shall deposit in the bank or banks of London, to be designated by the national executive power, the sum of 750,000 francs, to the exclusion of all paper money, as security for the execution of the work. The receipt of said banks shall be a voucher for the fulfillment of said deposit. It is understood that if the grantees should lose that deposit by virtue of the stipulations contained in clauses 2 and 3 of article 22 of the present contract, the sum referred to, with interest accrued, shall become in toto the property of the Colombian Government. After the conclusion of the canal, said sum, without interest, which latter will in this case belong to grantees, shall remain for benefit of the treasury, for the outlays which it may have incurred or may incur in the construction of buildings for the service of the public officers.

ART. 3. If the line of the canal to be constructed from sea to sea should pass to the west and to the north of the imaginary straight line which joins Cape Tiburon with Garachiné Point, the grantees must enter into some amicable arrangement with the Panama Railroad Company, or pay an indemnity, which shall be established in accordance with the provisions of law 46, of August 16, 1867, "approving the contract celebrated on July 5, 1867, reformatory of the contract of April 15, 1850, for the construction of an iron railroad from one ocean to the other through the Isthmus of Panama."

In case the international commission should choose the Atrato or some other stream already navigable as one of the entrances to the canal, the ingress and egress by such stream, and the navigation of its waters, so long as it is not intended to cross the canal, shall be open to commerce and free from all imposts.

ART. 4. Besides the lands granted in paragraphs 7 and 8 of article 1, there shall be awarded to the grantees, as an aid for the accomplishment of the work, and not otherwise, 500,000 hectares of public lands, with the mines they may comprise, in the localities which the company may select. This award shall be made directly by the national executive power. The public lands situated on the seacoast, on the borders of the canal or of the rivers, shall be divided in alternate lots between the Government and the company, forming areas of from one to two thousand hectares. The measurements for the allotment or locating shall be made at the expense of the grantees and with the intervention of Government commissioners. The public lands thus granted, with the mines they may hold, shall be awarded to the grantees as fast as the work of construction of the canal progresses, and in accordance with rules to be laid down by the executive power.

Within a belt of 2 myriameters on each side of the canal, and during five years after the termination of the work, the Government shall not have the right to grant other lands beyond the said lots until the company shall have called for the whole number of lots granted by this article.

ART. 5. The Government of the Republic hereby declares the ports at each end of the canal, and the waters of the latter from sea to sea, to be neutral for all time; and consequently, in case of war among other nations, the transit through the canal shall not be interrupted by such event, and the merchant vessels and individuals of all nations of the world may enter into said ports and travel on the canal without being molested or detained. In general, any vessel may pass freely without any discrimination, exclusion, or preference of nationalities or persons on payment of the dues and the observance of the rules established by the company for the use of the canal and its dependencies. Exception is to be made of foreign troops, which shall not have the right to pass without permission from Congress, and of the vessels of nations which, being at war with the United States of Colombia, may not have attained the right to pass through the canal at all times by public treaties wherein is guaranteed the sovereignty of Colombia over the Isthmus of Panama and over the territory whereon the canal is to be cut, besides immunity and neutrality of the said canal, its ports, bays, and dependencies and the adjacent seas.

ART. 6. The United States of Colombia reserves to themselves the right to pass their vessels, troops, ammunitions of war at all times and without paying any dues whatever. The passage of the canal is strictly closed to war vessels of nations at war, and which may not have acquired, by public treaty with the Colombian Government, the right to pass by the canal at all times.

ART. 7. The grantees will enjoy the right during the whole time of the privilege to use the ports at the termini of the canal, as well as intermediate points, for the anchorage and repair of ships, and the loading, depositing, transshipping, or landing of merchandise. The ports of the canal shall be open and free to the commerce of all nations, and no import duties shall be exacted, except on merchandise destined to be introduced for the consumption of the rest of the Republic. The said ports shall, therefore, be open to importations from the commencement of the work, and the custom-houses and the revenue service which the Government may deem convenient for the collection of duties on merchandise destined for other portions of the Republic shall be established, in order to prevent introduction of smuggled goods.

ART. 8. The executive power shall dictate, for the protection of the financial interests of the Republic, the regulations conducive to the prevention of smuggling, and shall have the power to station, at the cost of the nation, the number of men which they may deem necessary for that service.

Out of the indispensable officials for that service ten shall be paid by the company, and their salaries shall not exceed those enjoyed by employees of the same rank in the Barranquilla custom-house.

The company shall carry gratis through the canal, or on the auxiliary railway, the men destined for the service of the nation, for the service of the



State through whose territory the canal may pass, or for the service of the police, with the object of guarding against foreign enemies or for the preservation of public order, and shall also transport gratis the baggage of such men, their war materials, armament, and clothing which they may need for the service assigned to them.

The subsistence of the public force which may be deemed necessary for the safety of the interoceanic transit shall likewise be at the expense of the company.

ART. 9. The grantee shall have the right to introduce, free of import or other duties of whatever class, all the instruments, machinery, tools, fixtures, provisions, clothing for laborers, which they may need during all the time allowed to them for the construction and use of the canal. The ships carrying cargoes for the use of the enterprise shall enjoy free entry into whatever point shall afford them easy access to the line of the canal.

ART. 10. No taxes, either national, municipal, of the State, or of any other class, shall be levied upon the canal, the ships that navigate it, the tugs and vessels at the service of the grantees, their warehouses, workshops, and offices, factories of whatever class, storehouses, wharves, machinery, or other works or property of whatever character belonging to them, and which they may need for the service of the canal and its dependencies during the time conceded for its construction and operation. The grantees shall also have the right to take from unoccupied lands the materials of any kind which they may require without paying any compensation for the same.

ART. 11. The passengers, money, precious metals, merchandise, and articles and effects of all kinds which may be transported over the canal shall also be exempt from all duties, national, municipal, transit, and others. The same exemption is extended to all articles and merchandise for interior or exterior commerce which may remain in deposit, according to the conditions which may be stipulated, with the company in the storehouses and stations belonging to them.

ART. 12. Ships desiring to cross the canal shall present at the port of the terminus of the canal at which they may arrive their respective registers and other sailing papers prescribed by the laws and public treaties, so that the vessels may navigate without interruption. Vessels not having said papers, or which should refuse to present them, may be detained and proceeded against according to law.

ART. 13. The Government allows the immigration and free access to the lands and shops of the grantees of all the employees and workmen, of whatever nationality, who may be contracted for the work, or who may come to engage themselves to work on the canal, on condition that such employees or laborers shall submit to the existing laws and to the regulations established by the company. The Government promises them support and protection and the enjoyment of their rights and guaranties, in conformity with the national constitution and laws, during the time they may sojourn on Colombian territory.

The national peons and laborers employed on the work of the canal shall be exempt from all requisition of military service, national as well as of the State.

ART. 14. In order to indemnify the grantees of the construction, maintenance, and working expenses incurred by them they shall have, during the whole period of the privilege, the exclusive right to establish and collect for the passage of the canal and its ports the dues for light-houses, anchorage, transit, navigation, repairs, pilotage, towage, hauling, storage, and of station, according to the tariff which they may issue, and which they may modify at any time under the following express conditions:

First. They shall collect these dues, without any exceptional favor, from all vessels in like circumstances.

Second. The tariffs shall be published four months before their enforcement in the *Diario Oficial* of the Government, as well as in the capitals and the principal commercial ports of the countries interested.

Third. The principal navigation dues to be collected shall not exceed the sum of 10 francs for each cubic meter resulting from the multiplication of the principal dimensions of the submerged part of the ship in transit (length, breadth, and draft).

Fourth. The principal dimensions of the ship in transit—that is to say, the maximum exterior length and breadth at the water line, as well as the greatest draft—shall be the metrical dimensions inserted in the official clearance papers, excepting any modifications supervening during the voyage. The ships' captains and the company's agents may demand a new measurement, which operations shall be carried out at the expense of the petitioner; and,

Fifth. The same measurement—that is to say, the number of cubic meters contained in the parallelepipedon circumscribing the submerged part of the ship—shall serve as a basis for the determination of the other accessory dues.

ART. 15. By way of compensation for the rights and exemptions which are allowed to the grantees in this contract the Government of the Republic shall be entitled to a share amounting to 5 per cent on all collections made by the company, by virtue of the dues which may be imposed in conforming with article 14, during the first twenty-five years after the opening of the canal to the public service. From the twenty-sixth up to the fiftieth year, inclusive, it shall be entitled to a share of 6 per cent; from the fifty-first to the seventy-fifth, to 7 per cent, and from the seventy-sixth to the termination of the privilege, to 8 per cent. It is understood that these shares shall be reckoned, as has been said, on the gross income from all sources, without any deduction whatever for expenses, interest on shares or on loans, or debts against the company.

The Government of the Republic shall have the right to appoint a commissioner or agent, who shall intervene in the collections and examine the accounts, and the distribution or payment of the shares coming to the Government shall be made in due half-yearly installments. The product of the 5, 6, 7, and 8 per cent shall be distributed as follows:

Four-fifths of it shall go to the Government of the Republic, and the remaining one-fifth to the government of the State through whose territory the canal may pass.

The company guarantees to the Government of Colombia that the share of the latter shall in no case be less than the sum of \$50,000 a year, which is the same as that received as its share in the earnings of the Panama Railroad, so that if, in any year, the 5 per cent share should not reach said sum it shall be completed out of the common funds of the company.

ART. 16. The grantees are authorized to require payment in advance of any charges which they may establish; nine-tenths of these charges shall be made payable in gold, and only the remaining one-tenth part shall be payable in silver of 25 grammes, of a fineness of 900.

ART. 17. The ships which shall infringe upon the rules established by the company shall be subject to the payment of a fine which said company shall fix in its regulations, of which due notice shall be given to the public at the time of the issue of the tariff. Should they refuse to pay said fine, nor furnish sufficient security, they may be detained and prosecuted according to the laws. The same proceedings may be observed for the damages they may have caused.

ART. 18. If the opening of the canal shall be deemed financially possible, the grantees are authorized to form, under the immediate protection of the Colombian Government, a universal joint stock company, which shall undertake the execution of the work, taking charge of all financial transactions which may be needed. As this enterprise is essentially international,

and for public utility, it is understood that it shall always be kept free from political influences.

The company shall take the name of "The Universal Interoceanic Canal Association;" its residence shall be fixed in Bogota, New York, London, or Paris, as the grantees may choose; branch offices may be established wherever necessary. Its contracts, shares, bonds, and titles of its property shall never be subjected by the Government of Colombia to any charges for registry, emission, stamps, or any similar imposts upon the sale or transfer of these shares or bonds, as well as on the profits produced by these values.

ART. 19. The company is authorized to reserve as much as 10 per cent of the shares emitted to form a fund of shares to the benefit of the founders and promoters of the enterprise. Of the products of the concern the company take, in the first place, what is necessary to cover all expenses of repairs, operations, and administration, and the share which belongs to the Government, as well as the sums necessary for the payment of the interest and the amortization of the bonds, and, if possible, the fixed interest or dividend of the shares; that which remains will be considered as net profit, out of which 80 per cent at least will be divided among the shareholders.

ART. 20. The Colombian Government may appoint a special delegate in the board of directors of the company whenever it may consider it useful to do so. This delegate shall enjoy the same advantages as are granted to the other directors by the by-laws of the company.

The grantees pledge themselves to appoint in the capital of the Union, near the National Government, a duly authorized agent for the purpose of clearing up all doubts and presenting any claims to which this contract may give rise. Reciprocally, and in the same sense, the Government shall appoint an agent, who shall reside in the principal establishment of the company situated on the line of the canal; and, according to the national constitution, the difficulties which may arise between the contracting parties shall be submitted to the decision of the Federal supreme court.

ART. 21. The grantees, or those who in the future may succeed them in their rights, may transfer these rights to other capitalists or financial companies; but it is absolutely prohibited to cede or mortgage them under any consideration whatever to any nation or foreign government.

ART. 22. The grantees, or their representatives, shall lose the right hereby acquired in the following cases:

First. If they do not deposit, on the terms agreed upon, the sum which by way of security must insure the execution of the work.

Second. If in the first year of the twelve that are allowed for the construction of the canal the works are not already commenced, in this case the company shall lose the sum deposited by way of security, together with the interest that may have accrued, all of which will remain for the benefit of the Republic.

Third. If at the end of the second period fixed in paragraph 5 of article 1 the canal is not transitable, in this case also the company shall lose the sum deposited as security; which, with the interests accrued, shall remain for the benefit of the Republic.

Fourth. If they violate the prescriptions of article 21; and,

Fifth. If the service of the canal should be interrupted for a longer period than six months without its being occasioned by the acts of God, etc.

In cases 2, 3, 4, and 5, the Federal supreme court shall have the right to decide whether the privilege has become annulled or not.

ART. 23. In all cases of decisions of nullity, the public lands mentioned in clauses 7 and 8 of article 1, and such lands as are not settled or inhabited from among those granted by article 4, shall revert to the possession of the Republic in the condition they may be found in, and without any indemnity whatever, as well as the buildings, materials, works, and improvements which the grantees may possess along the canal and its accessories. The grantees shall only retain their capital, vessels, provisions, and in general all movable property.

ART. 24. Five years previous to the expiration of the ninety-nine years of the privilege, the executive power shall appoint a commissioner to examine the condition of the canal and annexes, and, with the knowledge of the company or its agents on the Isthmus, to make an official report, describing in every detail the condition of the same and pointing out what repairs may be necessary. This report will serve to establish in what condition the canal and its dependencies shall be delivered to the National Government on the day of expiration of the privilege now granted.

ART. 25. The enterprise of the canal is reputed to be of public utility. ART. 26. This contract, which will serve as a substitute for the provisions of law 33 of May 26, 1876, and the clauses of the contract celebrated on the 28th of May of the same year, shall be submitted for the approval of the President of the union and the definite acceptance by the Congress of the nation.

In witness whereof they sign the present in Bogota, on the 20th March, 1878:

EUSTORGIO SALGAR.  
LUCIEN N. B. WYSE.

BOGOTA, March 23, 1878.

Approved.

The President of the union:

The secretary of the interior and of foreign relations:

AQUILEO PARRO.

EUSTORGIO SALGAR.

By decree of Congress, May 17, 1878, approved May 18, 1878, the foregoing contract, with certain modifications in the original draft, was duly approved. In the foregoing translation of the contract the modifications introduced by this decree have been incorporated, for convenience, with the contract as originally signed, so that the translation represents the actual form of the contract as modified and finally approved by Congress.

NOTE FROM LUCIEN N. B. WYSE, WHEREIN HE DECLARES HE ACCEPTS ALL THE MODIFICATIONS MADE BY LAW 28 TO THE CONTRACT FOR THE CONSTRUCTION OF THE INTEROCEANIC CANAL.

To the Honorable Secretary of the Interior and Foreign Relations:

I have the honor to inform you that I accept each and all of the modifications introduced by Congress to the contract which I celebrated with Señor Eustorgio Salgar, your worthy predecessor in the department of the interior and foreign relations, for the construction of the interoceanic canal, which contract was approved by the executive power under date of March 23 last.

The modifications to which I have alluded are those recorded in law No. 28 of the 18th instant.

I hasten to lay this declaration before the Government of Colombia, so that it may be taken in consideration, in order that said law may be effective in all its parts.

Bogota, May 18, 1878.

LUCIEN N. B. WYSE.

Chief of the International Scientific Commission for the Survey of the Isthmus, Member and Delegate from the Board of Directors of the Interoceanic Canal Association.



*Additional contract modifying that of March 23, 1878, approved by law 23 of the same year.*

LAW 107 OF 1890. (DECEMBER 26)—EXTENSION OF TEN YEARS FOR THE OPENING OF THE INTEROCEANIC CANAL ACROSS COLOMBIAN TERRITORY.

THE CONGRESS OF COLOMBIA DECREES:

ONLY ARTICLE. The contract modifying that of March 23, 1878, for the opening of an interoceanic canal across Colombian territory, concluded between his excellency the minister of foreign affairs and Mr. Lucien N. B. Wyse, special representative of the receiver of the Compagnie Universelle du Canal de Panama, is approved in all its parts, which contract is literally as follows:

Antonio Roldan, minister of foreign affairs, duly authorized by his excellency the President of the Republic, hereinafter called the "Government," of the one part, and Lucien N. B. Wyse, naval commander, engineer, original concessionary of the interoceanic canal, and special delegate of the receiver of the Compagnie Universelle du Canal de Panama, under powers of attorney executed at Paris May 16, 1890, hereinafter called the "concessionary," of the other part, have agreed to modify the contract of March 23, 1878, for the opening of an interoceanic canal across Colombian territory, approved by law 23 of the same year, in accordance with the following stipulations:

ARTICLE FIRST. The Government grants to the receiver of the Compagnie Universelle du Canal de Panama an extension of ten years within which the canal is to be finished and put in public operation; the said extension is consented to, subject to the following conditions:

*First.* The concessionary agrees to transfer all the plant of the company in liquidation to a new company, which shall undertake the completion of the work of the interoceanic canal.

*Second.* The new company shall be formally organized with a capital sufficient for this purpose, and shall resume the work of excavation in a serious and permanent manner not later than February 28, 1893.

*Third.* The concessionary, or his successors, shall furnish monthly to the National Government at Panama the sum of ten thousand (10,000) piastres, in Colombian coin of 0.835, for the maintenance of two hundred and fifty (250) men of the military garrison of the Department of Panama, whom the Government undertakes to assign for the preservation of order and for the security of the line of the canal during the work of excavation and upon its termination for the protection of interoceanic transit.

In case the company should have need of a greater number of men of the public forces, the Government will assign them to said service, taking them from the military garrison of the Department, but the additional expense occasioned by this increase, reckoned upon the basis already established, shall also be borne by the company.

The company binds itself to furnish places set apart for the occupancy of the troops upon points on the line at which the Government has none of its own. The last part of article 8 of the original contract for the privilege is modified in these respects:

*Fourth.* The navigation of the lakes which may form part of the canal shall be free to small vessels, in accordance with the regulations which the company may prescribe for this purpose. The latter shall not be responsible for the inherent risks of this navigation. The internal regulation of the lakes shall be settled by the Government at the proper time, taking into account the general interests of the enterprise.

*Fifth.* The company binds itself to reestablish public transit at the mouth of the Rio Grande by means of bridges or boats, as it shall consider most practicable, and if, in consequence of the number of vessels, passage should become hereafter too difficult, the company shall reestablish it between Empedador and Arraijan to the satisfaction of the Government.

ARTICLE SECOND. Beside the public lands granted gratis by the contract of 1878, the expropriation of lands, buildings, and plantations which shall prove necessary to the canal and its dependencies shall be made by the Government on account of the company, in conformity with the 8th condition of article first of the aforesaid contract, approved by law 23 of 1878.

Such expropriations shall be made with all speed which the legislation of the country upon the subject permits. The expropriated real estate shall be immediately delivered over to the concessionary or his successors.

ARTICLE THIRD. The Government also undertakes to take the necessary steps for restoring to the new company the complete enjoyment of the lands belonging to the company in liquidation unlawfully occupied by private persons, and to procure a judicial decree that all persons who, without previous consent, shall have built or planted upon the lands bought by the company in liquidation for the purpose of works of excavation, installation, and unloading shall have no right to any indemnity.

ARTICLE FOURTH. As compensation for the services which the Government agrees to render, in accordance with the two preceding articles, the concessionary, or his successors, shall pay to the Government ten million (10,000,000) francs in gold, and shall issue to it, gratis, in addition, five million (5,000,000) francs in ten thousand (10,000) dividend-bearing shares of the new company of five hundred (500) francs each, full paid, having the right to no other dividends than those which are declared on ordinary shares; the said ten thousand (10,000) shares shall remain attached to their respective stubs until the other shares shall be full paid; but, upon notice to the company, the Government shall have the power, when it shall see fit, to assign or pledge them.

The ten million (10,000,000) francs to which this article refers shall be paid by the concessionary, or by his successors, in five (5) equal annual installments; the first being paid three (3) months after the new company for the completion of the canal shall be fully organized, in conformity with the second condition of article first. From this sum shall be deducted two million five hundred thousand (2,500,000) francs, as well as the interest accrued up to the date of the present contract, which the Government owes to the company in liquidation for the loan of 1883, the deduction being made, in the first place, for the purpose of fixing the amount of the five (5) installments just mentioned. By this payment the said loan shall be finally discharged.

ARTICLE FIFTH. A special member, whom the Government has the right to appoint in the company's board of directors, in conformity with article 20 of the contract in force, shall enjoy in the new company to be organized for the completion of the canal the same advantages and compensation granted to the other directors by the charter of the company, but neither the said appointee nor the official agent of the Government residing in the Isthmus shall make any publication relative to the company without the express authorization of the Government.

ARTICLE SIXTH. If the new company for the completion of the canal shall not be organized, and if the work of excavation, on the canal shall not be resumed within the period fixed by the second condition of article first, the contract in force shall lapse and the Republic shall enter into the possession and enjoyment, without the necessity of a previous judicial decree and without indemnity, of the works of the canal and its annexes, which revert to it in accordance with article third of the contract of 1878.

*Sec. 1st.* It is understood that the contract shall also lapse; and the provisions of this article shall become applicable if, the company for the completion of the canal not being organized before February 28, 1893, the legal representative of the Compagnie Universelle du Canal Interoceanique, or his

successors, abandon the maintenance of the works, plant, and buildings now existing upon the Isthmus and belonging to the company.

*Sec. 2nd.* The maintenance of the property enumerated in the preceding paragraph shall be considered abandoned when the legal representative of the Compagnie Universelle du Canal Interoceanique, in liquidation, or his successors, shall discharge the force of employees which he now has on the Isthmus, or shall cease to make the necessary expenditure for preventing the loss or deterioration of the said property.

*Sec. 3rd.* It is moreover understood that the buildings, plant, works, and improvements which are to become the property of the Republic under the circumstances provided in this article, and in conformity with article 23 of the contract of 1878, shall be inalienable, and are to be in good condition, subject to deterioration arising from use, from unavoidable causes, or from accident.

ARTICLE SEVENTH. As soon as the company for the completion of the canal shall be legally organized, and shall have resumed the work in conformity with the provisions of the second condition of article first of this contract, the Government shall assign to it in the Department of Panama the two hundred and fifty thousand (250,000) hectares of public lands to which it has been already declared by decisions of the executive power to be entitled, and shall issue to it the respective patents, provided that the legal formalities in the premises be accomplished on the part of the company.

ARTICLE EIGHTH. The security of seven hundred and fifty thousand (750,000) francs deposited by the canal company in accordance with article second of the contract in force shall be maintained as a guaranty for the fulfillment of the obligations arising from the said contract, and of those assumed by the concessionary under the provisions of the present contract.

ARTICLE NINTH. All rights and obligations created by the contract of March 23, 1878, for the opening of an interoceanic canal across Colombian territory, approved by law 23 of the same year, shall continue in full force and vigor without other restrictions and modifications than those contained in the present contract.

ARTICLE TENTH. In order that the present contract may have full force and effect, it shall be submitted to the approval of His Excellency the President of the Republic, and to that of Congress.

Done in duplicate at Bogota, the 10th day of December, 1890.

ANTONIO ROLDAN.  
LUCIEN N. B. WYSE.

APPENDIX D.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF NICARAGUA PROVIDING FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL ACROSS THE TERRITORY OF NICARAGUA.

The United States of America and the Republic of Nicaragua recognizing the importance of an interoceanic communication across the Isthmus at Nicaragua which shall bring into close communication the ports of North and South America, and shall facilitate commerce between Europe and the ports of the Pacific, between the eastern ports of Asia and the Atlantic seaboard, and the ports of the United States on the Pacific and Atlantic, have agreed for this purpose to build a canal, and to that end to conclude a treaty, and have accordingly named as their respective plenipotentiaries the President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States of America, and the President of Nicaragua, General Joaquin Zavala, ex-president of the Republic of Nicaragua, who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles:

ARTICLE I. The canal shall be built by the United States of America and owned by them and the Republic of Nicaragua, and managed as hereinafter provided.

ART. II. There shall be perpetual alliance between the United States of America and the Republic of Nicaragua, and the former agree to protect the integrity of the territory of the latter.

ART. III. A practicable ship canal for vessels of the largest size now commonly used in commerce shall be commenced by the United States and be prosecuted to as speedy conclusion as circumstances may permit, subject to the limitation provided in Article XX of this convention. This canal shall follow what may be decided to be the most available route from ocean to ocean; and the United States in building the canal shall enjoy the fullest liberty in its construction, and in its location, and that of its dependencies, accessories, and works, as well as in the selection of entrance ports.

Should it be found necessary or desirable to leave the bed of the San Juan River at any point and to construct a lateral canal the Government of Nicaragua reserves the right to require the establishment of a lock communication for vessels of 6 feet draft and 160 feet length, between the lower part of the river and that part used for the canal; but the Government of Nicaragua will advise the United States of its wishes in this regard so soon as work shall be begun in the river, and it is expressly stipulated that Nicaragua alone shall be responsible for the maintenance and operation of this communication, and for the navigable condition of the lower river.

ART. IV. For the purpose of carrying out this agreement the Republic of Nicaragua agrees to give the United States free use of Lake Nicaragua, to furnish, free of cost, all the spaces necessary to the construction, maintenance, use, and enjoyment of the canal, and for any probable future enlargement thereof, whether these spaces be upon the dry land, in the lakes and upon their islands, in the rivers and upon their islands, or at the ports and roadsteads of the two oceans, together with their surroundings and declivities, and all the spaces required for the deposit of materials from excavations and cuttings, from the overflow arising from dams in the rivers, for all deviations of streams from their channels, as well as for reservoirs, dikes, piers, docks, spaces about locks, for lights, beacons, storehouses, machine shops, buildings, and for whatever other thing necessary, and, in short, all lands, waters, and places within the Republic of Nicaragua required for the construction, maintenance, use, and business of the canal, including a railway, from one terminus of the canal to the other, substantially parallel to and near the bank of the canal and along the southern shore of Lake Nicaragua, together with a telegraph line, should the United States decide to construct either said railway or telegraph line, or both, which shall be regarded for all purposes of this treaty as part of the canal so long as they are maintained.

ART. V. The work shall be declared one of public utility, and for the purposes of building and operating the canal, railway, and telegraph line, the Republic of Nicaragua undertakes to expropriate lands belonging to individuals. Any private property and real estate actually held by individuals or corporations which shall be taken or used by the United States for the construction of the canal or its accessories, or for their maintenance, shall be so taken upon condemnation and appraisal of the value of such property, and the Government of the United States will pay to the owners thereof the value fixed by a commission of assessors comprising three members, one of whom shall be appointed by the President of the United States, one by the President of Nicaragua, and the third to be chosen by these two jointly.

The United States or the board of managers hereafter provided for, as the case may be, shall have the right to take from the public lands of Nicaragua any materials whatever needed for the construction, preservation, maintenance, and use of the canal, and of its ports, dependencies, accessories, and



equipments. When materials are taken from private lands the United States or the said board of managers shall enjoy in their use all the rights the Republic of Nicaragua enjoys by law and usage.

As to the contract of the Government of Nicaragua with Mr. F. A. Pellas, relating to steam navigation, that Government engages that the said contract shall not be considered applicable to the necessary operations of either party to this convention in constructing or operating the canal, or any part of it, during the time the contract has yet to run, this exemption to include necessary canal work and transportation on Lake Nicaragua and the rivers of the Republic; further, the said Government of Nicaragua agrees that should the Government of the United States, during the period the said contract has yet to run, find it advisable to purchase the franchise, property, and rights now held by said Pellas by virtue of said contract, the said franchise, property, and rights shall be expropriated by the same form and under the same conditions as are fixed in this article for the expropriation of other private property.

Should the United States in the construction of the said works find it necessary to occupy any lands belonging to the Republic, they shall have the right to do so free of charge during such temporary occupation, and the land so occupied, if sold or otherwise alienated, shall be conveyed with the reservation of this temporary right of occupation by the United States.

ART. VI. The United States shall have the right throughout the extent of the canal, and of its accessories, dependencies, and adjuncts, as well as at its mouths on both oceans, and in the lake and rivers which the canal route may traverse, and that may be used in any manner in connection with the canal construction, to enter upon work of any kind whatsoever deemed necessary by the engineers for the construction of a safe, effective, durable, and speedy route for the transit of vessels from ocean to ocean, without let or hindrance of any kind from the Government or people of the Republic of Nicaragua; and also for the construction of the said railway and telegraph line.

ART. VII. A strip of territory  $\frac{1}{2}$  English miles in width, the middle of this strip to coincide with the center line of the canal, and also a strip  $\frac{1}{2}$  miles wide around the southern end of the lake where the lake is used as a water course for the canal, as well as a strip  $\frac{1}{2}$  miles wide along the river where the river is used as a part of the canal, shall be set aside for the work and owned by the two contracting parties, and where the railway and telegraph line aforesaid may of necessity pass beyond the bounds of such strip of land a plot one-half of a mile in width, whose center line shall coincide with the railway outside of the belt reserved for the canal, shall also be set aside and owned. And all the land in this article referred to shall be subject to the agreement heretofore made as to lands, when owned by the State or by private individuals, necessarily used in the prosecution of the work; but the said lands in this article described shall not include towns, villages, or cities now in existence. In such case only that part shall be considered as embraced in this article as is absolutely essential to the economical prosecution or administration of the work. Over these strips in time of peace Nicaragua shall exercise civil jurisdiction, and its inhabitants shall not in any way be considered as impaired in their rights as citizens of the Republic.

ART. VIII. No custom-house tolls or other taxes or impositions of any sort or kind shall be levied by the Government of Nicaragua upon any vessels passing the canal, their cargoes, stores, passengers, crews, or baggage, or for unloading, loading, docking, or repairing vessels, it being the intent of this agreement that vessels, their cargoes, passengers, and crews, shall pass the canal free of any charge other than that imposed upon them by the two Governments in their capacities as owners of the work. Nicaragua may, however, provide a police system along the line of the canal to keep the peace and to prevent smuggling into her territory, the reasonable cost of which, as approved from time to time by the board of managers, shall be a charge upon the revenues of the canal.

The board of managers shall have the right to discharge and reload ships in transit, at such points as may be convenient, in order to make repairs, or to lighten the vessel, or to shift cargo, by reason of any cause rendering any of these acts necessary, or may tranship cargo without being subject to search, exactions, duties, or taxes of any kind; but before beginning such operations notice thereof must be given to the nearest customs authority.

ART. IX. The Government of the Republic of Nicaragua, in conformity with the laws, shall lend its protection to the engineers, contractors, agents, employees, and laborers employed in the construction, maintenance, and management of the canal and its accessories, and they shall be wholly exempt from military requisitions and forced loans; but if any such persons shall acquire real estate outside the strips provided for in Article VIII hereof they shall be subject to the taxes fixed by law.

The Government of Nicaragua guarantees to the canal and its accessories, and to its agents of all classes, security under the laws of the country against domestic acts of hostility, in the same degree as in the case of other inhabitants, employing all its powers for their protection.

ART. X. All contracts for the construction, maintenance, and management of the canal and its accessories may be enforced according to the laws of Nicaragua and the provisions of this convention.

ART. XI. The canal and its accessories and dependencies of every kind shall be exempt, in peace and in war, from every form of taxation upon real or personal property acquired in virtue of this convention, and from every form of direct or indirect taxation, contributions, local taxes, or other dues in respect to the ownership and use of the canal and its accessories, or of the buildings, or constructions, or equipments, or appliances appertaining thereto, or to the ports and maritime establishments thereof anywhere in the Republic, and upon the lands set aside for the purposes of the canal and its accessories.

The Republic of Nicaragua binds itself not to establish tonnage dues, anchorage, light, wharf, or pilot dues, or charges of any class whatsoever upon vessels of whatever kind, or upon merchandise, or crews, or passengers, or gold or silver, or diamonds, or anything traversing the canal, all such dues being for the benefit of the two Governments in their capacity as joint owners and managers of the canal and its accessories; but merchandise, loaded or unloaded in any part of the canal or its accessories, coming from or destined to Nicaragua and intended for sale, shall pay dues for exportation or importation, fixed by the revenue laws of Nicaragua.

ART. XII. All articles necessary for the construction and repair of the canal and its accessories may be imported without duty or tax of any kind being laid thereon by the Government of Nicaragua, including such iron, steel, locomotives, cars, telegraph wires and instruments, tugs, dredges, and vessels or other things as may at any time be used in the construction, improvement, prosecution, or maintenance of the work, or in the maintenance or improvement of the same after its completion; and during the construction of the canal and its accessories, all supplies, whether personal or otherwise, except tobacco, spirits, or wines, used by those engaged in the work, shall be free of any customs or other tax, but no such supplies shall be permitted to be sold to those not actually engaged in the work, or to be smuggled into or sold in the interior.

All vessels in the service of the canal and its accessories, with their equipments and outfits, arriving at any port of Nicaragua from any point whatever, shall be free of all duties and port charges.

ART. XIII. For and in consideration of the preceding articles the United States of America agree to furnish the money and to build the said canal and

its accessories, including, if found advisable, the said railway and telegraph line, together with all docks, locks, machine shops, repair shops, annexes, machinery, feeders, etc., it being the intent of this agreement that the United States of America shall build and complete the canal, with everything appertaining thereto, for the safe and speedy passage of the vessels hereinbefore described, and for through communication between ocean and ocean, and such loading and repairing as may be necessary, at their sole cost and without expense to the Government of Nicaragua.

ART. XIV. The United States shall have exclusive control of the construction of the canal and railway and telegraph line if the same be built, and shall be invested with all the rights and powers necessary thereto. The management, care, and protection of the canal and its accessories, including the said railway and telegraph line if built, under the general supervision of the two Governments, shall be intrusted to a board of managers, which shall consist of six members, three of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, should the Senate be in session; or, should the Senate not be in session, the three members shall be appointed by the President subject to confirmation by the Senate at its next session, and three by the Republic of Nicaragua.

Any vacancy which may occur among the members of the board appointed by the President of the United States shall be filled by the said President, in the manner provided in the United States for filling vacant Government offices, and any vacancy which may occur among the members of the board appointed by the President of Nicaragua shall be filled by the said President in the manner provided in Nicaragua for filling vacant Government offices. This board shall be designated as soon as the canal is ready for traffic, and shall determine all questions by a majority vote. The chairman of the board shall be one of the members appointed by the President of the United States and designated as chairman by him, and in case of a tie the chairman shall have an additional vote.

This board shall be intrusted with the general executive management of the canal and its accessories, including said railway and telegraph line when built, and of all matters relating to the maintenance or improvement thereof; shall fix the tolls and provide rules and regulations for the management thereof; their action shall be, however, at all times, subject to a joint direction by the Presidents of the two Republics, which they shall be bound to implicitly obey. The said board of managers shall have the right and power to levy and collect for steamers, ships, and vessels of every class entering the canal or the ports at the canal entrances, and for passengers, merchandise, and cargo of all kinds, transit, navigation, tonnage, light, and port dues, as well as for towage, storage, anchorage, wharfage, and hospital dues and all other like fees.

The Government of Nicaragua guarantees the enforcement of the regulation so adopted by the board of managers as if issued by the Government of Nicaragua.

The tolls hereinbefore provided shall be equal as to vessels of the parties hereto and of all nations, except that vessels entirely owned and commanded by citizens of either one of the parties to this convention and engaged in its coasting trade may be favored.

Nicaraguan vessels, using a portion only of the canal, shall pay proportionate tolls, and shall pay no tolls where the canal shall use any part of any existing navigable waterway.

ART. XV. The books and affairs of the said board of managers shall be subject to such inspection or examination as the President of either Republic shall at any time direct. The board of managers shall, on the 1st days of January, April, July, and October in each and every year, make to the President of each Republic a full and complete report of their transactions during the preceding quarter, and the President of either Republic may at any time call upon them for such other or further information as he may deem expedient.

The board of managers shall appoint and remove all officers engaged upon the canal and its accessories, including the railway and telegraph line, and may make regulations for the appointment and removal of all subordinate employees.

ART. XVI. All the proceeds of the canal and its accessories, including said railway and telegraph line, shall be applied:

First. To the maintenance and improvement, if found necessary, of the works, including the salaries of the board of managers and all officers and others employed.

Second. The balance shall be paid to the two Governments in the following proportions, viz, to Nicaragua, one-third, and to the United States, two-thirds.

Liquidation of the accounts of the board of managers and payment of the balances herein prescribed shall be effected quarterly, on the 1st days of January, April, July, and October in each and every year.

ART. XVII. The Government of Nicaragua grants to the United States during the construction of the canal and its accessories, and to the board of managers thereafter, the right to use any of the ports of the Republic open to commerce as places of refuge for the vessels in the service of the canal and its accessories, or for any other vessels whatever having the right to pass the canal and wishing to anchor in said ports, and these vessels shall be free of all dues or charges of any kind on the part of the Republic of Nicaragua.

ART. XVIII. The United States frankly disavow any intention to in any way seek to impair the independent sovereignty of Nicaragua, or to aggrandize themselves at the expense of that State or of any of her sister Republics in Central America; but, on the contrary, desire to strengthen the power of free republics on this continent, and to promote and develop their prosperity and independence. Pursuant to this wish they have united with Nicaragua in the construction of this work, which will be of advantage not only to the two nations most intimately concerned, but to all those with whom they are on terms of friendship.

ART. XIX. If, in virtue of any existing treaty between the Republic of Nicaragua and a third power, privileges or rights are stipulated in favor of such third power in respect of an interoceanic transitway which may not be compatible with the terms of the present convention, the Republic of Nicaragua engages to terminate such treaty in due form by giving to the said third power the stipulated notification within two months from the date of the exchange of the ratifications hereof; and if such treaty between Nicaragua and any third power contains no termination clause, the Republic of Nicaragua engages to procure its abrogation or modification so as not to conflict with the present compact, and the United States will use their good offices if need be to the end of effecting such abrogation or modification.

ART. XX. The United States of America engage to begin effective work on the canal within two years from the exchange of ratifications of this treaty, and to complete the canal within ten years after beginning it, in default of which this treaty shall become inoperative. *Provided, however,* That should there arise insuperable obstacles to retard the work during this term it shall be prolonged in proportion to the time lost by reason of such obstacles. And further, if at the expiration of the said ten years the canal shall not be open to commerce between the two oceans, then, in consideration of the large capital invested in the work and of the good faith and ability shown, as well as of the difficulties encountered, the Republic of Nicaragua binds itself to extend this period so far as it is just and necessary.

ART. XXI. Any difficulties between the parties hereto shall be submitted



to the arbitration of a friendly power, if one can be agreed upon; or, failing such agreement, each party shall request a friendly nation to name an arbitrator, and the arbitrators thus named shall select a third. The decision of the arbitrating power, or a majority of the board of arbitrators, as the case may be, shall be final and conclusive.

ART. XXII. The United States will aid by their good offices, if desired, in securing the union of the five Central American Republics under one representative government, and the reorganization of the said Republics in one nationality being accomplished, the Central American Republics shall have the same rights and bear the same obligations as Nicaragua has and bears by virtue of this treaty.

ART. XXIII. It appearing that the financial condition of Nicaragua is prosperous, that the Republic is without incumbrance of debt, and that the Government finds it necessary to finish as soon as possible certain railways within the Republic, to extend its telegraph line, and to improve the navigation of the river San Juan, which enterprises will be of aid to the canal and favorable to its speedy construction and successful operation, the Government of the United States agrees to loan to the Government of Nicaragua the sum of \$4,000,000 to be applied to the above-enumerated projects. Of this amount \$1,000,000 shall be paid in the city of Washington within ninety days after the exchange of the ratifications of this convention, and the remaining \$3,000,000 in installments of \$500,000 each every six months thereafter until the whole amount shall have been paid; but a failure to pay any of these sums from accident or nonaction of Congress at the exact dates herein specified, such payments being made thereafter in good faith, shall not be held as affecting in any way the other engagements of this convention.

The Government of Nicaragua agrees that the Government of the United States shall be credited with and receive the share of Nicaragua in the net revenues of the canal to be applied to the payment of this loan until it shall have been entirely extinguished with the interest thereon at 3 per cent per annum from the dates when the several sums shall be received by Nicaragua, and the Republic of Nicaragua may vote yearly through its Congress an additional sum from the general revenues of the Republic to be applied to the payment of this loan and to aid in its speedy extinguishment.

And further, the Government of Nicaragua, assuming the repayment of said loan, binds itself to consider it, until extinguished, together with the interest thereon as hereinbefore provided, as a lien upon all rights of Nicaragua in the canal, its accessories and appliances, this lien to continue until the repayment of the sum so advanced with the interest, but the repayment is not to be exacted until ten years after the said canal shall have been completed and opened to commerce.

ART. XXIV. Neither of the parties to this convention shall sell, assign, or otherwise alienate or suffer itself to be deprived of its, or any part of its, interest, right, or property in or to the said canal, railway or telegraph line, should the same be built, or their or any other adjuncts or accessories or any of the works or establishments pertaining thereto without the consent of the other manifested by legislative enactment.

ART. XXV. This treaty is concluded subject to ratification by the proper constitutional authority of each party hereto and to the legislation by the appropriate legislative bodies of each which is necessary to carry it into effect. It shall be ratified as soon as possible, but within two years from its date, and the ratifications thereof shall be exchanged in the city of Washington within six months from the approval by the said legislative bodies of Nicaragua and of the United States of the present treaty.

In testimony whereof the undersigned plenipotentiaries have hereunto affixed their hands and seals.

Done in duplicate, in the English and Spanish languages, in Washington, this 1st day of December, in the year of our Lord, 1884.

FRED'K T. FRELINGHUYSEN. [SEAL.]  
JOAQU'N ZAVALA. [SEAL.]

#### APPENDIX E.

Chap. 1302.—An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

*Be it enacted, etc.,* That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding \$40,000,000, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than 68,863 shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained.

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as, in his judgment, will facilitate the general purpose hereof.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company \$40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of the vessels passing through the same from ocean to ocean; and he shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for

defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections 1 and 2 of this act within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall, through the said Isthmian Canal Commission, cause to be excavated and constructed a ship canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean.

Said canal shall be of sufficient capacity and depth to afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

The President shall cause the said Isthmian Canal Commission to make such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated by either route so selected.

And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of \$135,000,000 should the Panama route be adopted, or \$180,000,000 should the Nicaragua route be adopted.

SEC. 6. That in any agreement with the Republic of Colombia, or with the States of Nicaragua and Costa Rica, the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy.

Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act.

Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress; and the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of \$130,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of \$20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty years from such date, and bearing interest payable quarterly in gold coin at the rate of 2 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Approved June 28, 1902.

Mr. MORGAN. I move the reference of the concurrent resolution to the Committee on Foreign Relations.

The motion was agreed to.



## EXECUTIVE SESSION.

Mr. CULLOM. I understand that some Senators desire to have a brief executive session. 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 five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 26, 1904, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate January 25, 1904.*

## ASSAYER.

H. Smith Woolley, of Idaho, to be assayer of the United States assay office at Boise City, Idaho, to succeed John W. Cunningham, removed.

## POSTMASTERS.

## CALIFORNIA.

J. E. Olmsted to be postmaster at Petaluma, in the county of Sonoma and State of California, in place of James L. Dinwiddie. Incumbent's commission expired January 17, 1903.

## COLORADO.

Paul J. Sours to be postmaster at Denver, in the county of Denver and State of Colorado, in place of John C. Twombly. Incumbent's commission expired January 23, 1904.

## DELAWARE.

Charles C. Tomlinson to be postmaster at Delmar, in the county of Sussex and State of Delaware. Office became Presidential January 1, 1904.

## GEORGIA.

A. I. Haynes to be postmaster at Wrightsville, in the county of Johnson and State of Georgia. Office became Presidential January 1, 1904.

## ILLINOIS.

Joseph H. Hunt to be postmaster at Byron, in the county of Ogle and State of Illinois. Office became Presidential January 1, 1904.

William A. McKnight to be postmaster at Alexis, in the county of Warren and State of Illinois, in place of William A. McKnight. Incumbent's commission expires January 29, 1904.

## INDIANA.

Edward C. Faith to be postmaster at Washington, in the county of Daviess and State of Indiana, in place of Frank I. Sefrit, resigned.

## IOWA.

Walter M. Cousins to be postmaster at Alden, in the county of Hardin and State of Iowa, in place of Charles L. Hartinger. Incumbent's commission expired January 17, 1904.

## MAINE.

George R. Foster to be postmaster at Lisbon Falls, in the county of Androscoggin and State of Maine, in place of George R. Foster. Incumbent's commission expired January 18, 1904.

Rufus C. Reed to be postmaster at Damariscotta, in the county of Lincoln and State of Maine, in place of Rufus C. Reed. Incumbent's commission expired January 18, 1904.

## MASSACHUSETTS.

George P. Bliss to be postmaster at Florence, in the county of Hampshire and State of Massachusetts, in place of George P. Bliss. Incumbent's commission expires February 2, 1904.

## MICHIGAN.

Frank A. Peavey to be postmaster at Upton Works, in the county of St. Clair and State of Michigan, in place of Frank A. Peavey. Incumbent's commission expires February 2, 1904.

## MISSOURI.

John N. Bishop to be postmaster at Ironton, in the county of Iron and State of Missouri, in place of John N. Bishop. Incumbent's commission expired February 14, 1903.

William C. Gardner to be postmaster at Billings, in the county of Christian and State of Missouri. Office became Presidential January 1, 1904.

George E. Muns to be postmaster at Montgomery City, in the county of Montgomery and State of Missouri, in place of Eugene B. Pegram. Incumbent's commission expired January 3, 1904.

## NEBRASKA.

Joshua H. Evans to be postmaster at Callaway, in the county of Custer and State of Nebraska. Office became Presidential January 1, 1904.

## NORTH CAROLINA.

John S. Hasty to be postmaster at Monroe, in the county of Union and State of North Carolina, in place of John S. Hasty. Incumbent's commission expired April 4, 1902.

Samuel M. Jones to be postmaster at Sanford, in the county of Moore and State of North Carolina, in place of Isaac H. Lutterloh. Incumbent's commission expired January 17, 1904.

## PENNSYLVANIA.

C. V. L. McMinn to be postmaster at Newberry, in the county of Lycoming and State of Pennsylvania, in place of George D. Leonard. Incumbent's commission expired January 18, 1904.

Robert H. Sloan to be postmaster at Clairton, in the county of Allegheny and State of Pennsylvania. Office became Presidential January 1, 1904.

## SOUTH CAROLINA.

Elizabeth L. Bampfield to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina, in place of Elizabeth L. Bampfield. Incumbent's commission expires February 2, 1904.

## TEXAS.

John B. Baker to be postmaster at Haskell, in the county of Haskell and State of Texas. Office became Presidential January 1, 1904.

David W. Barnhill to be postmaster at Uvalde, in the county of Uvalde and State of Texas, in place of David W. Barnhill. Incumbent's commission expired December 14, 1903.

Wesley J. Clarke to be postmaster at Dalhart, in the county of Dallam and State of Texas. Office became Presidential April 1, 1903.

David Doole, jr., to be postmaster at Brady, in the county of McCulloch and State of Texas. Office became Presidential January 1, 1904.

Carl E. Ericson to be postmaster at El Campo, in the county of Wharton and State of Texas, in place of Carl E. Ericson. Incumbent's commission expired December 14, 1903.

Alice S. Farmer to be postmaster at De Leon, in the county of Comanche and State of Texas. Office became Presidential January 1, 1904.

Henry C. Ford to be postmaster at Whitney, in the county of Hill and State of Texas. Office became Presidential January 1, 1904.

James Gipson to be postmaster at Coleman, in the county of Coleman and State of Texas, in place of James Gipson. Incumbent's commission expired December 14, 1903.

Andrew J. Harrison to be postmaster at Goldthwaite, in the county of Mills and State of Texas, in place of Andrew J. Harrison. Incumbent's commission expired December 14, 1903.

C. M. Hughs to be postmaster at Wharton, in the county of Wharton and State of Texas, in place of Christen S. Bodenhamer, removed.

William C. Hurley to be postmaster at Sulphur Springs, in the county of Hopkins and State of Texas, in place of William C. Hurley. Incumbent's commission expired December 14, 1903.

William H. King to be postmaster at Whitewright, in the county of Grayson and State of Texas, in place of William H. King. Incumbent's commission expired December 14, 1903.

Julius Laux to be postmaster at Flatonia, in the county of Fayette and State of Texas, in place of Julius Laux. Incumbent's commission expired December 14, 1903.

William N. Merritt to be postmaster at Nocona, in the county of Montague and State of Texas, in place of William N. Merritt. Incumbent's commission expired December 14, 1903.

Orion L. Nicolls to be postmaster at Marfa, in the county of Presidio and State of Texas. Office became Presidential October 1, 1903.

Frank H. Pierce to be postmaster at Laredo, in the county of Webb and State of Texas, in place of Frank H. Pierce. Incumbent's commission expired December 14, 1903.

Clarence V. Rattan to be postmaster at Cooper, in the county of Delta and State of Texas, in place of Clarence V. Rattan. Incumbent's commission expired December 19, 1903.

Isham Russell to be postmaster at Winnsboro, in the county of Wood and State of Texas, in place of Isham Russell. Incumbent's commission expired December 14, 1903.

Joel B. Sharpe to be postmaster at Brownsville, in the county of Cameron and State of Texas, in place of Joel B. Sharpe. Incumbent's commission expired December 14, 1903.

Harper Simpson to be postmaster at Edna, in the county of Jackson and State of Texas, in place of Harper Simpson. Incumbent's commission expired January 10, 1903.

John S. Snook to be postmaster at Caldwell, in the county of Burleson and State of Texas, in place of John S. Snook. Incumbent's commission expired December 14, 1903.

George H. Sparenberg to be postmaster at Big Spring, in the county of Howard and State of Texas, in place of George H. Sparenberg. Incumbent's commission expired December 14, 1903.

Charlie B. Starkie to be postmaster at Holland, in the county of Bell and State of Texas. Office became Presidential January 1, 1904.



George F. Taylor to be postmaster at Royse City, in the county of Rockwall and State of Texas. Office became Presidential January 1, 1904.

## WEST VIRGINIA.

James F. Strother to be postmaster at Welch, in the county of McDowell and State of West Virginia. Office became Presidential October 1, 1901.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 25, 1904.*

## POSTMASTERS.

## ARKANSAS.

Lulu V. Cox to be postmaster at Fordyce, in the county of Dallas and State of Arkansas.

John Edwards to be postmaster at Gurdon, in the county of Clark and State of Arkansas.

Adolphus G. Leming to be postmaster at Waldron, in the county of Scott and State of Arkansas.

## ILLINOIS.

August J. Beger to be postmaster at Nauvoo, in the county of Hancock and State of Illinois.

Anna A. Buntin to be postmaster at Bushnell, in the county of McDonough and State of Illinois.

Eugene L'Hote to be postmaster at Milford, in the county of Iroquois and State of Illinois.

## INDIAN TERRITORY.

Hubbard Ross to be postmaster at Fort Gibson, in the Cherokee Nation, Ind. T.

## KANSAS.

B. L. Taft to be postmaster at Parsons, in the county of Labette and State of Kansas.

## KENTUCKY.

John H. Hankla to be postmaster at Junction City, in the county of Boyle and State of Kentucky.

## MARYLAND.

Richard E. Bouldin to be postmaster at Bel Air, in the county of Harford and State of Maryland.

## NEBRASKA.

John H. Crowder to be postmaster at Gordon, in the county of Sheridan and State of Nebraska.

Williams T. Owens to be postmaster at Loup City, late Loup, in the county of Sherman and State of Nebraska.

Marion E. Richardson to be postmaster at Clarks, in the county of Merrick and State of Nebraska.

Daniel N. Wonder to be postmaster at Blue Springs, in the county of Gage and State of Nebraska.

## NEW JERSEY.

William C. Howell to be postmaster at Blairstown, in the county of Warren and State of New Jersey.

Daniel M. Merchant to be postmaster at Morris Plains, in the county of Morris and State of New Jersey.

Thomas Moritz to be postmaster at Glenridge, in the county of Essex and State of New Jersey.

William G. Simpson to be postmaster at High Bridge, in the county of Hunterdon and State of New Jersey.

## NEW MEXICO.

Charles O. Leach to be postmaster at Portales, in the county of Roosevelt and Territory of New Mexico.

## NEW YORK.

Robert G. Anderson to be postmaster at Freeport, in the county of Nassau and State of New York.

Albert H. Clark to be postmaster at Silver Springs, in the county of Wyoming and State of New York.

Charles H. Cutler to be postmaster at Au Sable Forks, in the county of Essex and State of New York.

William J. Guthrie to be postmaster at Philadelphia, in the county of Jefferson and State of New York.

Thomas A. McWhinney to be postmaster at Lawrence, in the county of Nassau and State of New York.

Dudley S. Mersereau to be postmaster at Union, in the county of Broome and State of New York.

Charles H. Whitson to be postmaster at Briarcliff Manor, in the county of Westchester and State of New York.

## NORTH DAKOTA.

Henry Engelter to be postmaster at New Salem, in the county of Morton and State of North Dakota.

Wallace Galehouse to be postmaster at Carrington, in the county of Foster and State of North Dakota.

Jens A. Lyngved to be postmaster at Esmond, in the county of Benson and State of North Dakota.

Edwin H. Wiper to be postmaster at Bowdon, in the county of Wells and State of North Dakota.

## OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, in the county of Caddo and Territory of Oklahoma.

## VERMONT.

Mary W. Chase to be postmaster at Derby Line, in the county of Orleans and State of Vermont.

## VIRGINIA.

William H. Mosby to be postmaster at Bedford City, in the county of Bedford and State of Virginia.

## WEST VIRGINIA.

America M. Baldwin to be postmaster at St. Albans, in the county of Kanawha and State of West Virginia.

George M. Right to be postmaster at Belington, in the county of Barbour and State of West Virginia.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 25, 1904.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

## CARRIAGES, ETC., USED BY THE STATE DEPARTMENT.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I submit a privileged report. I am instructed by the Committee on Expenditures in the State Department to report back the resolution (H. Res. 150) with a substitute therefor, which I send to the Clerk's desk, and I ask for its immediate consideration.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

*Resolved*, That the Secretary of State be, and he is hereby, requested to furnish to this House, at his earliest convenience, a statement showing the number of horses, carriages, and automobiles maintained at Government expense for the officials of his Department, together with a statement showing the cost of said horses, carriages, automobiles, and harness, the date of purchase, from what fund the payment was made, and the amount of wages paid to men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification; also, the list of officials entitled to the use of said carriages and the date when such service was inaugurated.

Mr. KLUTTZ. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. I yield for a question.

Mr. KLUTTZ. Does that include automobiles?

Mr. ADAMS of Pennsylvania. Automobiles are included.

Mr. HITCHCOCK. Mr. Speaker—

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. ADAMS of Pennsylvania. I yield for a question.

Mr. HITCHCOCK. I would like to ask the chairman of the committee to offer an amendment to the resolution so as to make it apply to coachmen, footmen, and chauffeurs during the past calendar year. I would like to say that the resolution as originally drawn by me contained that clause, but as written out by my stenographer those words were omitted, and the omission of those words will leave a serious loophole for failure to get at the necessary information.

Mr. ADAMS of Pennsylvania. In reply I will state to the gentleman that I have no authority to accept that amendment; and I will state that this is precisely in the language of the resolutions of inquiry passed heretofore with reference to the other Departments and have received the commendation of the House.

Mr. HITCHCOCK. I would like to inquire whether it is in order for me to offer an amendment to the substitute.

The SPEAKER. Well, the gentleman from Pennsylvania has the floor.

Mr. ADAMS of Pennsylvania. And I decline to yield for an amendment.

The SPEAKER. The gentleman declines to yield for an amendment.

Mr. ADAMS of Pennsylvania. I demand the previous question on the resolution.

Mr. HITCHCOCK. Then I would like the yeas and nays on that question.

The SPEAKER. The gentleman demands the yeas and nays. The yeas and nays were ordered.

Mr. ROBINSON of Indiana. I would ask the Clerk to again report the resolution.

The SPEAKER. The Clerk will call the roll. Pending that, without objection, the resolution will be again reported.

The resolution was again reported.

Mr. HITCHCOCK. Now, Mr. Speaker—

The SPEAKER. The gentleman is not in order.

Mr. HITCHCOCK. I desire to make a parliamentary inquiry.

Mr. TAWNEY. A parliamentary inquiry.



The SPEAKER. The gentleman from Nebraska will state his parliamentary inquiry.

Mr. HITCHCOCK. I desire to know whether it would be in order for me to ask unanimous consent to present this amendment, and cut the matter short. If it is, I desire to ask unanimous consent.

Mr. PAYNE. Regular order.

The SPEAKER. The regular order is demanded. For what purpose does the gentleman from Minnesota rise?

Mr. TAWNEY. Are we to have a vote upon the resolution reported by the Committee on Foreign Affairs—

The SPEAKER. The regular order is demanded.

Mr. TAWNEY. Or the resolution which the gentleman offered as a substitute?

The SPEAKER. The vote is on ordering the previous question on the resolution reported by the Committee on Foreign Affairs—

Mr. ADAMS of Pennsylvania. The Committee on Expenditures in the State Department.

The SPEAKER (continuing). In lieu of the resolution referred to the committee. The Clerk will call the roll.

The question was taken; and there were—yeas 126, nays 100, answered "present" 9, not voting 147, as follows:

YEAS—126.

Table listing names of members voting 'Yeas' in two columns. Includes names like Acheson, Adams, Pa., Adams, Wis., Allen, Ames, Babcock, Bartholdt, Bates, Bede, Beidler, Bingham, Birdsall, Bishop, Boutell, Bowersock, Brown, Wis., Brownlow, Burke, Burkett, Burton, Butler, Pa., Calderhead, Campbell, Conner, Currier, Curtis, Cushman, Dalzell, Davidson, Davis, Minn., Dick, Douglas, Draper, Dresser, Driscoll, Dwight, Esch, Fordney, Foster, Vt., Fuller, Gaines, W. Va., Gardner, Mass., Gibson, Gillett, Cal., Graff, Greene, Grosvenor, Hamilton, Haskins, Hedge, Hemenway, Henry, Conn., Hepburn, Hildebrandt, Hill, Conn., Hinshaw, Hitt, Hogg, Holliday, Howell, N. J., Howell, Utah, Huff, Hull, Humphrey, Wash., Jones, Wash., Kennedy, Kinkaid, Knapp, Knopf, Kyle, Lafean, Littauer, Littlefield, Longworth, Londsager, McCarthy, McCleary, Minn., McCreary, Pa., McLachlan, McMorran, Mann, Marsh, Marshall, Martin, Miller, Minor, Mondell, Moon, Pa., Morgan, Morrell, Mudd, Needham, Nevin, Norris, Ohmsted, Otjen, Overstreet, Palmer, Parker, Payne, Pearre, Perkins, Powers, Me., Powers, Mass., Reeder, Rodenberg, Scott, Slemp, Smith, Pa., Southard, Southwick, Spalding, Sperry, Stafford, Sterling, Stevens, Minn., Sulloway, Tawney, Tirrell, Townsend, Volstead, Warnock, Wilson, Ill., Woodyard, Wright, Young.

NAYS—100.

Table listing names of members voting 'Nays' in two columns. Includes names like Badger, Baker, Bankhead, Bartlett, Benny, Bowers, Bowie, Caldwell, Candler, Clark, Clayton, Cochran, Cowherd, Davis, Fla., De Armond, Denny, Dinsmore, Dougherty, Field, Finley, Fitzpatrick, Flood, Gaines, Tenn., Garber, Garner, Gregg, Griffith, Griggs, Gudger, Hamlin, Hardwick, Hay, Henry, Tex., Hill, Miss., Hitchcock, Hughes, N. J., Humphreys, Miss., Hunt, James, Johnson, Kitchin, Claude, Kitchin, Wm. W., Kluttz, Lamar, Mo., Lester, Lever, Lewis, Lind, Little, Livernash, Lucking, Macon, Maddox, Moon, Tenn., Padgett, Page, Patterson, N. C., Patterson, Tenn., Pierce, Pinckney, Pou, Randall, Tex., Ransdell, La., Rhea, Richardson, Ala., Rider, Rixey, Robinson, Ark., Robinson, Ind., Russell, Ryan, Shackelford, Shafroth, Sheppard, Sherley, Shober, Sims, Slayden, Small, Smith, Ky., Smith, Tex., Snook, Spight, Stephens, Tex., Sullivan, N. Y., Sulzer, Talbott, Tate, Taylor, Thayer, Thomas, N. C., Thompson, Underwood, Wade, Wallace, Webb, Weisse, Williams, Ill., Williams, Miss., Wynn.

ANSWERED "PRESENT"—9.

Table listing names of members who answered 'Present'. Includes names like Adamson, Brantley, Cassingham, Deemer, Jenkins, Kehoe, Mahon, Miers, Ind., Reid.

NOT VOTING—147.

Table listing names of members who did not vote in two columns. Includes names like Aiken, Alexander, Bassett, Beall, Tex., Bell, Cal., Benton, Bradley, Brandegee, Breazeale, Brick, Brooks, Broussard, Brown, Pa., Brundidge, Buckman, Burgess, Burleigh, Burleson, Burnett, Dickerman, Dixon, Dvener, Dunwell, Emerich, Evans, Fitzgerald, Flack, Foss, Foster, Ill., Fowler, French, Gardner, Mich., Gardner, N. J., Gilbert, Gillespie, Gillet, N. Y., Gillett, Mass., Glass, Goebel, Goldfogle, Gooch, Goulden, Granger, Harrison, Haugen, Hearst, Hermann, Hopkins, Houston, Howard, Howell, Pa., Hughes, W. Va., Hunter, Jackson, Md., Jackson, Ohio, Jones, Va., Keliher, Ketcham, Kline, Lacey, Lamar, Fla., Lamb, Landis, Chas. B., Landis, Frederick, Lanning, Lawrence, Legare, Lilley, Lindsay, Livingston, Lloyd, Lorimer, Loud, Lovering, McAndrews, McCall, McDermott, McLain, McNary, Mahoney, Maynard, Metcalf, Meyer, La., Murdock, Otis, Patterson, Pa., Porter, Prince, Pujo, Rainey, Richardson, Tenn., Robb, Roberts, Robertson, La., Rucker, Ruppert, Scarborough, Souder, Sherman, Shiras, Shull, Sibley, Smith, Ill., Smith, Iowa, Smith, Samuel W., Smith, Wm. Alden, Smith, N. Y., Snapp, Southall, Sparkman, Steenerson, Sullivan, Mass., Swanson, Thomas, Iowa, Trimble, Vandiver, Van Duzer, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Warner, Watson, Weems, Wiley, Ala., Wiley, N. J., Williamson, Wilson, N. Y., Zenor.

Table listing names of members who did not vote in two columns. Includes names like Hunter, Jackson, Md., Jackson, Ohio, Jones, Va., Keliher, Ketcham, Kline, Lacey, Lamar, Fla., Lamb, Landis, Chas. B., Landis, Frederick, Lanning, Lawrence, Legare, Lilley, Lindsay, Livingston, Lloyd, Lorimer, Loud, Lovering, McAndrews, McCall, McDermott, McLain, McNary, Mahoney, Maynard, Metcalf, Meyer, La., Murdock, Otis, Patterson, Pa., Porter, Prince, Pujo, Rainey, Richardson, Tenn., Robb, Roberts, Robertson, La., Rucker, Ruppert, Scarborough, Souder, Sherman, Shiras, Shull, Sibley, Smith, Ill., Smith, Iowa, Smith, Samuel W., Smith, Wm. Alden, Smith, N. Y., Snapp, Southall, Sparkman, Steenerson, Sullivan, Mass., Swanson, Thomas, Iowa, Trimble, Vandiver, Van Duzer, Van Voorhis, Vreeland, Wachter, Wadsworth, Wanger, Warner, Watson, Weems, Wiley, Ala., Wiley, N. J., Williamson, Wilson, N. Y., Zenor.

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

- Mr. SHERMAN with Mr. RUPPERT.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.
Mr. DEEMER with Mr. SHULL.

Until further notice:

- Mr. CAPRON with Mr. GRANGER.
Mr. WARNER with Mr. BREAZEALE.
Mr. MAHON with Mr. HOUSTON.
Mr. LANNING with Mr. VANDIVER.
Mr. DOVENER with Mr. DAVEY of Louisiana.
Mr. WATSON with Mr. ZENOR.
Mr. WADSWORTH with Mr. LAMB.
Mr. SMITH of Iowa with Mr. STANLEY.
Mr. VAN VOORHIS with Mr. CASSINGHAM.
Mr. EVANS with Mr. GILLESPIE.
Mr. BRANDEGEE with Mr. LLOYD.
Mr. LOUD with Mr. LAMAR of Florida.
Mr. FREDERICK LANDIS with Mr. CROWLEY.
Mr. CASSEL with Mr. GOOCH.
Mr. BUCKMAN with Mr. GILBERT.
Mr. BRICK with Mr. MIERS of Indiana.
Mr. ALEXANDER with Mr. SPARKMAN.
Mr. BURLEIGH with Mr. BRANTLEY.
Mr. CROMER with Mr. GRIFFITH.

For one week from January 21:

Mr. LORIMER with Mr. SWANSON.

For one week from January 22:

Mr. CRUMPACKER with Mr. BURLESON.

For this day:

- Mr. ROBERTS with Mr. KELIHER.
Mr. FLACK with Mr. BENTON.
Mr. OTIS with Mr. JONES of Virginia.
Mr. SIBLEY with Mr. HARRISON.
Mr. DANIELS with Mr. BELL of California.
Mr. PORTER with Mr. AIKEN.
Mr. BROWN of Pennsylvania with Mr. CROFT.
Mr. DUNWELL with Mr. KEHOE.
Mr. VREELAND and Mr. HEARST.
Mr. CHARLES B. LANDIS with Mr. HOWARD.
Mr. GILLETT of Massachusetts with Mr. RICHARDSON of Tennessee.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHIRAS with Mr. PUJO.

Mr. GARDNER of Michigan with Mr. GLASS.

Mr. FRENCH with Mr. EMERICH.

Mr. WM. ALDEN SMITH with Mr. MAYNARD.

Mr. SMITH of New York with Mr. BEALL of Texas.

Mr. WACHTER with Mr. McNARY.

Mr. WILEY of New Jersey with Mr. WILSON of New York.

Mr. WEEMS with Mr. WILEY of Alabama.

Mr. WILLIAMSON with Mr. REID.

Mr. THOMAS of Iowa with Mr. VAN DUZER.

Mr. STEENERSON with Mr. TRIMBLE.

Mr. SAMUEL W. SMITH with Mr. SOUTHWALL.

Mr. SMITH of Illinois with Mr. SCUDDER.

Mr. PRINCE with Mr. SCARBOROUGH.

Mr. METCALF with Mr. ROBERTSON of Louisiana.

Mr. McCALL with Mr. RAINEY.

Mr. LOVERING with Mr. ROBB.

Mr. LILLEY with Mr. MAHONEY.

Mr. LAWRENCE with Mr. McLAIN.

Mr. JENKINS with Mr. LIVINGSTON.

Mr. KETCHAM with Mr. LINDSAY.

Mr. HUNTER with Mr. LEGARE.

Mr. HUGHES of West Virginia with Mr. KLINE.

Mr. HERMANN with Mr. HOWELL of Pennsylvania.

Mr. HAUGEN with Mr. HOPKINS.



Mr. GOEBEL with Mr. FOSTER of Illinois.  
 Mr. GILLET of New York with Mr. GOLDFOGLE.  
 Mr. GARDNER of New Jersey with Mr. FITZGERALD.  
 Mr. FOWLER with Mr. BUTLER of Missouri.  
 Mr. FOSS with Mr. COOPER of Texas.  
 Mr. DARRAGH with Mr. BURNETT.  
 Mr. CROMER with Mr. BURGESS.  
 Mr. COUSINS with Mr. BROUSSARD.  
 Mr. COOPER of Wisconsin with Mr. BRUNDIDGE.  
 Mr. COOPER of Pennsylvania with Mr. MCANDREWS.  
 Mr. BROOKS with Mr. BASSETT.  
 Mr. WANGER with Mr. ADAMSON.

On this vote:

Mr. JACKSON of Maryland with Mr. SULLIVAN of Massachusetts.  
 Mr. MURDOCK with Mr. RUCKER.  
 Mr. LACEY with Mr. MCDERMOTT.  
 Mr. CASSINGHAM. Mr. Speaker, when my name was called I voted "no." I am paired with the gentleman from Ohio, Mr. VAN VOORHIS. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name. The Clerk called the name of Mr. CASSINGHAM, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

The resolution was agreed to.

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

#### LIMIT OF NAVIGATION OF THE OSAGE RIVER IN MISSOURI.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7620) defining the limit of navigation of the Osage River in the State of Missouri.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Osage River in the State of Missouri above the point where the south line of sections 15 and 16 in township 40 north, of range 22 west, of the fifth principal meridian, and in the county of Benton, State of Missouri, crosses said river, is hereby declared not to be a navigable stream, and shall be so treated by the Secretary of War and by all other authorities.

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

Mr. BURTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how this comes before the House?

Mr. HAMLIN. This bill, Mr. Speaker, only fixes the head of navigation of the Osage River. The river runs through the county of Benton, and is at that point very small. It has not been navigable for years, if it ever was, and the county seat of that county is on the banks of this river. A large part of the people live on the opposite side of the river. Under the present condition of things the county can not build bridges over the river, and they seek to fix the limit below the town, so that bridges can be built for their accommodation. There is a favorable report from the Secretary of War, and I certainly can not see that there can be any objection to the bill.

Mr. BURTON. I should like to ask the gentleman the distance at which these proposed bridges are to be located from the upper lock in the river?

Mr. HAMLIN. I can not give the distance, but it is a long distance from the mouth of the river, where it enters into the Missouri.

Mr. SHACKLEFORD. There is only one lock, let me say to the gentleman, in the Osage River, and that is something like 150 miles below the head of navigation, as asked for in this bill.

Mr. BURTON. Why is this method selected of declaring the river not to be navigable instead of bringing in a bill asking authority for the construction of bridges across the river at that place?

Mr. HAMLIN. As a matter of fact, the river is not navigable that high up. No large boat has passed up the river, neither can one pass, except perhaps once in ten years, when there is an overflow in the river. It is not navigable at all, and can not be made so. There is no disposition to make it so. If the river is declared not navigable at this place, the county can go on and build bridges across it for the benefit of the people.

Mr. BURTON. Railway bridges or highway bridges?

Mr. HAMLIN. Highway bridges for wagons and teams. The river is not navigable at this place, and, as a matter of fact, never has been.

Mr. DENNY. I would like to ask the gentleman if the river at this place is above Osceola?

Mr. HAMLIN. It is just below.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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

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

#### BRIDGE OVER THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5761) to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River. This bill is a revival of the bill passed heretofore, and I ask unanimous consent that the part stricken out may be omitted and the part that is proposed to be legislated upon be read alone.

The SPEAKER. The Clerk will report the amendment in the shape of a substitute.

The Clerk read as follows:

That the act of Congress approved March 3, 1901, entitled "An act to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River," which act has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 7 of the said act is hereby amended to read as follows: "SEC. 7. That this act shall be null and void unless the construction of such bridge shall be commenced within one year and completed within three years from March 3, 1904."

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

Mr. DALZELL. Mr. Speaker, this bill has been reported by the Committee on Interstate and Foreign Commerce.

Mr. HEPBURN. Mr. Speaker, I think there is no objection to this bill, as it will preclude all further bridges on the Monongahela River. After this the river will run through a channel covered substantially by bridges. [Laughter.]

Mr. DALZELL. Oh, no, Mr. Speaker; I want to say to my friend from Iowa that I have two or three more. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment in the nature of a substitute was agreed to.

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

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

#### DISTRICT DAY.

Mr. BABCOCK. Mr. Speaker, under the rules of the House I believe this is District day.

Mr. HULL. Mr. Speaker, before the gentleman proceeds, I wish to ask him if he is not willing to accept next Monday in place of to-day for the consideration of matters respecting the District, as I am very anxious to go on with the army appropriation bill, and want to finish it to-day, if possible.

Mr. BABCOCK. Mr. Speaker, I would say that we have quite a number of important measures which relate strictly to legislation in the District, but I am desirous of doing anything that will help forward the business of the House, and if I can get unanimous consent to use next Monday instead of to-day, I will be glad to concede to-day to the Committee on Military Affairs.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to substitute next Monday in lieu of to-day for District day. Is there objection?

There was no objection.

#### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10670, the army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10670, the army appropriation bill, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase of supplies for the Quartermaster's Department, including regular supplies, incidental expenses, barracks and quarters, transportation of the militia and its supplies, clothing and equipage, leases of land and damages of property, \$800,000.

Mr. HULL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reported the amendment, as follows:

On page 13, line 13, after the word "Quartermaster's," insert the words "and Ordnance."

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

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

Mr. HULL. I wish also, Mr. Chairman, to have a verbal correction made, to make the reading of the bill conform to the amendment which has just been passed. The word "Department" should be "Departments."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.



The Clerk read as follows:

The sum hereby appropriated for the expenses of the organized militia for such joint encampment, maneuvers, and field instruction shall be disbursed as, and for that purpose shall constitute, one fund; and the Secretary of War shall hereafter forward to Congress at its next session a detailed statement of the expenses of such encampments and maneuvers.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment, which I will send to the desk, and ask to have read.

The Clerk read as follows:

On page 13, line 25, after the word "maneuvers," insert "and said sum shall be so apportioned and expended as to prevent deficiencies therein."

Mr. HULL. Does the gentleman desire to be heard on that amendment? I do not think it ought to be adopted.

Mr. HEMENWAY. Mr. Chairman, I certainly approve the action of the Committee on Military Affairs, and evidently every Member of this House does, in putting in this provision which has just been read. As I understand it, prior to this time this sum was paid out of a general appropriation for the Army.

Mr. HULL. It was last year.

Mr. HEMENWAY. The Committee on Military Affairs, in place of allowing it to be paid in that way, specified the amounts that shall be used for this particular purpose. I fear that the purpose desired to be accomplished will be defeated unless that committee goes further and says that the sum shall be so apportioned as to prevent deficiencies. I think if the chairman of the Committee on Military Affairs will stop to think for a moment he will agree with me that, following the practice of these Departments, they will go ahead and create deficiencies for this item. I have no doubt it was the intention of the Committee on Military Affairs, when it reported this item and made this appropriation, to confine this particular service to the use of the appropriation which was made, and I simply seek now to confine the Department to it and to prevent them from creating deficiencies.

Mr. HULL. Mr. Chairman, I have full sympathy with the general idea of preventing deficiencies, and the idea of the Committee on Military Affairs, I think I can say, was to make the Department report in such detail the cost of the militia in connection with the Army at these general maneuvers that the whole country might have the information as to what these different maneuvers cost; but it is impossible for the Department, with the small experience they have had, to make an absolute statement that the amount here would cover what was necessary for next year. For instance, they have never had maneuvers on the Pacific slope. They expect next year to have maneuvers there, and there are very long distances over which troops must be transported. They expect to have maneuvers on the Atlantic slope, and I will state that the seaboard States have a larger number of militia than any other part of the country. Now, to tie them down so absolutely as that, where not one dollar of deficiency could be created, would, in my mind, be an injustice to the National Guard—not to the Regular Army, but to the National Guard—in this case where this idea is being started and from which the whole country expect so much.

I do not believe that there is any dollar expended that is worth as much to the country as the money expended in the instruction given to the citizen soldiery of the country—the National Guard. And while I sympathize with the proposition that Congress ought zealously to guard every appropriation, I do not believe it is wise in the beginning of this work to make the limitation proposed in the amendment of the gentleman from Indiana [Mr. HEMENWAY]; and I hope it will not be adopted.

Mr. HEMENWAY. Mr. Chairman, the urgent deficiency bill will be the next bill presented to this House for consideration. It is certainly annoying to Members of Congress who have to deal with these great bills—and it ought to be to the Committee on Military Affairs—when they have spent weeks in trying to ascertain what the different Departments of the Government need for a particular service, to have them come in with a great deficiency; in other words, paying no attention to the limit that Congress has undertaken to put upon the amount they can expend for that particular purpose, but going ahead and spending all the money they want to, and then coming in with a deficiency.

Unless we prevent these deficiencies Congress might just as well quit trying to thrash these matters out and simply say to the Departments, "Spend all the money you choose, and if we have not taken care of the matter in the regular appropriation bills we will take care of it on a deficiency bill."

Mr. PARKER. Will the gentleman allow me a question?

Mr. HEMENWAY. Yes, sir.

Mr. PARKER. Is there any considerable sum from the War Department or the branches of the War Department on the deficiency bill?

Mr. HEMENWAY. Oh, yes; from the War Department and every other department of the Government.

Mr. PARKER. The gentleman may be correct as to "every other department;" I am speaking about the War Department.

Mr. HEMENWAY. Oh, certainly; from the War Department we have deficiency after deficiency.

Mr. PARKER. In this bill?

Mr. HEMENWAY. Not on this bill, because in this bill the committee does not undertake to care for deficiencies. That is where the trouble comes.

Mr. PARKER. I mean on the deficiency bill you have just reported.

Mr. HEMENWAY. All the deficiencies come to the Committee on Appropriations. That committee takes care of the deficiencies for all the Departments of the Government.

Mr. PARKER. The gentleman does not understand me. I ask whether in the preparation of the present deficiency bill, which you are just about to bring before the House, you did not find that the War Department had, as a whole, kept within the appropriations?

Mr. HEMENWAY. Oh, no; not a single Department of the Government has kept within its appropriations. Every one of them is coming and asking for deficiencies.

I have no doubt that the Committee on Military Affairs gave this item careful study. They took it up and figured out how much money ought to be appropriated for these different items, and they have reported appropriations accordingly. Now, what I am seeking to do is to compel the Department to so expend this money as to keep within the appropriations and not to come back here at the next session of Congress asking for a deficiency. I have no doubt that when the urgent deficiency bill comes before the House we shall have the distinguished gentleman from Iowa [Mr. HULL] and other distinguished gentlemen on this floor wanting to know why this item and that item and the other item have been reported by way of deficiencies.

We do not want to appropriate for these deficiencies. We believe they ought to be discontinued. We believe that when Congress studies a matter out and says to a Department, "You may have so much money for that particular service," they ought to understand that when they have spent that much money they must stop and come back to Congress for an increase, if the appropriation has not been sufficient. Unless the practice of the Departments is made to conform to this idea, what is the use of our worrying here trying to figure out the amount of money necessary for the different Departments, if they can spend all the money they want and come in for more money by way of deficiencies? All that I seek to do is simply to have Congress say that the Department shall stand by the action of the Committee on Military Affairs and not spend any more money than Congress appropriates for this purpose.

Mr. HULL. The gentleman will allow me to ask whether he does not believe it better to have a small deficiency than a large surplus in the appropriation?

Mr. HEMENWAY. Never.

Mr. HULL. Never?

Mr. HEMENWAY. No; because if there is a surplus, it remains in the Treasury; it is not expended, and the Department keeps within the amount fixed by Congress. If they are allowed to make deficiencies, they go beyond the amount fixed by Congress.

Mr. HULL. Then I will ask the gentleman why it is that in the urgent deficiency bill nearly the entire amount carried there for the different Departments of the Government is to cover deficiencies in appropriations from the gentleman's own committee? The only deficiencies in the appropriations from our committee, covering many millions, amount to about \$9,000, while on the bills which the gentleman reported they run up as high as a million dollars.

Mr. HEMENWAY. I have not a copy of the bill before me. When we take up the urgent deficiency bill I will call attention to some of these items. I am going to try to reform that all along the line, and when we come to the House with the bill I want the aid of the Committee on Military Affairs and the other committees to prevent deficiencies, and I am trying right here in this item, by putting an amendment, to say that this money shall be so apportioned as to prevent deficiencies. Let us commence right here and get at it, and I seek the aid of gentlemen on every bill that comes before the House to put such legislation on them as shall prevent deficiencies.

Mr. PERKINS. I would like to ask the gentleman a question.

Mr. HEMENWAY. I yield to the gentleman, if I have the time.

Mr. PERKINS. I would like to ask the gentleman why the best procedure would not be for the Committee on Appropriations to refuse to report deficiencies? In that case the Departments will have to live within their means.

Mr. HEMENWAY. That can not very well be done, because in many of these deficiencies there are no estimates. Of course there are items where there would be deficiencies, where there is no way of ascertaining in advance what amount of money is



necessary. Congress will recognize those items as they come up, but in items like this, where the amount can be ascertained, there ought to be a provision to prevent deficiencies.

Mr. STEVENS of Minnesota. Mr. Chairman, I thoroughly agree with the idea of the chairman of the Committee on Appropriations, that it is not wise in legislation to allow deficiency estimates from the various Departments unless absolutely necessary, but that the amounts should be fixed by the House and that they shall be sufficient upon which the Departments must be conducted for the year. I think that is an entirely wise rule. But this item would be one of the exceptions he has just stated when he said there are circumstances where the Departments can not estimate for the next year, and in such case the deficiency may be properly allowed. Now, the amounts that are read into these items were never estimated by the War Department. They could not be estimated under the circumstances. During the last year there were maneuvers held for about 12,000 men. The militia bill, known as the Dick bill, which was passed last year, provided for the payment of officers and men, for subsistence and supplies, and for transportation out of the general funds appropriated for the Army for those various purposes. Now, the appropriations for such purposes for the present year amounted to nearly \$40,000,000. There were never made specific estimates for the purposes included in these items. The Committee on Military Affairs had to segregate these items the best it could.

We took the detailed statement of the expenses of the cost of maneuvers, and from that have agreed as to the amount that we thought that the Department needed. Now, there has been no estimate as to what the maneuvers will be or cost the coming year. Maneuvers for about 12,000 men cost something over \$600,000. The War Department states now that it would like to have maneuvers on the Pacific coast and on the Atlantic, but has made no estimates for these purposes, so that I am frank to state to the gentleman from Indiana and to the committee that I believe there will be a deficiency if the present plans of the War Department are carried into effect. It is my belief that the War Department should have liberty to conduct fairly good-sized maneuvers this year. I believe that the proposition of the gentleman from Indiana is just one year too early. I believe that the War Department should have fairly large maneuvers this year, and then there should be a detailed statement of the expenses forwarded to the House, as provided by the last clause of this item, and then next year we could put upon the bill such an amendment as the gentleman from Indiana now proposes to put on this bill. I think that his amendment is one year too previous.

Mr. HEMENWAY. In view of the statement of the gentleman from Minnesota that the War Department gave no estimates upon which this item can be properly ascertained, I withdraw the amendment.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent to go back to page 12, line 14, for the purpose of offering the amendment which I will send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the committee recur to page 12, for the purpose of an amendment which the Clerk will report.

The Clerk read as follows:

At the end of line 14, page 12, insert:

"Provided, That no part of the money appropriated by this act shall be expended in payment to any retired army officer of the Army who receives payment for services as clerk or other civil employee in any of the Departments of the Government."

The CHAIRMAN. Is there objection?

Mr. HULL. It is subject to the point of order, and I will object.

Mr. HEPBURN. It is certainly not subject to a point of order. It is simply a limitation upon the appropriation that I propose.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. HULL. I don't object to going back. I simply say it is subject to the point of order, and I will raise the point of order.

The CHAIRMAN. The point can be raised after unanimous consent has been given to recurring to that page.

Mr. HULL. My idea was that unanimous consent had been given.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment of the gentleman from Iowa. Does the gentleman from Iowa make any point of order?

Mr. HULL. I will raise the point of order, Mr. Chairman, and let the Chair pass on it. I do not desire to argue it.

The CHAIRMAN. Does the gentleman from Iowa care to be heard on the point of order?

Mr. HEPBURN. I do not care to be heard on it.

The CHAIRMAN. The Chair is of opinion that as it is in the power of Congress to refuse to appropriate at all for this purpose it is within its power under the rules of the House to limit the

appropriation in the manner provided by this amendment, and, therefore, overrules the point of order.

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

The Clerk read as follows:

For 250 contract surgeons, \$450,000: *Provided*, That hereafter contract surgeons and contract dental surgeons on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army.

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

The CHAIRMAN. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read, as follows:

After the word "Army," in line 24, page 15, the words "*Provided*, That when a contract surgeon is in charge of a hospital he shall have the same authority as a commissioned medical officer."

Mr. PARKER. Mr. Chairman, this is subject to a point of order. The Surgeon-General of the Army finds especially upon a recent decision of the Supreme Court that a contract surgeon in charge of a hospital finds himself without authority to control the men in the hospital, and military punishment can not be inflicted for disobedience of his orders, and he desires where a contract surgeon is put in charge of a hospital he shall have authority to give orders. I simply state that, and leave the amendment to the House.

Mr. GROSVENOR. Mr. Chairman, I make the point of order against the amendment.

Mr. HULL. The point comes too late; it has been debated.

Mr. GROSVENOR. The gentleman can not go on and make—

Mr. PARKER. If the gentleman chooses to make the point of order, it applies to it; but this is simply for the benefit of the service, as the men in the hospitals should be under control.

Mr. GROSVENOR. I have very substantial objections to the amendment, and I do not believe that it ought to become part of the law.

Mr. PARKER. It is certainly subject to the point of order if the gentleman chooses to make it.

Mr. HULL. Mr. Chairman, I raise the point of order that when the gentleman from New Jersey offered his amendment and stated that it was subject to the point of order, any member of the committee desiring to raise the point of order should have gotten up then and made the point of order. But in place of that the gentleman from New Jersey continued until he had concluded his remarks, and then the gentleman from Ohio comes in and urges the point of order. I raise the point of order on that that the gentleman from Ohio is out of order in raising the point of order at this time.

Mr. GROSVENOR. I did not know what it was until the gentleman stated what it was. It is very strange if you can violate the rules of the House by straggling opportunity to make a point of order. Has this question ever been stated to the House? I make the further point of order that there is no question before the House. It has not been read by the Clerk of the House, and I do not know now what the question is except what I gathered from the gentleman's statement.

The CHAIRMAN. The Chair will state that the amendment was reported from the Clerk's desk and was debated by the gentleman from New Jersey with no point of order against it having been made, and the Chair is of opinion that the point of order of the gentleman from Ohio comes too late.

Mr. FINLEY. Mr. Chairman, I think this amendment is a proper one, and while we are on this paragraph I think that some information should be given the House by the chairman of the Military Committee as to how long the system of employing contract surgeons in the Army is to be kept up. I, for one, think the policy a bad one to have contract surgeons year after year. Two hundred and fifty are provided for in the bill. Now, it is true that it has been necessary to have them, I will say, in the past few years to some extent, but I wish to say, Mr. Chairman, that I do not think the policy a good one. I know, and I believe that the Members of this House know, that it is not to be expected that the best of medical talent can be secured for the Army under the contract system. A young man fresh from a medical college can only secure a contract for two years, as I understand, so he enters the service temporarily, and for this reason it is not to be expected that he will have the same interest in the service and in the welfare of the men under his care as a commissioned officer would. So, Mr. Chairman, I, for one, am opposed to the system.

I know of my own knowledge at least one or two cases where bright, promising young physicians sought commissions as assistant surgeons in the Army. They did not secure the commissions, but they did secure service as contract surgeons; but as soon as their time was out they left the service, and it is only to be expected that they should leave the service. The inducements are not sufficient to obtain men of the highest class and to retain them in the service. So I hope that the military committee will,



at some time in the near future, bring forward such a bill or proposition that will eliminate what I think is one of the most objectionable features in the organization of the Army. The contract-service proposition is one that I do not think is calculated to promote the welfare of the soldiers whose interests are to be served.

Mr. GROSVENOR. Mr. Chairman, I want to call the attention of the committee to the fact that I did not attempt to make a point of order against the proposition without having some reason for it. I attempted to make the point of order just as quick as it was possible under the machinery as it was running. I waited, as a matter of course, until the gentleman had relinquished his place on the floor. I had no right to jump up and interrupt him and make the point of order. It would have been wholly improper for me to do so. I was in earnest in my opposition to this proposition. I do not believe that an employee of the Government, hired simply by the month in cases of emergency, should be clothed with the powers and authority of a commissioned officer. I do not believe it is necessary, and it is enough to say that in all the long history of the connection of contract surgeons with the army organization no proposition of this kind was ever heard of before, so far as I have ever been advised.

The contract surgeon does not bear a commission in the form of a commissioned officer. He is employed for a given length of time, and the Government can put an end to his employment at any time. He is put, perhaps, in charge occasionally of a hospital, and if his reasonable requests and directions to the men on duty in that hospital are disregarded by them, these men are subject to discipline by a proper application or complaint made to the commissioned officer. There is no necessity for taking an ununiformed officer or a nonuniformed employee of the Government and putting him into authority so that a soldier will be convicted under the Articles of War and liable to be shot for disobedience of orders. That is the whole of this. It amounts to nothing more. The contract surgeon or employee of the Government with such authority as that—while the soldier may not know the official character of the man at all is liable to be shot for disobedience of orders. We have got along thus far without such a provision. I do not know whether it has been recommended by anybody or not; but I believe it is an innovation here that is wholly unnecessary. That is the reason why I tried to prevent legislation on this appropriation bill of the radical character of this proposed legislation.

Mr. HULL. Mr. Chairman, the committee has no particular feeling about this amendment. The gentleman from Ohio is mistaken as far as the previous action of the Government is concerned. Until very recently a contract surgeon placed in charge of a hospital could give orders for the administration of affairs in that hospital. It has only recently been decided that he could not give an order even to a nurse. The Surgeon-General of the Army, who is as jealous of the privileges of his office, probably, as the gentleman from Ohio could possibly be, insists that in the matter of good administration it is necessary to have this amendment, and if the gentleman will turn to the hearings, on page 95, he will find that the Surgeon-General says this:

The last decisions of the Judge-Advocate-General are to the effect that a contract surgeon has no right to give an order even to the nurses in a hospital, or to enlisted men.

Now, I submit that if a contract surgeon is placed in charge of a hospital, by authority of law, where they need his services, and then if the Judge-Advocate-General's Department holds that he can not give an order to a nurse in that hospital, it is absurd to place him there. He may be a thousand miles from any other regular army hospital; he may be, and sometimes in Alaska is, more than a thousand miles from any commissioned officer of the Medical Corps of the Army; and to say that we can employ him and pay him as we do, and pay him his mileage—that we can put him in charge of a hospital and then say that he can not even make a nurse administer to the comfort of the sick is an absurdity. In my judgment, this amendment should prevail. It would not be necessary under the administration of a year ago; but under the decision in these cases it is absolutely necessary, if you are going to utilize the men you pay to look after the sick of the Army.

This amendment is exactly what the Surgeon-General of the Army asked Congress to give. Does the gentleman from Ohio or this committee believe that the Surgeon-General, at the head of the Medical Corps, would favor a measure that was not for the best interest of the sick the Medical Corps must administer to? It seems to me that it ought to be adopted from a mere statement of the case. These men pass an examination to show that they are competent, and when they are placed in charge of a hospital they ought to have the authority to administer the hospital for the interest of the suffering people that are under their charge.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New Jersey.

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

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

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each: Pay of enlisted men, \$95,148.

Mr. COWHERD. Mr. Chairman, I would like to ask the chairman of the committee a question. If I rightly understand the law, the officers in charge of the Porto Rico Provisional Regiment of Infantry are to be mustered out of the service?

Mr. HULL. The line officers; yes.

Mr. COWHERD. I realize, of course, that any provision changing existing law would be subject to a point of order, but I would like to ask the chairman of the committee if he does not think it would be entirely proper to retain these officers who have brought that regiment up to a high state of efficiency, officers who have served in Cuba and the Philippines and in China, and understand the language of the people, rather than to muster them out?

Mr. HULL. Mr. Chairman, that is a question upon which there is a very wide difference of opinion. For many reasons, yes, I should say it would be wise to retain them, but for others, no. The law provided that on the 30th of June, 1904, the line officers should be mustered out. The enlisted force is retained. The officers were appointed as temporary officers when they accepted the commissions. They have been a very efficient body of officers. The only question that the gentleman can determine, or that any other member of the committee can determine, is whether it is necessary to include these men now in the regular commissioned force of the Regular Army. The regiment itself, or the two battalions, form part of the Regular Army. The field officers, the colonel, lieutenant-colonel, and two majors have always been detailed from the line of the Army. The captains and lieutenants were commissioned the same as in the provisional regiment that served for two years in the Philippine Islands. I confess that if there is some way to retain them as an independent body of men belonging only to this regiment I can see a great deal of justice in it; but to place them on the commissioned force of the Regular Army with the rank they are holding under these temporary appointments would, to my mind, be a very great injustice to the officers of the Regular Army who have served many years longer than some of these officers.

Mr. COWHERD. Mr. Chairman, I fully agree with the gentleman that they ought not to go on the rolls of the Regular Army, but it does seem to me that this Porto Rican regiment is somewhat peculiar in its character, because of the fact that it is composed of native troops, and that therefore the men who are in command of it ought to be men who are familiar with the language and the habits and customs of the country, and that the regiment will maintain a much higher state of efficiency with officers of that kind. I understand that it is now officered by men who have brought it to such a state of efficiency that in the late competitive target practice in the Department of the East, of the thirty-two men who qualified, 60 per cent of them were from this provisional regiment. That is something unusual when it is remembered that Americans are considered ordinarily the best shots in the world. Of the twelve medals given, four were gathered in by men from this regiment, and one man qualified on the international team.

Now, it seems to me that if some provision of law could be inserted into this bill which would keep there the officers who have brought this regiment to that state of efficiency and would not call for continual change of detail of officers from the Regular Army, who are not familiar with the people or their language or habits, it would be much better for the regiment and much better for the service. I have here the draft of a measure that was sent to me, and I am going to ask the Clerk to read it. I suppose there will be a point of order made against it. I submit it to the chairman of the committee.

The CHAIRMAN. Does the gentleman from Missouri offer this as an amendment?

Mr. COWHERD. Yes.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

An act fixing the status of the Porto Rico Regiment of Infantry of the United States Army.

*Be it enacted, etc.,* That on and after the 30th day of June, 1904, the present Porto Rico Provisional Regiment of Infantry shall be designated as the Porto Rico Regiment of Infantry and shall constitute an infantry regiment of the United States Army, organized as are the other infantry regiments. The enlisted strength thereof shall be composed as nearly as practicable of natives of Porto Rico.

SEC. 2. The field officers shall be appointed by the President from the Army. The President is authorized in his discretion to commission the captains, first and second lieutenants, and assistant surgeons of the present Porto Rico Provisional Regiment of Infantry in their respective grades, with their rank in that regiment, as officers of the Porto Rico Regiment of Infantry, and they shall have the rank, pay, and allowances of their respective grades in the Regular Army.

SEC. 3. To fill all vacancies which may exist in the grades of captain and first lieutenant in the two battalions constituting the present Porto Rico Provisional Regiment of Infantry, after they have merged into the Porto Rico



Regiment of Infantry, promotions shall be made according to seniority of the first and second lieutenants commissioned from the present Porto Rico Provisional Regiment of Infantry. Remaining vacancies shall be filled by the President by appointment of persons from the Army or who were in the military service of the United States during the war with Spain.

SEC. 4. After the regiment shall have been fully organized, promotions shall be made as follows: Of the field officers according to seniority in the regiment. Vacancies in the grade of major to be filled by the President by selection from the captains of the Army until the 30th day of June, 1915, after which date promotions to grade of field officer shall be made according to seniority of the captains in the regiment. To fill all vacancies occurring in the grades of captain and first lieutenant promotions shall be made according to seniority of first and second lieutenants in the regiment, subject to such examination to determine their fitness for promotion as may be prescribed by the President.

SEC. 5. Appointments to fill vacancies occurring in the grade of second lieutenant shall be made by the President.

SEC. 6. All appointments provided for by this act shall be made by the President by and with the advice and consent of the Senate.

SEC. 7. All laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. HULL. Mr. Chairman, I raise the point of order on that.

The CHAIRMAN. The gentleman will state it.

Mr. HULL. It is new legislation. It changes existing law in every particular. The existing law is that all volunteer officers now in the Porto Rican provisional regiment shall be mustered out June 30, 1904, and their places filled by detail from the line of the Army. Not only that, but the law creates only two battalions, while this proposed amendment creates a full regiment. It is a change of the law in every respect.

The CHAIRMAN. The Chair is of opinion that the amendment offered by the gentleman from Missouri is in conflict with Rule XXI, which provides against changing existing law in any appropriation bill, and therefore sustains the point of order.

Mr. SLAYDEN. Mr. Chairman, before that paragraph is left, I rise for the purpose of moving an amendment to the bill to strike out all of lines 8, 9, 10, and 11, on page 16 of the bill. In support of that motion I wish to direct the attention of the House to the fact that a year ago the Secretary of War recommended—

Mr. GROSVENOR. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. At what particular time can a point of order now be made? The gentleman from Texas [Mr. SLAYDEN] has stated that he proposes an amendment. The amendment has not been read, and I don't know what it is. He proceeds now under the ruling of the Chair to debate a question that has not been stated, when the rules declare that the Chairman shall state the question to the House.

Mr. SLAYDEN. Why, Mr. Chairman, I thought that proposition had been stated and the Chair had ruled upon it and that we were now on another matter.

Mr. GROSVENOR. I am talking about the matter to which the gentleman is addressing himself. I want to know what the amendment is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reported the amendment, as follows:

On page 16, strike out lines 8, 9, 10, and 11.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GROSVENOR] desire to raise a point of order?

Mr. GROSVENOR. I do.

The CHAIRMAN. It is now in order to do so.

Mr. SLAYDEN. Now, Mr. Chairman, I am permitted, I suppose, to resume my remarks.

The CHAIRMAN. The Chair understood the gentleman from Ohio to raise a point of order.

Mr. GROSVENOR. I make the point of order that this is new legislation—a change of existing law.

The CHAIRMAN. The Chair would like to hear the gentleman from Ohio upon that point of order.

Mr. GROSVENOR. I have nothing to say about it. I simply want to have it understood that I do not wish to make any more mistakes. I do not want to make a point of order against an amendment that I have not heard and that has not been stated by the Chair.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the amendment to which the gentleman did make a point of order has been reported from the Clerk's desk.

Mr. GROSVENOR. So I have heard; but gentlemen sitting around me say that they never heard it; and I am sure I did not. And my statement that I have not heard it was certainly sufficient to have justified the Chair in ruling that the amendment should be reported again.

Mr. SLAYDEN. Did the gentleman from Ohio make a point of order to my amendment, or was he referring to the previous amendment, the one offered by the gentleman from Missouri [Mr. COWHERD]?

The CHAIRMAN. Does the Chair understand the gentleman from Ohio to insist on his point of order against the amendment offered by the gentleman from Texas [Mr. SLAYDEN]?

Mr. GROSVENOR. No, I do not.

The CHAIRMAN. The point of order being withdrawn, the gentleman from Texas will proceed.

Mr. SLAYDEN. I was trying to direct the attention of the House to the fact that a year ago the Department of War recommended the abolition of the Porto Rican regiment as altogether unnecessary. The size of the Army had been fixed by Congress and was well understood by all; and it was in contemplation by all that at the end of the last fiscal year the Porto Rican Regiment would cease to exist. That regiment, as the House knows, if made up of natives, or presumably natives, of that island, and officered by volunteers—the only body of volunteers that are in the service of the Government in a military capacity, I believe.

The report of the Secretary of War at that time was conclusive, it seemed to me, in its argument that it was not necessary any longer to maintain that regiment, which was a public expense. When the recommendation for the creation of that regiment was made there were more disturbances in the Philippine Islands than there have been since, and there was more necessity for an enlarged Army.

Since that time the army in the Philippines has been reduced, and thousands of troops have been brought back to the United States, and they can be used in Porto Rico if needed. The only reason that the regiment was carried over last year was that very potent reason applying to a vast amount of legislation in this House; and that is the consideration for personal equation. There are a number of young gentlemen down there—worthy men, efficient officers—who have their friends scattered throughout this country and this House, who saw to it that provision was made to continue them upon the pay roll for another year.

When the Secretary of War was before the committee the other day I inquired of him with reference to this recommendation; and here in the hearings, on page 11, is his reply to my question. I will ask the Clerk to read what I have marked in the report of the hearings.

The Clerk read as follows:

Mr. SLAYDEN. A year or so ago there was a recommendation from the Department looking to the discontinuance of the Porto Rican regiment. Does the Department adhere to its opinion in regard to that—that the details of the Army can now attend to the duties that have hitherto been performed by this Porto Rican regiment and that there is not any longer a necessity for maintaining that?

Secretary ROOT. As a military question I should answer that yes. In the consideration of that subject a political question arose, and I found that many members of both Houses considered that for the effect upon Porto Rico it was desirable to continue that Porto Rican regiment.

The CHAIRMAN. Does not the law continue the regiment?

Mr. SLAYDEN. I know we do not discontinue it, but it was recommended that we discontinue it.

Secretary ROOT. The law as it stands now discontinues the officers and details regular officers in place of volunteers.

Mr. SLAYDEN. Is it necessary to undergo that expense; is not the Army large enough and would there be any harm to the public service to send troops of the regular establishment to Porto Rico to do the police duties that have been done down there by that regiment? There is no state of disturbance down there that I have heard of. There is less call for them in the Philippines.

Secretary ROOT. Well, we have the Army down to its minimum; I do not think it is any too large. Even including these two battalions of Porto Ricans I do not think it is any too large.

Mr. CAPRON. Is it not worth all it costs for an object lesson for those people, and to exert the influence which is exerted in having that service there?

Secretary ROOT. Undoubtedly it is a useful thing to have a considerable body of Porto Ricans who are serving under the United States flag and acquiring discipline and subordination and the sentiment of loyalty that comes from military service. While I do not think there is any special necessity for it from a military point of view, I think that consideration is a very strong one.

Mr. SLAYDEN. Could not that consideration be met by permitting enlistments of those people into the regular establishment?

Secretary ROOT. That is permitted now. In the settlement of the question last year a provision was made providing for mustering out the officers and detailing regular officers to take charge, and there was put in a provision permitting the Porto Ricans to enlist.

Mr. SLAYDEN. Then it is merely a small addition to the size of the Regular Army?

Secretary ROOT. Yes.

Mr. SLAYDEN. Now, Mr. Chairman, I want to also direct attention to the fact that the Secretary said that the necessity for this regiment is not a military but a political one. I do not believe that we ought to authorize this expense—certainly not upon this bill—for any mere political reasons. The Army is large enough. The Secretary of War frankly admits that this is an effort to increase slightly the size of the Army. I hope, therefore, that the House will adopt my motion and expunge that paragraph of the bill.

Mr. HULL. I sincerely hope that the House will not adopt this amendment. If it is desirable to abolish the two battalions of Porto Rican troops as a separate organization, it ought to be done in some other way than by simply striking out the appropriation in the bill. I do not think the gentleman from Texas meant to convey to the House the idea that Secretary Root's use of the word "political" was meant in any partisan sense whatever.

Mr. SLAYDEN. Assuredly not.

Mr. HULL. I think what the Secretary meant by that was



that its effect upon the people of Porto Rico was beneficial, and that the loyalty and discipline which might come from serving under the flag was worth all it cost the Government. It is true that these Porto Ricans can enlist in the Regular Army. They can independent of this, or in addition to this. But if they enlist as other citizens of the country it is to be assigned to companies and regiments as the companies and regiments might need recruits. This is a solid body of Porto Ricans, who are under the influence of American officers, who are taught the American language, who are taught to love the American flag, and they are civilizing agents all over that island, to help in building up Americanism and good citizenship among those newly acquired people of that beautiful little island of the sea.

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

Mr. HULL. Certainly.

Mr. HAY. Is it not a fact that these Porto Rican troops are part of the Regular Army and that they have enlisted for a term of years?

Mr. HULL. They have.

Mr. HAY (continuing). And that the failure to make this appropriation would be breaking the contract of the Government with them?

Mr. HULL. There is no doubt about that, and I hope the amendment will not prevail. I wanted to emphasize the fact when you reduced the cost of the regiment to the minimum number of men by making this provision it will return to the Government many times its cost in building up and developing good government.

Mr. SLAYDEN. Mr. Chairman, I want to say to the gentleman from Iowa that I entirely sympathize with every effort made to help the Porto Ricans, but I do not believe they need the civilizing influence of the bayonet. I prefer to educate them along more purely American lines—to give them the position to which I believe they are entitled. I would, if we are to continue them under our flag, prefer to see them given the rank of a Territory, and ultimately, having the courage of the situation, to bring them into the American Union as a State after they have manifested their fitness for it, as I believe they would in a reasonable time. In my judgment that would have a more elevating, a more spiritual, and a more patriotic influence on the Porto Rican people than if we merely permitted a hundred or two of them to enlist in the Army.

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

The question was taken; and the amendment was rejected.

The Clerk read as follows:

#### QUARTERMASTER'S DEPARTMENT.

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops, and for cold storage; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing department orders and reports, \$4,800,000: *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose: *Provided further*, That hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the army service shall only be made after advertisement, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered; but every open-market emergency purchase made in the manner common among business men which exceeds in amount \$20 shall be reported for approval to the Secretary of War under such regulations as he may prescribe.

Mr. HEMENWAY. Mr. Chairman, in line 12, page 20, the language of the last bill was "for the health and comfort of the troops in the insular possessions." That included the insular possessions. Now, I want to reserve the point of order on this. Where ice machines were required I notice you have struck out of this bill the words "insular possessions."

Mr. HULL. Mr. Chairman, that was because of the fact, under the old law, the Medical Department had charge of the ice machines in this country and the Quartermaster's Department in the other places. The Quartermaster's Department did the building and

the construction. Now it is all placed under the head of the Quartermaster's Department, so that now, in the tropical parts of this country, in the southern States, or wherever they need to manufacture ice, the Quartermaster-General's Department has control of the entire plant manufacturing the ice. Therefore it was not necessary to limit them to the Philippine Islands as was done last year, because as a matter of administration the whole matter had been turned over to the Quartermaster's Department.

Mr. HEMENWAY. In your provision in the bill of last year money could have been expended for the purchase of ice machines at any post in the United States.

Mr. HULL. Because the Medical Department had charge then.

Mr. HEMENWAY. Where do you strike out the provision for the medical department?

Mr. HULL. We strike it all out.

Mr. HEMENWAY. This does not authorize them to purchase anything that they had not authority to do before?

Mr. HULL. In one Department or other of the Government; no, sir.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. HEMENWAY. I do not make the point of order.

Mr. GAINES of Tennessee. I move to strike out the last word for the purpose of asking the gentleman from Iowa a question about the language contained in line 12, page 21, to wit, "where it is impracticable to secure competition."

Mr. Chairman, I ask the gentleman from Iowa where in the United States it is impracticable for the United States Government to get goods furnished the Army by competitive bids?

Mr. HULL. Oh, there are some things they buy in such a very small amount that it would cost more to advertise than it would to buy them.

Mr. GAINES of Tennessee. "Impracticable to secure competition"—would that cover that kind of case?

Mr. HULL. It may be an emergency where you had to buy at once. It is a very small thing, some of the purchases being as low as \$5.

Mr. GAINES of Tennessee. It is the usual language used?

Mr. HULL. It is the usual language.

Mr. PRINCE. The same as used last year?

Mr. HULL. The same as used for many years.

The Clerk read as follows:

Horses for cavalry, artillery, and engineers: For the purchase of horses for the cavalry, artillery, and engineers, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, \$400,000: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection under the direction and authority of the Secretary of War.

Mr. HEMENWAY. Mr. Chairman, I would like to ask the chairman of the committee why "engineers" are added?

Mr. HULL. I will say, Mr. Chairman, under the reorganization bill we created a battalion of engineers, and the horses have been purchased for them under this clause. It is a question of construction whether they can furnish the horses for the Engineer Corps unless the law authorizes it, and at the request of the Department the committee put in that in order to clear the matter up.

The Clerk read as follows:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the army of the United States lawfully on duty in the Philippine Islands, including the acquisition of title to building sites when necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, \$365,500.

Mr. PATTERSON of Tennessee. Mr. Chairman, I desire to interrogate the Chairman of the Military Committee in regard to this section of the bill. In the first place, I want to ask him how many soldiers are now quartered in the Philippine Islands?

Mr. HULL. They have there the constabulary (they are not provided for at all in this bill and are half soldier and half police); they have scouts, I suppose about 5,000 men, if they are filled to their full enlisted authorized strength, and I think they have probably eight to ten thousand American soldiers.

Mr. PATTERSON of Tennessee. Now I want to ask him further, What progress has been made in the construction of these barracks and buildings since the last Congress?

Mr. HULL. The last Congress, on the urgent deficiency bill, appropriated \$550,000 for a post at Manila. The regular army bill carried, as I remember, \$1,500,000 additional. It was expected at that time this amount given would be sufficient to complete the system of posts for the care, shelter, and protection of our troops in the Philippine Islands. They find that it is necessary to ask this amount additional, and the information the committee has is that this amount will practically complete the necessary appropriation for the erection of barracks and quarters in the Philippine Islands.



Mr. PATTERSON of Tennessee. That hardly answers the question, which is, What buildings have already been erected and where have those buildings been erected?

Mr. HULL. Well, Mr. Chairman, I do not know that I can answer that question in detail. There have been erected buildings at Manila, buildings at Iloilo, buildings at Cebu, buildings at different posts in the island of Luzon, and buildings at the different posts in Mindanao, and all the places where we have regular established posts. It would probably reach a large number of posts altogether, at probably a hundred places where we have permanent buildings.

Mr. PATTERSON of Tennessee. I think the gentleman is mistaken in one thing. The last \$500,000 was appropriated for the very purpose the \$365,000 is appropriated for by this Congress, not for the post at Manila alone.

Mr. HULL. Well, Mr. Chairman, I am simply giving the information we have as to what they need. If the gentleman does not like the appropriation, he can move to strike it out.

Mr. PATTERSON of Tennessee. Well, I do not want to be put in the attitude of striking out a proper appropriation. What I am trying to get at is the chairman's information in regard to the necessity of the appropriation and how the large sum of \$500,000 has been spent.

Mr. PALMER. Two million dollars.

Mr. PATTERSON of Tennessee. I am reminded it is more than \$2,000,000. What was the testimony before the committee on that subject?

Mr. HULL. I will read from the hearings:

The CHAIRMAN (reading). Barracks and quarters, Philippine Islands. We appropriated last year the \$300,000; yes, more than that.

General HUMPHREY. We had last year \$1,500,000, and this year we have on the regular appropriation \$500,000 and deficiency act \$250,000; also under sundry civil act \$1,000,000 for the military post near Manila.

Mr. PATTERSON of Tennessee. That came in under a separate bill?

Mr. HULL. Yes.

Mr. PATTERSON of Tennessee. And is not embraced in this at all?

Mr. HULL (reading):

Mr. ESCH. For the fiscal year 1903 we appropriated one million and a half, and in the deficiency there was another \$250,000, making in all one and three-quarters million dollars.

General HUMPHREY. Yes, sir; also \$500,000 in the Army act, March 2, 1903. The CHAIRMAN. This estimate is with the idea of completing that work there or simply carrying it on?

General HUMPHREY. Carrying it on to completion and for necessary repairs the \$365,000 is asked for.

Mr. PATTERSON of Tennessee. Now, can the chairman of the committee give the information to the committee as to when this work will likely be completed?

Mr. HULL. Oh, certainly not. It will never be entirely completed. We have had in the United States a hundred and more years of government, and we have never completed any line of our public work.

Mr. PATTERSON of Tennessee. Does the gentleman think there will always be a necessity for troops in the Philippine Islands and for these expenditures to go on?

Mr. HULL. I think that the time will never come when the United States will not have troops in the Philippine Islands any more than the time has ever come when we have not had troops in the State of New York and in the State of Illinois.

Mr. PATTERSON of Tennessee. One other question, Mr. Chairman. I notice on page 24 there is an appropriation for barracks and quarters, among other things, of \$4,750,000. Then here is this particular section, where we appropriate for the proper shelter of enlisted men of the Army of the United States. What would be the difference between providing barracks and quarters for troops and for the proper shelter and protection of enlisted men of the Army?

Mr. HULL. There is this difference. Under the head of "Barracks and quarters" we appropriate for officers as well as enlisted men, but there is a more restrictive clause in appropriating money to be disposed of in this country than there is over there. In this country we first get the sites, we select them, enact a law locating the posts, and carry it on in a different way; while there we have to trust largely to the military establishment to determine many questions.

Mr. PATTERSON of Tennessee. Can the gentleman from Iowa give me any information as to the number of building sites purchased, or any evidence as to the cost of the building sites, or the cost of any of the buildings?

Mr. HULL. No; the committee did not go into the number at all.

Mr. MIERS of Indiana. Mr. Chairman, that the laborer is worthy of his hire no one stands ready to dispute. The laborer is entitled to such compensation that he may have over and above his living, enough to accumulate at least a small competency for old age. The coal miner is entitled to such wages as will enable

him to educate his children as well as the mine owner educates his. This is only justice to the laborer, and the best interest of the Republic demands it. Education is one of the cardinal doctrines of the Republic. This contention applies to all classes of laborers, and should apply to those in the Government employ as well as to those in individual employment. I do not believe in a little spasmodic economy that requires Government employees to work another half hour and leaves all the great extravagances go untouched.

It has been notorious for many years that post-route mail carriers are very poorly paid, and has been frequently charged that the rural-route carriers are also underpaid. I received a marked copy of the Detroit Tribune that contains an article that states facts and figures with reference to the State of Michigan, and I presume the same condition exists in all the States. The article sums up the situation so well that I send it to the Clerk's desk and ask that the same may be read in my time.

The Clerk read as follows:

FIERCE FIGHT FOR A LIVING—THE RURAL MAIL CARRIERS MAKE \$7 A YEAR PROFIT—A MOST STRIKING COLLECTION OF DISHEARTENING EXPERIENCES—INFORMATION COLLECTED FROM 570 RURAL ROUTES IN MICHIGAN.

Rural free mail delivery has reached a point in its development where the United States Government may pause and take an inventory. The Post-Office Department and the Members of Congress, on whose good judgment the institution has been founded, may ask themselves how long the Government can expect the carriers to furnish capital for the big enterprise; may ask themselves the reason why so many carriers quit the service, and whether it was not the hope of ultimate just recompense that has kept the ranks of the carriers passably filled.

Some food for serious thought has been gathered by the Tribune. Individual complaints have reached the ear of the public and of Congress, but convincing statistics as to the exact status of the great rural-delivery service in any one State have been inaccessible. The Tribune, through its correspondents, has gone to the original sources, and concerning the service in Michigan has gathered facts which, bearing as they must one way or the other, will scarcely be challenged. An average profit of \$7 above living expenses and care of horses has been made in the past year by each carrier. The capital furnished by each carrier is \$300. At the end of three years the outfit must generally be replaced with a new one. Regardless of the fact that all American citizens aim to increase their savings and the Government expects its employees to provide for their own rainy days and their old age, in this arduous service the average savings of \$7 a year must be applied to the purchase of a new equipment at the end of the third year. The excess of \$300 over \$21 must come from other sources, as, in fact, did the original outlay of \$300.

The testimony of 570 rural mail carriers in Michigan points to these conclusions. Assuming that all the carriers get \$600 a year, which they do not, the cost of maintaining from two to four horses with almost an equal number of vehicles makes a serious inroad into the salary. Add to this the cost of replacing a lost horse or a demolished wagon. Add further the cost of maintaining a carrier's home. The data submitted are overwhelming. In nearly every instance the carrier can save absolutely nothing. Then the collapse of his equipment and the need for its replacement by a new outfit.

The rural mail-delivery service has been an experiment, both as to cost of maintenance and as to benefits. The benefits are admitted. The cost of maintenance is a knowledge that must come from the mouths of the carriers themselves, who pay the bills. The Tribune, has made a thorough canvass of 570 routes in Michigan, none of the information being advanced by the carriers by way of complaint against the Government, and has drawn conclusions which it offers as being approximately correct for the whole State.

There is revealed the fact that 570 carriers employ 1,431 horses in the service and 1,148 vehicles. The total number of miles traveled in one day is 14,025, an average of 24.6 miles. The carriers work six days in the week. The salaries vary from \$500 to \$600. It has cost these 570 carriers a total of \$16,656 for repairs to vehicles, harness, and horses in one year. This does not include the astonishing bills for horseshoeing that are run up on account of the constant service. Neither does it include the replacing of the horses lost, nor the buying of new wagons, nor the medical attendance. A few of the reports may include horseshoeing bills, but where they do it is evident by the size of the repair bill.

To our 570 carriers there happened 511 accidents last year, every one entailing the expense of repairs. Many of these accidents incurred the entire demolition of the wagon and some the loss of a horse. The service is peculiarly liable to such serious accidents and the carrier takes the chance and bears the expense. Vehicles and harness gave way 430 times, each break entailing an expense of from \$1 to \$10. Wheels have been smashed by the score in ruts and mires. Boxes have been ruined by upsets. The breakage bill alone makes up almost the entire \$16,656, which is borne by the carriers, the average cost per carrier being \$28 a year.

Along the muddy or snow-bound roads there have been forty-three upsets, in many of which the carrier was injured. A total of twenty-six horses were lost to the carriers last year, either by being so maimed as to necessitate their being shot, by dropping dead in their tired tracks, or by lingering ill in their stables after being ruined in the service. Horses were injured to the number of seventy-eight, many of the injuries reducing the value of the horses by 50 or 75 per cent. Without exception, the carriers' horses are on the road to the dump, and by the end of the third year are useless or are worth but 15 per cent of their original value. The carrier himself is often in peril of his life. Carriers to the number of eight suffered serious injury, their legs having been broken, or their ribs, or their wrists, the routes being far from being upholstered.

The carriers are almost unanimous in saying that they make no profit. Scores of whom the Tribune makes no record declare that they are away behind in their enterprise. Some of the recorded profits are known to be meant as being the total on which the carrier has to live, but the Tribune submits them as they stand. It is palpable that a carrier can not save \$150 after paying his living expenses as well as for his horses and equipment. A total of \$4,021 has been saved, counting these instances, thus making an average of \$7 per annum for each carrier, an eloquent bank account for Uncle Sam's employees.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee this question: As I understand it, Congress either locates by law our army posts in the United States, or the leading general, with his aids and associates, do so under the limitations of the



law. Now, will the gentleman tell us who has located the army posts where these lands are to be bought, where we take title to lands, where we build the army posts and expend millions of money? Will he tell me who is selecting, who is buying, who is supervising that matter?

Mr. HULL. The commanding general of the islands and the board of officers appointed by him to select the site. The quartermaster-general makes the plans when he knows the number of troops to be housed by the post, just as we used to do here. In any fort that is temporary now the Department can select a post.

Mr. GAINES of Tennessee. I do not pretend to remember all the laws that we have enacted, because we have enacted so many, but I would like to ask the gentleman from Iowa if the law permits the commanding general of the Philippine Islands to go throughout the islands and purchase these sites, as it seems he has done by the answer made by the gentleman to the questions put by my colleague, Mr. PATTERSON? Do our laws, in short, permit the commanding general of the Philippine Islands to go anywhere and locate an army post?

Mr. HULL. I think there is no doubt of that under this appropriation bill.

Mr. GAINES of Tennessee. Can the gentleman refer me to any statute that permits the general in the Philippine Islands to go anywhere and buy land and erect a post such as we authorized last Congress at Manila?

Mr. HULL. This clause places no restriction on the selection of the property for that purpose, but leaves it to the proper officer to carry it out. I think the gentleman from Tennessee would not want to interfere with the discretion, because he will realize that men who have charge of the department, whose troops are located in that district, know the different surroundings and different localities and are better judges than Congress would be. We could not undertake to locate or limit or restrict the proper discretion of the officers in this matter.

Mr. GAINES of Tennessee. I would not interrupt proper and legitimate protection to our troops—they obey orders and must go where ordered. I am, however, anxious, Mr. Chairman, to find out, and I think we ought to know, whether or not the officer in charge of locating these expensive army posts is going along the islands doing so without any authority of law just as he pleases, without any express statute giving him authority to do it. The government of the Philippine Islands is not building the army posts; the people of the United States are doing it. I am disposed to think that the appropriations for the Army and for the Navy have been so large that some of our home undertakings are suffering—for instance, our river and harbor bill and the public-buildings bill—but I hope they are not done away with for all time. These home-enterprises are suffering, I think, from these immense expenditures for the Army and the Navy because of our colonies—imperialism, in short. Inasmuch as our home people are paying the money out, we want to know where it goes—whether legally or not and the amounts. My recollection is that we made a specific appropriation to erect an army post at Manila and there was considerable contest about it, because it was an entering wedge to a great and continuous expense. The gentleman from Iowa very frankly states that our buildings in the Philippine Islands for troops are never going to stop; that they will never end. In other words, our own people will and must suffer for our colonists—just as I prophesied time and again—and the end, the gentleman says, will never come.

He further states that we have not stopped in the United States, and he goes on and argues it, lawyer-like, whether he is one or not, and says we have never seen the time in the United States when we did not have soldiers in the State of New York; but, Mr. Chairman, the soldiers in New York are at home. When we have American soldiers they have always fought at home. Our Navy, it is true, has gone on the other side of the world to protect our rights on this side, but our soldiers have always been at home until this modern way of amalgamating a republic with a lot of unfortunate colonists on the other side of the world was inaugurated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE rose.

Mr. GAINES of Tennessee. I will yield to the gentleman.

The CHAIRMAN. The Chair will state that the time of the gentleman from Tennessee has expired. [Laughter.]

Mr. GAINES of Tennessee. Then I am doubly glad to yield. Mr. Chairman, I move to strike out the last two words. I now yield to the gentleman. [Laughter.]

Mr. PRINCE. Has the gentleman the right to yield to me now?

Mr. GAINES of Tennessee. Oh, yes. The Chairman is good enough to allow me to go ahead.

The CHAIRMAN. The Chair will permit the gentleman from Tennessee to yield to the gentleman from Illinois.

Mr. PRINCE. Mr. Chairman, I would like to ask the gentleman

from Tennessee if we are not appropriating in this bill for necessary shelter and protection of the officers, including shelter for the animals and supplies, and all other buildings necessary for post administration purposes?

Mr. GAINES of Tennessee. The gentleman is reading from the bill?

Mr. PRINCE. Yes.

Mr. GAINES of Tennessee. Of course, I can not answer the question. The gentleman has the bill before him, and certainly the bill ought to tell him. Read it.

Mr. PRINCE. Yes; on page 26 the gentleman will find the amount is stated at \$365,590.

Mr. GAINES of Tennessee. Now, I will ask the gentleman something that is not in the bill. How much did we appropriate last year for that same purpose?

Mr. PRINCE. I can not state now from memory.

Mr. PATTERSON of Tennessee. Five hundred thousand dollars.

Mr. GAINES of Tennessee. Five hundred thousand dollars, my colleague tells me. Now it seems that it has gone into an amount nearly equal to \$2,000,000, as my friend from Pennsylvania [Mr. PALMER] suggests. So you see, my dear sir, this thing is going into millions, and it will be piling up here in a year or so into millions and millions, and we are going all over the Philippine Islands erecting army posts, and I dare say they will erect them where they will cost the least to the Government, of course; but we have nothing here to show that, and the end will never come to our Philippine expenses.

I have not heard any testimony read here as yet which tells us how much these buildings will cost or where they are located. I believe the gentleman from Iowa [Mr. HULL] said they are located all over the islands. Well, I have never heard of any law—I do not mean that I am an expert in military law, for I am not, and I do not mean to say that I recollect what we have passed already—

The CHAIRMAN. The Chair desires the committee to understand that the gentleman from Tennessee is proceeding under unanimous consent.

Mr. GAINES of Tennessee. Just a moment, and I am done. I never heard of any law that permitted anybody to go all over the Philippine Islands and expend the people's money for army posts or anything else, but it seems this appropriation contemplates that.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans (no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained); for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the monies appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, \$14,500,000.

Mr. GROSVENOR. Mr. Chairman, I make the point of order



against the language found in line 7 on page 27 and ending at the word "obtain," in line 9, for the purpose of inquiring of the chairman if that is the existing law?

Mr. HULL. It is. It was enacted last year.

Mr. GROSVENOR. It is not changing existing law in any respect?

Mr. HULL. Not at all. The committee simply wants to make it so that Congress retains control of these boats, so that they shall not be hawked about the country unless Congress gives full authority.

Mr. GROSVENOR. How long has that been the law?

Mr. HULL. One year.

Mr. GROSVENOR. Before that time a great many of them were sold?

Mr. HULL. Yes; and at a very low price.

Mr. GROSVENOR. That is all. I withdraw the point of order.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required by the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, \$475,000: *Provided*, That out of the above appropriation not to exceed \$50,000 may be used to construct a hospital at any one post.

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order on the proviso commencing in line 22, page 29. I wish to ask the chairman of the committee whether under the law he is permitted to expend more than \$20,000 for the purpose contemplated by the proviso?

Mr. HULL. Mr. Chairman, I would refer the gentleman to the note to be found on page 160 of the Book of Estimates, and I hope the committee will give attention to it when I read it:

This estimate is in accordance with the recommendation of the Surgeon-General of the Army, who says: "Of the above amount, \$100,000 is to build a modern hospital for 100 beds at Fort Riley, Kans.; \$30,000 to build a modern hospital for 24 beds at Fort Totten, N. Y.; \$45,000 is to enlarge the hospital at Fort Leavenworth, Kans.; \$50,000 is to enlarge the hospital at Fort Snelling, Minn.; and \$60,000 is to enlarge the hospital at Fort Sheridan, Ill. These funds are necessary to meet the requirements caused by increased garrisons, and as section 1136 of the Revised Statutes forbids the use of more than \$20,000 at any one post, it is requested that Congress be asked to designate the amounts mentioned as needed for each post or so much thereof as may be necessary."

Now, there is no question in my mind but that the point of order raised by the gentleman from Indiana [Mr. HEMENWAY], if he should insist upon it, is well taken; but it did seem to me that in view of the large posts that are now being erected and the necessity for the hospital accommodations, it would not be good administration to limit the sum to \$20,000; and for that reason we put upon this bill a proviso that the amount expended in this way shall not exceed \$50,000. That covers practically all the hospitals except the one at Fort Riley, Kans.; and if there they want a hospital to cost as much as \$100,000, I think it is only right, this amount being so much beyond the ordinary, that they should come and ask for it in the regular way.

But it seems to me, in view of these posts now being constructed and the number of troops now housed at these large centers of military concentration, \$50,000 is not an unreasonable sum for Congress to allow in this appropriation bill. I hope the gentleman from Indiana will not insist on his point of order.

Mr. STEVENS of Minnesota. Mr. Chairman, I should like to read two extracts from the testimony of the Surgeon-General before the Committee on Military Affairs as bearing on this point of the gentleman from Indiana. I read from the statement of General O'Reilly before the committee:

You gentlemen know what \$20,000 would do in 1859 as compared with what it will do now.

He had stated that the law limiting the appropriation to \$20,000 at any one post was passed in 1859. He then continued:

The way things are now is an abominable nuisance. We are called upon to construct a hospital at a post. The estimates are made, the plans are made, and they meet the approval of all the authorities, including the Secretary of War. We then advertise for bids. Bids come in—\$35,000 or something like that—perfectly reasonable, but which under the law of 1859 can not be accepted. We then make plans again, and again ask for bids. The bids come in for about the same amount. Then we cut out this and cut out that, until we have left a shell of a building that is hardly fit for occupancy, re-advise, and then maybe we will get a bid for, say, \$22,000. Then it is necessary to cut down something else, expecting to add it in another year, so we cut off a wing or something of that kind. At the end of all this you have a building which will have to be added to from year to year, and which will cost you more in the end than if you had erected a good building in the first place.

Farther on in his statement he says:

We can put up a part of the building this year. That will cost \$20,000, and we can add \$20,000 next year and \$20,000 more the third year, and maybe some more the fourth year; and then after we have got all that we have a patchwork building which has cost more than if we had had an appropriation of \$50,000 or \$60,000 in the first place to spend on the building.

It was on this testimony that the committee suggested this provision.

Mr. HEMENWAY. Mr. Chairman, section 1136 of the Revised Statutes was passed evidently for the purpose of keeping this matter within the control of Congress—prohibiting the erection of buildings which would cost more than the amount named without the direct authority of Congress. I think that is a very good provision, because we do not want to give to army officers the right to build hospitals whenever they choose, and if they are carrying on the practice that the hearings evidently prove they are carrying on, they are violating the law. If they are spending \$20,000 on a particular building one year and then \$20,000 on the same building the next year, they are violating at least the spirit of the law, which says they shall not spend more than \$20,000 in the construction of a building unless under the direct authority of Congress.

I do not think such a practice is right. I do not feel that I should be doing my duty if I failed to make this point of order, because we do not want to leave to the heads of Departments the determination as to where more hospitals shall be built. We want to retain the right ourselves to say by legislation when these buildings shall be constructed.

Now, I believe this section of the statutes is a good one. I remember that where the buildings are to cost more than \$20,000, and are authorized by law, they are usually taken up on the sundry civil appropriation bill. But at least there should be authority of law where a larger amount than \$20,000 is expended on any of these buildings; and for that reason, Mr. Chairman, I make the point of order against the proviso.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. HEMENWAY. My point of order is that this provision changes existing law. Section 1136 of the Revised Statutes prohibits the erection of any buildings the cost of which is to exceed \$20,000, except by special authority of Congress. The pending provision would allow the erection of buildings at a cost of \$50,000 without receiving such special authority.

The CHAIRMAN. Does the Chair understand that the point of order made by the gentleman from Indiana is directed to the proviso alone?

Mr. HEMENWAY. Yes, sir.

Mr. HULL. I would ask the Chair to consider this one point in connection with it: That if this appropriation is made for hospitals and construction and repairs, and the proviso that no more shall be expended than this, it is entirely a different proposition from changing the law. I submit it to the Chair and hope the Chair will consider that point.

Mr. HEMENWAY. If the Chair is in doubt at all on the point of order, I want to argue it.

The CHAIRMAN. Just one moment. The Chair will call the attention of the gentleman from Iowa to the fact that, owing to the distance, the Chair was unable to hear all the gentleman said and will be glad if he will restate his position.

Mr. HULL. As the gentleman from Indiana stated his point of order, the proposition he made was that under this authorization by law no more than so much should be expended for any one building. He did not mean hospitals any more than any other building. That is the law, as I understand it. Now, the law has established posts at certain places—at all the places that have been enumerated by the existing statutes as to localities where this money shall be expended. This appropriation gives in gross a large sum of money for the construction and repair of hospitals under the law. The proviso is simply for the purpose of saying that not more than \$50,000 shall be expended on any one building, and I think it is an open question if a point of order can lie against it under these conditions. The appropriation itself makes law.

The CHAIRMAN. Can the gentleman from Indiana cite the statute to which he refers?

Mr. HEMENWAY. I have just sent it up. It is section 1136.

The CHAIRMAN. The Chair finds that section 1136 of the Revised Statutes appears to limit the amount which may be appropriated for such a purpose without previous special authority of Congress to \$20,000. The proviso against which the point of order is made authorizes the expenditure of \$50,000 for the construction of a hospital. It seems to have that effect, although the language is somewhat indefinite. That seems to be the proper construction of it. The Chair is therefore of the opinion that the point of order is well taken and must be sustained.

The Clerk read as follows:

Army general hospital, District of Columbia: For the construction in or near the city of Washington, D. C., of an army general hospital, for the treatment of special classes of cases, for purposes of instruction in connection with an army medical school, for training enlisted men of the Hospital Corps in nursing, and to serve as a base hospital in time of war, and for the purchase of land in the District of Columbia for a site for said hospital, \$400,000: *Provided*, That no part of this appropriation shall be used until it shall have been determined by the Secretary of War that the entire cost of plans, buildings, and grounds will not exceed the sum hereby appropriated.



Mr. PALMER. Mr. Chairman, I make the point of order against this section, that there is no existing law authorizing this appropriation, which is legislation upon a general appropriation bill.

Mr. HULL. Mr. Chairman, the gentleman made a point of order only last Saturday of continuing the work by the Signal Corps in laying a cable in Alaska. If the Chair will hold the same as to this provision as he held on that occasion, why, I presume that it will be subject to the point of order, although I can not believe that the Chair decided that correctly, because it was a continuing work, and that was an appropriation to finish the work. I did not appeal, because I did not think it necessary. I want to say, as to this, that there is a general hospital now located in the city of Washington. It has been established at the barracks formerly known as the "Washington Barracks," now known as the "Engineer School," and the law under which we transferred the engineer barracks to the Engineer School provided for a system of buildings there for the school of engineers that interfered with this general army hospital.

It was also provided by law that they should erect a war college on these grounds. That has been done to a certain extent, and there is another appropriation in here for that. In the course of this new work it has become absolutely necessary to tear down the present general army hospital and to erect another one on some other ground to be purchased by the Government, and in my judgment the point of order is not well taken on this, as it is a part of the general plans for the Army, which is not changed by this bill, and is legitimate to appropriate for in this bill.

Mr. HEMENWAY. If the Chair is in doubt, I want to be heard.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. PALMER. Mr. Chairman, the proposition is to tear down the general hospital, which it is said cost \$40,000, and which it is said is now ten years old, and therefore not fit for further use, and to buy ground to build another hospital somewhere else. That is the proposition. Now, if that is a continuing work, the point of order is not well taken. It is not proposed to repair the old hospital, nor to add to the old hospital; but the proposition is to tear down the old hospital and to buy new ground somewhere else and build another hospital for the sum of \$400,000. If this were a mere continuation of that old work, then it would not say the new hospital in this bill. Now, I do not know but that a new hospital is needed in the city of Washington. Perhaps it is. But I do know, or at least I think I know, that a work on this magnificent scale—the selection of a site and the preparation of plans and the expenditure of \$400,000 for the purpose of establishing a new hospital for the purposes named in the bill—ought not to be undertaken without some amount of investigation and some reason be given that will show the necessity for such work.

Now, practically the reasons given by the Surgeon-General in his communication to the committee are that he needs a new building, to cost \$400,000, for the purpose of setting up a medical school for the instruction of the student officers in the science of medicine; for the purpose of treating special cases which he mentions, old army officers who are to be retired on account of disability. He wants a \$400,000 place where he can examine these men and say whether they are really entitled to be retired. Now, in my opinion, and I may be wrong, I do not believe that the United States Government ought to go into the business of running a medical school or a medical college; I do not believe we ought to spend \$400,000 for the purpose of establishing a place where the student officers can learn the use of the Röntgen rays as the Surgeon-General recommends.

I do not believe it is essential to establish such a place as that for a base hospital, around which can be located some tents for temporary hospitals in case there should be a war, as he recommends. Now, those are the reasons. I am not against a hospital if needed, but I do say there ought to be some kind of an investigation and some kind of an inquiry and some kind of a responsibility fixed somewhere, more than is contained in this letter, which is addressed by the Surgeon-General to the committee and on which this appropriation has been recommended.

Mr. HULL. Mr. Chairman, I would like to add one word to what the gentleman has said in regard to this report of the Surgeon-General. The Surgeon-General says:

A conservative estimate of the money saved the United States by the successful surgical operations at this hospital since its establishment, September 8, 1898, to December 10, 1903, has been made, and it is shown that 40 officers completely incapacitated have been operated upon and restored to duty, whose retired pay would have been over \$75,000 a year, and that 880 enlisted men have been returned to duty after operations for disability, whose pensions had they been discharged, would have amounted to nearly \$49,000 a year. The institution has therefore already paid for itself many times over from its surgical work alone, while its value as an essential part of the instruction of young medical officers and enlisted men of the Hospital Corps can not be estimated.

Mr. PALMER. Well, Mr. Chairman, that saving of \$75,000

and the \$49,000 was made in this little old \$40,000 hospital that you propose to tear down because it is ten years old.

Mr. HULL. If the gentleman had read the other part of this he would see that that old hospital would have to come down. It is built of timber, it is in the way, and the ground is to be occupied for other purposes. Even if it were not for other purposes, it is in such condition as to be unsanitary as a hospital.

Mr. PALMER. This is what the Surgeon-General says:

Plans for the War College and Engineer School contemplate a new building on the present site of the hospital. It has been proposed to move the present building and use it as a post hospital during the construction work, and for this purpose it is neither too large nor too good. It is inadequate in size for a general hospital, however, and being largely built of timber it has shrunk and settled until it is no longer possible to maintain it in a perfect sanitary condition where the necessary aseptic operations are to be performed. The building is about ten years old and cost less than \$40,000.

Well, it is ten years old and cost \$40,000, and it has been adequate for the needs of the Government up to this time. Now, all I am proposing is that before going into the appropriation of such a large sum as \$400,000 and the selection of a site for the erection of a new building there ought to be some kind of inquiry and there ought to be some kind of a law authorizing the expenditure.

Mr. HAY. Mr. Chairman, I do not believe that the gentleman who has just taken his seat nor the gentleman from Iowa has addressed himself to the point of order, and therefore I want to read further from the report of the Surgeon-General where the gentleman from Pennsylvania left off. He says, speaking of this hospital:

It is always crowded so that nurses must be lodged outside, and there are no private rooms for officers or special cases. The location is not suitable, even if it were possible to remain the site, and the ground is low and the heat excessive in summer. I repeat most earnestly my previous recommendation that a general hospital of sufficient size and perfect in every respect be built in the District of Columbia for the following purposes.

Then he goes on and gives the reasons for it.

Now, Mr. Chairman, I do not wish to speak upon the reasons for establishing this hospital when the point of order has not yet been passed upon. Therefore I will wait until the Chairman passes upon it.

I will print as a part of my remarks the following:

ARMY GENERAL HOSPITAL IN THE DISTRICT OF COLUMBIA—REASONS FOR ENLARGING THIS INSTITUTION AND PUTTING IT ON A MORE PERMANENT BASIS.

The need of a large general hospital at the national capital is not new. In time of war one or more will always be required for the service of the troops which are mobilized near Washington, while in time of peace it will be equally necessary for the treatment of special cases and as a part of the system of instruction of young medical officers and members of the Hospital Corps and Nurse Corps, as stated below.

In 1882 there were in the District of Columbia 32 hospitals, treating 20,000 sick and wounded, and the Surgeon-General in his report for that year, which is remarkable for its wise and far-seeing summary of the needs of the Medical Department, says as follows:

"An army medical school, in which medical cadets and others seeking admission into the corps could receive such special instruction as would better fit them for commissions, and which they can not obtain in the ordinary medical schools, is a great desideratum. Such an institution could be established in connection with any general hospital with but little, if any, expense to the United States.

"A hospital of a more permanent character than any now in this city is, I think, very necessary and will be required for years after the present rebellion has ceased. I therefore recommend that suitable buildings be purchased or erected for that purpose. If this is done, the medical school and museum will be important accessories to it."

The first of these recommendations for the establishment of an army medical school was realized in 1893 and is now in the twelfth year of a flourishing and useful existence. The second recommendation—the establishment of a permanent general hospital at Washington—was not realized until 1898, when the Secretary of War ordered the conversion of the post hospital at Washington Barracks into a general hospital and the construction of some additional wooden buildings of a temporary character. This is the present general hospital establishment, and originally an improvisation. The time has arrived when a larger and more permanent establishment has become imperative.

Favorable action on the part of Congress is necessary now for three reasons.

1. The present buildings are, as shown below, unsuitable and inadequate, and the temporary ones have become so dilapidated as to be nearly uninhabitable (see c).

2. The space occupied by these buildings is necessary for the completion of the new engineer post as authorized by Congress, and the removal of the general hospital is demanded in obedience to that law in physics which declares that two bodies can not occupy the same space at the same time.

3. In order to reap the full measure of usefulness of this institution it should have room for great expansion in time of war, and should be the great training school for the Hospital Corps. It should also afford a home for the Army Medical School. The combination of these two institutions, as is the case with the English army hospital and school established after the Crimean War at Netley, and the celebrated French hospital and school at Val-de-Grace at Paris, offers advantages which are great and evident, and which are enumerated below (c).

The establishment has fully demonstrated its value to the military service, but as now constituted is entirely inadequate, and the work of reconstruction at Washington Barracks will render its removal imperative in the near future. In order to continue this hospital elsewhere in the District of Columbia and upon a satisfactory basis, land will have to be purchased and suitable buildings erected thereon. To this end the Secretary of War has asked for an appropriation from Congress of \$400,000.

This hospital is needed (a) for the treatment of special cases; (b) for training enlisted men of the Hospital Corps; (c) for instruction in connection with



the Army Medical School; (d) for expansion and use as a base hospital in time of war; (e) to provide adequate accommodations on a good site.

The usefulness of the hospital in meeting the needs of the service and the necessity for an adequate establishment will be discussed under each of the above heads.

(a) THE TREATMENT OF SPECIAL CASES.

Cases of illness and injury are constantly arising in the military service which require special skill and special appliances for their treatment in order to save the men to the service, to reduce the pension list, and to give men disabled in the service of their country the benefit of the most advanced medical and surgical knowledge. Hospitals at military posts are equipped for the usual run of cases, but it is too expensive to equip all hospitals in the Army with the special apparatus required for the treatment of difficult cases; equally, it is impossible to have at all posts surgeons skilled in all the specialties of medicine and surgery. The advance of medicine and surgery has produced a large number of special and costly appliances, and has necessitated the training of medical men for their use, and in the observation and treatment of special diseases. The proper care of cases requiring special skill and special apparatus can only be given at a hospital especially equipped for the purpose. The conditions relative to the treatment of special cases are similar in the Army to the conditions in civil life. In civil life difficult and important cases occurring in the country and in towns and small cities are sent to medical centers where there are large hospitals fully equipped and with specially trained medical men in attendance.

The number of patients treated at the general hospital in Washington can be taken in part as an index of its usefulness.

In all, 4,945 cases have been treated since the establishment of the hospital. Of these, 1,051 were surgical and 3,894 were medical.

The value of the hospital to the Government from a pecuniary point of view can be estimated by the amount saved in pensions and in retired pay.

A careful estimate has been made of the savings to the Government from surgical operations alone done at the hospital. This shows a yearly saving in pensions which would have been paid enlisted men of \$48,806.04 and yearly retired pay to officers of \$75,374.76, a total of \$125,322.80, the equivalent of 3 per cent on an investment of \$4,173,420. As will be seen, a large number of medical cases have been treated. Many of these were special and difficult cases, which recovered and were restored to duty. No estimate of the saving to the Government from this source could be accurately made, but the amount is large. In commenting upon these savings to the Government, the Surgeon-General has stated in his report for 1903: "The institution has, therefore, already paid for itself many times over from its surgical work alone."

The treatment of officers who would otherwise be on sick leave is also an important function of a general hospital. With no facilities for treatment other than those available at military posts it has been customary in the past to give officers requiring special treatment sick leaves of absence. In such cases the officers are removed from supervision of superior officers and medical officers. Nor are officers on sick leave usually financially able to pay the large fees charged by capable specialists. In consequence the treatment adopted is not always to the benefit of the officer, and the service suffers through long delay in restoring the officer to duty or by producing conditions which may lead to permanent disability. The interests of the service and of sick officers are better subserved if instead of sick leave a fully equipped hospital is available to which officers may be ordered and there treated by competent medical men, who are fully alive to safeguarding the interests both of the officer and the United States.

The objection may be advanced that to bring officers or enlisted men from distant posts to Washington for such special treatment will involve an increased expenditure for mileage. To this it will be replied that this cost is insignificant when compared with the saving of a trained officer or man to the service who would otherwise either die or have to be supported for the rest of his life on the retired list or as a pensioner. The expense of transportation could be more than covered even in the less severe cases where the effect of skilled treatment is to cut short a prolonged absence from duty. To abide by even one month the sickness of an officer whose pay is \$250 a month is equivalent to a saving which would pay four times over the mileage from St. Louis to Washington. Patients from the Rocky Mountain region and the Pacific coast are not sent East for treatment, but go to the general hospital at San Francisco—a large permanent establishment with a bed capacity for 400 patients and facilities for special work.

When the progress of the construction work at Washington Barracks makes necessary the removal of the present hospital buildings and the closure of the hospital, there will be no general hospital for the special treatment of general surgical and medical cases east of San Francisco unless Congress makes this appropriation.

The observation of officers presumably incapacitated for service is an important function of a general hospital. The conditions of the military service are such that officers frequently have but desultory medical attendance. Their medical history is, therefore, imperfect, and their real physical condition when claim of permanent disability is made is often a matter of conjecture. It is important that if disability is not permanent that this fact be ascertained and the officer saved to the Government. Equally, to safeguarding the interests both of the Government and the officer, it is necessary when disability exists that an accurate opinion be arrived at, both as to the nature of the disability and its cause. Observation at a hospital equipped with diagnostic apparatus and with trained medical men in attendance is frequently the only way in which these questions can be authoritatively settled. The general hospital at Washington has frequently been put to this use to the fullest satisfaction of all, and its value to the Government in this way will be constant in the future.

(b) FOR THE TRAINING OF ENLISTED MEN OF THE HOSPITAL CORPS.

Men enlisted into the Hospital Corps come from all vocations in civil life, and most of them are entirely unfamiliar with nursing, Hospital Corps methods, and military duties. For the best care of the sick of the Army it is essential that these men be trained for the duties which they have to perform. It is a recognized fact that training for nurses must be practical so far as possible, and in civil life all training schools for nurses are connected with hospitals. The same necessity obtains in the military service, and it is manifestly for the welfare of the sick of the Army that men whose duties pertain almost entirely to the care of the sick should be trained for this purpose as soon after their entrance into the service as possible and before they assume the responsibilities incident to the care of the sick.

A company of instruction, Hospital Corps, consisting of about 150 men, is now attached to the general hospital at Washington. In this company a systematic course of instruction in nursing, first aid, and hospital-corps drill is given by means of recitations, lectures, drills, and practical work in the wards of the general hospital. Recruits are received into the company, given instruction, and as soon as the instruction is completed they are sent to duty at various military hospitals in the United States and the insular possessions. There is such evident need of this company of instruction and its connection with the general hospital, where the men may be practically trained, that it would be a great detriment to the service if there was no general hospital to which the company could be attached.

From the various number of cases received at a general hospital the practical teaching of enlisted men the duties of nursing can be excellently carried out, and this has been the case at the general hospital at Washington. Since the establishment of this hospital over 2,600 enlisted men have passed through this company.

The company of instruction is quartered at present in wooden pavilions erected for temporary use during the war with Spain. These buildings are cheap wooden structures, are now in very bad repair, and at best will last but a short time. The original cost of these buildings, of which there are two, was about \$3,000 each, but they have now been in use for about five years and are in such bad repair that they will last but a short time longer. They represent to the Government practically no value whatever. Also, they now occupy ground upon which the officers' quarters of the new post are to be erected, and their removal in the near future will be necessary. In connection with the proposed new hospital a suitable barrack for the company of instruction should be erected.

(c) USE OF THE GENERAL HOSPITAL IN CONNECTION WITH THE ARMY MEDICAL SCHOOL.

The Army Medical School was established in 1893, and yearly sessions have been held at the school with the exception of an interval during the war with Spain. This school is one of the military service schools authorized by the Secretary of War and placed under the general supervision of the War College by General Orders 155, November 27, 1901. In this school medical men recently appointed to the Medical Department from civil life are trained in the duties of medical officers; the school is carried on in the Army Medical Museum on the corner of Seventh and B streets SW. It is essential to the success of training in this school that officers be instructed in hospital administration as applied to military hospitals, military surgery, hospital corps drill, establishment of field hospitals, and like subjects which pertain particularly to military medical methods. These subjects can only be taught practically by having a general hospital and a company of instruction near the school. Efficient training at the Army Medical School therefore requires that a general hospital with a company of instruction attached be located at some place not far distant from the school.

As the curriculum of the school is now arranged, student officers attend surgical clinics at the general hospital, where they are instructed in military surgery and in the use of instruments and appliances furnished for the use of medical officers. The use of the hospital for clinical instruction in connection with the Army Medical School, as stated by the Surgeon-General in his report for 1903, page 123, "has a value as an essential part of the instruction of young medical officers and enlisted men of the Hospital Corps which can not be estimated." In this connection the Surgeon-General in his report for 1903, page 18, states, "The distinctive features of the course of instruction at the school are, first, the large measure of personal attention paid to the student's individual work by instructors in the laboratories and surgical demonstrators, which, it is believed, is not exceeded, if equaled, in any post-graduate school."

Medical officers on duty at the general hospital and with the company of instruction also act as professors and instructors in the Army Medical School, so making an economical use of the officers stationed at the hospital.

(d) USE OF THE HOSPITAL BY EXPANSION FOR A BASE HOSPITAL IN TIME OF WAR.

In all previous wars in which the United States has engaged troops in considerable number have been assembled in Washington and its vicinity. The number of sick from the troops assembled in and near Washington and sick from other commands who while being shipped to different parts of the United States in passing through Washington are retained in this city has in the past always necessitated the establishment of a large general hospital here.

The establishment de novo of large general hospitals is always accompanied with considerable delay, expense, some confusion, and unavoidable discomfort to the sick. With the nucleus of a general hospital already established and in running order, the expansion of the hospital to any desired size can be done practically without delay and at a minimum expense—the nucleus being provided with all necessary apparatus, both medical and surgical, with operating rooms, and with the administration in working order, nothing is required but the addition of temporary wards to care for the sick in the very best manner.

The establishment of a general hospital in the District of Columbia, not only for the use of the Army in time of peace but for its expansion in time of war, is one which immediately appeals to the military expert, as thereby a contingency is prepared for in advance, fully in accord with the time-honored maxim "In time of peace prepare for war." When, therefore, such an establishment meets so many requirements, namely, special advantages for the care of the sick in time of peace, the training of hospital-corps men for their duties in nursing, the training of medical officers fresh from civil life in administrative and other duties which pertain particularly to the military service, and expansion in time of war, the need of such an institution would seem to be evident.

(e) TO PROVIDE ADEQUATE ACCOMMODATIONS ON A GOOD SITE.

*Condition of the present hospital.*—The hospital now used is entirely inadequate in size and in accommodations and is imperfect in construction. It was built years ago for a post hospital for the use of the post of Washington Barracks, and has few of the accommodations which a general hospital should have. The total cost of the building was less than \$35,000, and having been used for over ten years, is worn, and being largely built of timber, has shrunk and settled until it is no longer possible to maintain it in the perfect sanitary condition absolutely necessary where aseptic surgical operations are to be performed. It has a total bed capacity of sixty. Usually all available space is occupied by patients, leaving no room for the nurses to sleep in the building. There are no private rooms for special cases nor for officers. Although the hospital is largely used for surgical cases, there are no rooms for anesthesia nor for recovery. The upper story has a low ceiling under a mansard roof and is almost unendurably hot in summer.

In view of the important medical and surgical work done at this hospital, a new building, modern in every respect, is required.

To provide a proper site for the hospital it should be erected on high, well-drained ground.

The continuance of the hospital on its present site, even if it were possible, is in no way desirable. At Washington Barracks, where the hospital is now situated, the ground is low, the air circulation poor, the heat excessive in summer, and the location very malarious.

The work of construction at Washington Barracks, now well under way, will render the removal of the general hospital imperative in the near future. Plans for the War College and the Engineer School contemplate a new building on the present site of the hospital. It has been proposed to move the present building and use it as a post hospital during the construction work, and for this purpose it is neither too large nor too good.



## LOCATION OF THE HOSPITAL.

For many reasons the hospital should be located in the District of Columbia. Some of these, such as the necessity for such a hospital here in time of war, have already been discussed. Other reasons are as follows:

Its use with the Army Medical School depends upon this school being in the city of Washington, and when used with this school it subserves purposes both of practical teaching and economy of officers. In this city is the Army Medical Museum and the Library of the Surgeon-General's Office, both of which are of indispensable value in teaching military medicine and surgery.

The museum and library building is the home of the school. In it the lectures, demonstrations, and laboratory work are given. At the hospital practical work in hospital administration, clinical demonstrations, hospital corps drill, erection of field hospitals, etc., are carried out. It is necessary, therefore, that the hospital be within reasonable distance from the school. All the professors and instructors in the school are stationed in Washington or in its immediate vicinity and the student-officers have to live in the city.

The professors and instructors, in addition to their work in the school, all have other and important duties, thus making a most economical combination of work. All these conditions make it absolutely necessary to have the Army Medical School in this city, and where the school is the hospital should be.

The value of combining an army medical school and hospital has been fully recognized, and has been adopted by all the great nations of the world. The army medical schools and hospitals of Germany, France, England, and Russia are well known and their value unquestioned.

By having the school and hospital in the District, both are immediately under the eye of the Surgeon-General, so allowing personal and careful supervision with consequent increase in efficiency. Also, with the school and hospital near each other proper co-relation of instruction, both theoretical and practical, can be made.

To provide a hospital for officers and men stationed in the District of Columbia.—The general hospital is the only military hospital in the District for this purpose. The hospital at Fort Myer is too distant and is only sufficient ly large for the requirements of that post.

By providing hospital facilities for officers and men stationed here, not only are their requirements adequately met, but clinical material for use in connection with the Army Medical School is increased.

Administrated work is facilitated by having a general hospital with its company of instruction in the District.

Reports and orders can be transmitted from the War Department direct to the hospital, so obviating delay in official communications relative to officers and men under treatment and enabling the central authorities to keep directly in touch with patients held for treatment or observation. Orders relative to the detailing of enlisted men who have been instructed in the company to duty elsewhere can be quickly transmitted and carried out. This facility of communication is valuable in peace, but especially valuable in time of war when questions relating to large numbers of officers and men have to be quickly determined.

The requirements relative to a site can be admirably met in the District, the only possible objection being the somewhat high price of land. The site should be ample in size, well drained, with accessible water, sewer, and gas mains, and should be on a well-paved road not far distant from street-car line.

The size of the site is important, and a careful estimation of all requirements determines the minimum at 45 acres, while 50 acres would be better. Provision must be made to allow full air space about the hospital and ample ground for extension in time of war by means of pavilion wards or tents. Provision must also be made for ample parade ground for hospital-corps drill, and the pitching of tent field hospitals for the instruction of student officers.

The disposal of sewage necessitates that a main sewer be near; otherwise the local disposal of sewage would add greatly to the expense.

Proximity to street-car lines is necessary to facilitate communication with the hospital both in time of peace and war and to enable professors and student officers to get from the school to the hospital.

Another important factor in making it desirable to have the hospital in the District is that local laws are satisfactory and can be enforced to maintain the surroundings of the hospital in right condition.

Suitable land can be secured in the District at not to exceed \$4,000 per acre, and it is possible that land for a site can be secured at a somewhat less figure, but preliminary inquiry indicates that a wholly desirable site can hardly be purchased for less. In view of the value of the proposed institution and its continued use in the future it would be false economy to purchase a site other than one which would meet all requirements.

Against all factors showing the need of a general hospital in the District adequate to the requirements of the service, both educational and for the care of the sick in time of peace and war, there is to be considered but one item, the cost of establishing the hospital. From a financial point of view this objection is met by the saving to the Government from the work at the institution when it is shown that the single item of surgical work already done returns to the United States a sum equal to 3 per cent interest on an investment of over \$4,000,000. The value of the institution in training young medical officers and enlisted men of the Hospital Corps cannot be estimated.

Mr. HEMENWAY. If the Chair is in doubt, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Indiana.

Mr. HEMENWAY. I desire simply to state that under a construction of the statute which I sent to the Chair a while ago, if it were a work in progress it would still be subject to the point of order. If it is a work in progress they could not use more than \$20,000 for the construction of the building there, but it is not a work in progress. It is a proposition to build at a separate place on a new site to be acquired a new building to cost \$400,000; and if it were a regular army post, under the statute that no building shall cost over \$20,000, you can not construct without special authority, and you can not give special authority on an appropriation bill.

Mr. HULL. Mr. Chairman, in answer to that I will say that every year for the last twenty-five years special authority has been given on appropriation bills for this character of building—for instance, at West Point, and you do it every year. It has been done repeatedly whenever we have had any buildings of this character to appropriate for.

Mr. HAY. It was done on the Army College buildings last year.

Mr. HULL. It has been repeatedly done on appropriation bills; it was done on the Military Academy bill. Why, Mr. Chairman, that contention would make it impossible for the Committee on Military Affairs to build up the Military Academy, as we have done.

Mr. HEMENWAY. The gentleman does not contend that on the army appropriation bill he could provide for a public building at any post?

Mr. HULL. Not at one of these posts; but we have done it for the Engineer School for years. When it was at Willetts Point we appropriated whatever they asked for on the army bill. We gave them \$45,000 once or twice. An appropriation for the War College was appropriated last year and passed at \$100,000. The gentleman at the head of the Committee on Appropriations, one of the greatest leaders the House has ever had, a man that scrutinized every bill most carefully, who has so commended himself to the membership of the House that they elected him Speaker, would not raise a point of order against it, because I assume that he did not believe that the point of order would lie. Nobody ever accused him of holding back when he believed that a point of order would lie.

The CHAIRMAN. The question "What constitutes a continuation of a public work or the continuation of an appropriation for a public work" is one which has given rise to many decisions, some of them conflicting. It was decided in the Forty-ninth Congress, as the gentleman from Iowa stated the other day, that the construction of a new vessel for the Navy was a continuation of a public work already in progress. That was probably the extreme limit of the decisions in that direction. It was subsequently held that the construction of a new vessel for the Coast Survey was not the continuation of a public work. That was decided in the Fifty-sixth Congress. It has been repeatedly held—several times in the Fifty-sixth Congress—that the establishment of a light-house, even the building of a new vessel for a light-house tender, was not a continuation of a public work. It was held that the construction of a new dry dock for the Navy was not a continuation of a public work; that the location for a site for a naval magazine was not the continuation of a public work.

Upon this point—the purchase of sites—the weight of authority appears to be to the effect that where the appropriation is for land adjoining an existing site and for the purpose of additional buildings it will be treated as a continuation of a public work, but where the appropriation is for a new site it will not be so treated. In the Fifty-sixth Congress, on the sundry civil appropriation bill, an amendment was offered by the gentleman from Illinois [Mr. CANNON] authorizing the Secretary of the Interior to acquire, by condemnation, 140 acres of land adjoining the present building site of the Government Hospital for the Insane. The gentleman from Missouri, Mr. DE ARMOND, offered an amendment to the effect that if that could not be obtained at a specified price a new site should be purchased. Against that amendment the gentleman from Illinois, the present Speaker, made the point of order which is urged here, and so good a parliamentarian as the gentleman from Pennsylvania, Mr. DALZELL, then in the chair, sustained it.

Now, in addition to that, section 1136 of the Revised Statutes limits the appropriation which may be made for a structure not authorized by previous special authority of Congress to \$20,000. The paragraph here involved provides for an entirely new hospital upon an entirely new site and appropriates \$400,000. It seems to the Chair, therefore, that the point of order is well taken and must be sustained.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to return to page 25.

Mr. HULL. For what purpose?

Mr. BARTHOLDT. I had intended to offer an amendment to the provision relating to the military post exchange, but since that amendment would be subject to a point of order, I do not intend to detain the House with any remarks. I do, however, ask unanimous consent to print, in connection with my remarks, a report on this subject made by the American Public Health Association.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. The report, Mr. Chairman, to which I have just referred was unanimously adopted by the American Public Health Association at their recent convention at Washington, D. C. It was prepared by a committee of expert physicians who had given much study to the question of the army canteen, and their conclusions are most interesting reading to all who have the physical and mental well-being of the American soldier at heart. The report reads as follows.



THE CANTEN.

To the American Public Health Association:

At a meeting of the American Public Health Association held in Buffalo September 16 to 20, 1901, the following resolution was adopted:

"Resolved, That this body deprecates the action of Congress in curtailing the operation of the army canteen or post exchange, and in the interests of general and military sanitation recommends its establishment on its former basis at the earliest possible date."

Another resolution was adopted, as follows:

"The executive committee recommends the appointment of a special committee to prepare and publish at an early date a pamphlet for public circulation, containing the resolution of the Public Health Association in favor of the army canteen, together with a concise statement of the data upon which this action was based and the definite references to the original sources from which such information is obtainable; such pamphlet to be issued in the name of the association, and to be so prepared as to withstand keen and intelligent examination."

"This recommendation is made in view of the fact (1) that an important function of this association is to educate the public in matters of hygiene; (2) that the action above referred to is in disagreement with the ideas of a very large number of good citizens; (3) that this is a possible opportunity of securing their understanding of our action, and, it is to be hoped, their intelligent cooperation in taking successive steps toward the betterment of existing conditions."

**Introduction.**—In order to appreciate the object of these resolutions it should be stated that the so-called canteen system was introduced as a temperance measure at Vancouver Barracks in 1880, but was not officially recognized until February 1, 1889, as shown by the following extracts from General Orders, No. 10, Headquarters of the Army, Adjutant-General's Office:

"1. Canteens may be established at military posts where there are no post traders for supplying the troops at moderate prices with such articles as may be deemed necessary for their use, entertainment, and comfort; also for affording them the requisite facilities for gymnastic exercises, billiards, and other proper games. The commanding officer may set apart for the purpose of the canteen any suitable rooms that can be spared—such rooms, whenever practicable, to be in the same building with the library or reading rooms."

"2. The sale or use of ardent spirits in canteens is strictly prohibited, but the commanding officer is authorized to permit wines and light beer to be sold therein by the drink, on week days, and in a room used for no other purpose, whenever he is satisfied that the giving to the men the opportunity of obtaining such beverages within the post limits has the effect of preventing them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them. The practice of what is known as 'treating' should be discouraged under all circumstances."

"3. Gambling or playing any game for money or other thing of value is forbidden."

Subsequent order, dated May 13, 1890, provides that:

"The practice of what is known as 'treating' must not be permitted."

After the abolition of post-traders these canteens became also the cooperative store, and supplied the officers and men with the necessities and luxuries which the Government does not provide, such as "delicatessen," cigars, tobacco, and general merchandise, articles of clothing, stationery, etc., and as such exercised also a very important economic function.

The establishment of the canteen system, in the light of the evidence which will be presented hereafter, proved to be a most efficient prophylactic measure for the diminution of vice and drunkenness among troops, and its abolition by an act of Congress, approved February 2, 1901, on purely sentimental grounds must be deeply deplored by all interested in the prevention of physical and moral diseases. Since the question of intemperance is intimately connected with the health, morals, discipline, and general efficiency of the Army, it is necessary to consider the subject in all its bearings, and for the purpose of approaching the question from the practical rather than the sentimental standpoint we will present a summary of the evidence:

**Personnel of the Army.**—The recruits for the Army are enlisted generally from among men of ordinary walks in life, and reflect, therefore, the qualities of the latter, whether they be good or bad. It is not true that the soldier is peculiarly dissipated above all others and requires special legislative measures to safeguard him against his weakness, for, as justly remarked by Dr. Munson in his *Theory and Practice of Military Hygiene*, page 830:

"He brings with him into the service the result of the moral moulding to which he has been subjected during his childhood and youth in civil life, and does not change his nature or moral standards with the mere donning of the uniform."

One of the members of your committee served in the Army both as an enlisted man and contract surgeon from 1867 to 1889, another member served as an officer of artillery, and we have therefore personal experiences and observation as to the character and habits of the enlisted men, the question of intemperance, its predisposing causes and effects upon the health and morals of the troops. We are disposed to divide the rank and file of the Army into four classes. The first class includes a number of young men who have resisted the temptations of the saloons in civil life, and will continue to resist the temptations after they enter the Army.

The second class comprises many men, especially of German descent, accustomed all their lives to drinking beer instead of alkaloidal beverages, such as coffee and tea, who crave for companionship and the genteel amusements of a club and gymnastic hall; they regard beer as an article of food and a gentle stimulant, and life without these environments creates discontent and never reconciles them to their absence from home. The third class is made up of intelligent mechanics and clerks, who by reason of periodic attacks of intemperance have lost their positions in civil life, but who, possessing sufficient self-respect and manhood, have entered the ranks for the purpose of securing the benefits of army discipline. The fourth class consists of men without aim or purpose in life, and without internal resources for legitimate amusements; they are fond of morbid excitement and the alluring influences of the saloon, and appear to find it difficult to check their cravings for liquor, in spite of the restraining effects of army discipline; indeed, quite a number of these men are true degenerates, not infrequently drawn from the higher walks of life (gentlemen—rankers).

**Prevalence of alcoholism in the Army.**—It is difficult to give an exact estimate of the extent of the drink habit, except by the amount of beer actually sold in the canteens and the prevalence of alcoholism as shown by the army medical statistics. Statistics prepared by the Adjutant-General of the Army show that during the year 1898, the first year of the Spanish-American war, with its hardships, excitement, and general employment of the Army, the average amount spent for beer by each man in an army of 231,053 officers and men was \$2.41 per year, or 48½ glasses at 5 cents each, or 20 cents per month, equal to 4 glasses per month for each man. The consumption in 1899 in an army of 90,160 officers and men was \$9.94, or 139½ glasses per year, or 56 cents, or 11½ glasses per month for each officer and man. This is a very favorable showing when it is considered that the average consumption of liquor in the United States amounts to 17.68 gallons per capita.

The following table, taken from Munson's *Hygiene*, page 800, based upon official records of the Surgeon-General's Office, shows the prevalence of alco-

holism in the military forces of the Army during the twenty-eight years of peace, 1870-1897, inclusive:

Year.	Mean strength.	Number of cases admitted to hospital per 1,000 strength.	Number of cases of delirium tremens per 1,000 strength.
1870.....	31,831	38.20	(a)
1871.....	29,430	45.80	(a)
1872.....	26,844	47.50	(a)
1873.....	27,909	49.40	(a)
1874.....	27,021	58.10	(a)
1875.....	23,575	68.00	(a)
1876.....	24,886	64.50	(a)
1877.....	23,707	59.00	(a)
1878.....	23,381	59.40	(a)
1879.....	23,964	65.10	(a)
1880.....	24,004	61.00	(a)
1881.....	23,222	57.60	(a)
1882.....	23,239	68.70	(a)
1883.....	23,439	66.00	(a)
1884.....	24,084	66.10	(a)
1885.....	24,138	53.50	1.57
1886.....	23,572	42.80	1.01
1887.....	23,841	46.70	.88
1888.....	24,726	40.20	.92
1889.....	25,003	41.40	.51
1890.....	24,234	40.70	.86
1891.....	23,269	40.00	.90
1892.....	24,203	37.20	.78
1893.....	25,287	35.80	.55
1894.....	25,376	30.90	.82
1895.....	25,204	30.10	.53
1896.....	25,119	28.80	.88
1897.....	25,417	27.80	.58
1898.....	147,795	15.16	(a)
1899.....	105,546	18.70	(a)
1900.....	100,389	22.43	(a)
1901.....	92,491	26.25	(a)
1902.....	80,778	24.02	(a)

<sup>a</sup> No figures available.

The committee has extended this investigation so as to include the five years ending December 31, 1902, and find, as first pointed out by Munson, that "during the war with Spain in 1898 the admission rate fell to 15.1; the more active operations and novelty supplying much of the desired excitement, while the unusual conditions undoubtedly attracted a superior class of young men to the colors." The same was true in 1899, when the rate for alcoholism in the bulk of our Army engaged in hostilities and hard field service in the Philippines was only about half as high as among those serving in Cuba and an eighth as high as among those in garrison in Porto Rico.

The rates for the United States for the year 1900 were 22.43; for 1901, 26.25; for 1902, 24.02. In Cuba and Porto Rico the rates were, for 1900, 32.01; 1901, 34.42; 1902, 48.26. In the Philippine Islands the rates were 12.16 in 1900; 21.07 in 1901; and 21.10 in 1902.

From this table we learn that the rates for alcoholism in our service have steadily decreased. Since there is reason for believing that the per capita consumption of liquor in the United States has steadily increased, the decrease in the army rates for alcoholism is especially gratifying and can only be explained by greater care exercised in the selection of recruits and in the character and preparation of food, a more rapid elimination of inebriates from the Army, and last, but not least, the beneficial effects from the establishment of canteens.

It will be observed that the decrease is especially marked since the establishment of canteens in 1889, while the slight changes in 1901 and 1902 are not sufficiently marked to base conclusions thereon; nevertheless they indicate, in connection with other evidence, an increase in alcoholism since the abolition of the canteen.

It is interesting to note that the statistics collected by Doctor Munson show that there is approximately only a tenth as much sickness from the use of alcohol among the negro as the white troops. He says, "Few colored soldiers are hard drinkers; and so far as beer and other malt liquors are concerned, there apparently exists a radical distaste for these beverages on the part of the negro." Doctor Munson also adduces statistics which indicate that nationality is a factor of much importance in determining the relative amount of alcoholism. Thus, for seven-year periods, 1890-1896, the rates of admission in our Army per 1,000 of each class were as follows:

German.....	26.62
American born.....	28.51
English.....	51.84
Irish.....	90.96

These statistics appear to have also an important bearing on the influence of so-called "national beverages" on the drink habit, and their effects upon the system. The German and American-born soldiers generally prefer beer, while the English and Irish are accustomed to stronger drinks, like ale and ardent spirits.

**The canteen as a prophylactic measure.**—In order to appreciate the beneficial effects of the canteen system, not only in the reduction of the drink habit but also as a powerful moral factor in the life of the soldier, it should be remembered that prior to the inauguration of the canteen or post exchange the so-called sutler's or post-trader's store was allowed by Army Regulations.

The proprietor was a civilian, appointed by the Secretary of War, and at a subsequent period these appointments were made upon the recommendation of the members of the post council. These stores furnished merchandise and luxuries not supplied by the commissary department, and were also an accommodation to the pioneer settlers. Among the most profitable articles of sale were whiskies, brandies, wines, cigars, and bottled beer. These were sold usually across the counter and very few of the sutler stores provided the facilities of club life, such as billiards, reading rooms, or games, and if so, the charges were exorbitant and gambling for money was not infrequent. Most generally they presented all the characteristics of the American bar, drinks being consumed in rapid succession, aided by the pernicious system of "treating."

It is quite true these establishments were subject to military orders, and the sales of liquor could be controlled easily, but whenever and wherever the attempt was made on the part of the commanding officer to regulate the character and amount of drinks to be sold, it was promptly frustrated by the establishment of little shacks or shanties for the sale of vile whisky outside of the post reservation. These were gradually enlarged by the addition of



rooms for gambling and the introduction of lewd women of the lowest class, and as a result, in addition to the excesses of alcoholic stimulants, the effects of an immoral life and its far-reaching consequences were stamped upon those unable to resist the temptations, and as a result trials for drunkenness, absence without leave, admissions for alcoholism and venereal diseases increased with startling rapidity.

One of the members of your committee can recall that on more than one occasion, in order to avert complete demoralization of the men, the commanding officer felt constrained to rescind his orders prohibiting the sale of alcoholics, for he realized that the post trader could be compelled to sell a pure article of whisky, and thus diminish the baneful effects of alcoholic stimulants to a minimum.

At posts situated within the heart of an Indian country, and where it was impracticable to establish grogshops within a reasonable distance from the post, whisky was brought into the garrison through the mails in various disguises, or in express packages, and peddled in 2-ounce vials by the soldiers themselves. Others resorted to the purchase of essence of ginger, lemon, vanilla, bay rum, alcohol, and patent or proprietary remedies containing alcohol in various percentages.

Hence even the most favorable environment failed to prohibit. It was not until the establishment of the canteen system that better conditions were offered for the promotion of temperance among our soldiers. It was the creation of the soldiers' club which reduced drinking to a minimum and promoted not only temperance and contentment, but also lessened sickness, immorality, and crime.

*Trials by court-martial for drunkenness, etc.*—The statistics already presented show conclusively that coincident with the general establishment of the canteen system throughout the Army there occurred a decrease amounting to considerably more than half the drunkenness which formerly tended to the impairment of discipline, the demoralization of individuals, and to the occurrence of assaults, injuries, and deaths.

The following statistics, prepared by Dr. Munson and extended by the committee, show a gradual improvement in the tone and morale of the Army, as evidenced by the number of courts-martial. This improvement is especially marked since the establishment of the canteen.

The average of trials and convictions for drunkenness and conditions arising therefrom for from 1886 to 1891 was 372.5 against an average of 160.6 for the six years after the establishment of the canteen. (Table Munson's Hygiene, p. 819.)

Year.	Total number of trials and convictions in the Army—all causes.	Number of trials and convictions for drunkenness and conditions arising therefrom.
1886	1,640	342
1887	1,730	239
1888	1,959	357
1889	1,752	423
1890	1,907	407
1891	2,000	417
1892	2,198	228
1893	2,189	163
1894	1,728	120
1895	1,486	142
1896	1,284	168
1897	1,245	143
1898	1,865	313
1899	5,694	1,286
1900	6,618	1,837
1901	6,065	1,453
1902	5,311	1,000

The statistics from 1898 to 1902 should be excluded, as they cover the period of the Spanish-American war, when a large number of volunteers were enrolled. In this connection attention is directed to the "Reports of commanding officers" on file in the War Department and published in House of Representatives Document No. 252, Fifty-seventh Congress, second session. Brig. Gen. Frederick Funston, United States Army, commanding general Department of the Colorado, reports (p. 22) the number of trials by general courts-martial for 1902 to have been 194, and as compared with the preceding year the percentage of average enlisted strength to nearly have doubled. He also gives the per cent of average enlisted strength deserting in his department as follows:

1899-1900	3.20
1900-1901	7.50
1901-1902	11

And writes as follows:

"It is therefore plain that there has been a deplorable increase of offenses in general and of desertion in particular. In my opinion there are two principal causes for this state of affairs: 1. Resentment to unaccustomed limitations and restrictions felt by men returning from field service to the monotony and routine work of garrison life. 2. The abolition of the canteen feature of the post exchange. Since this action was taken saloons of the lowest type have been established just outside the boundaries of the various reservations; their proprietors are, in almost every case, unprincipled scoundrels, who leave nothing undone to debauch the soldiers and obtain their money.

"Being, in all cases, outside the limits of any city, the proprietors of these resorts are subject to no municipal police regulations and sell liquor regardless of hours and whether the buyer is already intoxicated or not. Gambling is universal in these "dives," and they are frequented by dissolute women. The soldier whose desire for a drink would ordinarily be satisfied by a few glasses of beer in the canteen of the post exchange goes to one of these resorts and does well if he escapes before he has spent or gambled away all his money, overstayed his leave, or engaged in an altercation. As a rule, the local authorities regard the existence of these places with indifference or approval, as it causes the soldier to spend his money in the community.

"The efficiency of the Army or the ruin of a good soldier is nothing to them. There can be no reasonable doubt that most of the trials by general courts-martial and summary courts, at least so far as this department is concerned, are directly traceable to this cause. Since I have had command here there has taken place the ruin and degradation of several noncommissioned officers of long service and fine record. In short, the recent legislation of Congress on this question, so far as this department is concerned, has had no effect except to lower the discipline of the Army, ruin scores of good

soldiers, and fill the pockets of a lot of saloon keepers, gamblers, and prostitutes."

*Desertions.*—The following table, compiled from the records of the War Department, shows what the establishment of the canteen has accomplished in the promotion of virtue and loyalty to the flag. This table demonstrates that for the ten years previous to the establishment of the canteen the number of men annually deserting from the service amounted to 125 per 1,000 strength, while for the ten subsequent years the annual number of desertions was reduced to 43.2 per 1,000 strength.

It is to be deplored that this favorable record, which continued for ten years after the canteen system was thoroughly established, should be broken by a rate of 73 per 1,000 the year following the abandonment of this system. These figures are extremely suggestive, because the best index of the contentment and virtue of the troops is to be found in the rate of desertions and trials by courts-martial.

Table showing percentage of desertions in the Army of the United States from 1890 to 1900, and 1901-2.

Year.	Strength	Percentage.	Year.	Strength	Percentage.
1890	24,601	9	1891	24,525	5.7
1891	23,572	12.5	1892	24,867	5.7
1892	23,743	16.4	1893	25,670	6.3
1893	23,814	15.2	1894	25,661	3.6
1894	24,706	13.6	1895	25,200	5.3
1895	24,816	10.6	1896	25,143	3.4
1896	24,365	8.3	1897	25,304	2.9
1897	24,438	10	1898	44,337	4
1898	24,790	11	1899	62,019	4.9
1899	25,564	11	1900	66,400	4.4
1900	24,930	7.7			
		12.50	1901	75,431	4.12
			1902	82,472	7.30
					5.71

*Savings deposits.*—Doctor Munson, on page 819 of his Military Hygiene, also refers to the increased savings deposits with army paymasters as one of the beneficent effects of the canteen system in the promotion of order and contentment. At all events, the figures reported by the Paymaster-General in his report for 1899 show that the average number of men annually making such deposits for the seven years, 1885-1891, was 7,273, while for the six years 1892-1896 the annual average so deposited was 8,382, an increase of 13.3 per cent. This indicates not only increased contentment, but a decided improved moral tone, and means that over 1,100 additional depositors were created, thus practically giving bonds to the Government for good behavior.

*Statement showing the number of enlisted men, the amount of soldiers' deposits, and the average deposit per man per year for four fiscal years, from 1900 to 1903, inclusive.*

Year.	Troops.	Deposits.	Average per man.
1900	64,969	\$3,215,544.66	\$49.49
1901	65,000	3,448,529.11	53.05
1902	70,711	2,630,250.66	37.62
1903	59,866	1,888,014.87	31.54

*Venereal diseases.*—Another remarkable victory achieved by the canteen system over vice and disease is shown by the decrease in the prevalence of venereal diseases in the United States Army. This reduction was gradual and constant until the abolition of the canteen system, when again a most marked and lamentable increase is noted, the admission rate for syphilis, chancreoid, and gonorrhoea in 1902 having almost doubled when compared with the rate for the decade 1890-1899.

Venereal diseases, United States Army—Syphilis.

Year.	Admission to hospital per 1,000 strength.	Year.	Admission to hospital per 1,000 strength.
1880	49.4	1891	14.7
1881	47.6	1892	16
1882	40.1	1893	13.6
1883	35.6	1894	14.1
1884	29.8	1895	11.1
1885	24.8	1896	10.9
1886	22.5	1897	12
1887	22.9	1898	10
1888	22.2	1899	14.7
1889	22	1900	18.4
1890	19.7		

	1898.	1899.	1900.	1901.	1902.	Decade 1890-1899.
Syphilis	10.08	14.97	18.46	20.38	22.37	12.67
Chancreoid	33.29	46.44	37.18	31.90	31.90	17.80
Gonorrhoea	46.42	93.18	93.68	99.25	106.58	55.60

The predictions of the honorable Secretary of War, Mr. Elihu Root, and Right Rev. Archbishop Ireland have, alas, been fulfilled. Mr. Root, in his testimony before the Senate Committee on Military Affairs, December 14, 1900, said:

"In the vile resorts which cluster against the borders of every army post there is not only the liquor seller, with his bad whisky, but there is the prostitute. The man who goes to the gin mill for his recreation falls into the hands of that woman, and he comes back not merely to the guardhouse for drunkenness or for overstaying his time, but to go into the hospital with venereal



disease. These misguided people are doing satan's work in endeavoring to take these fellows out from under the restraint and under the influences that surround them when they are in camp and drive them out into the horrible and demoralizing and damning surroundings that cluster around the outside of the camps."

Before the same committee Archbishop Ireland declared: "One thing is overlooked by many people who discuss the canteen question. It is this matter of prostitution, which is, of course, fatal to the soldier, soul and body. They only look at the mere drinking, but when a soldier goes outside to drink, outside the fort or reservation, he is generally tempted to go farther. That is the danger. \* \* \* You will find soldiers arrested in houses of prostitution; they are arrested, and we ask: 'How did you get there?' The explanation is that they went outside and got drunk in some of these vile saloons, and they were induced to go to these houses from the saloons. The agents of these houses are there, and they are there particularly for the purpose of inveigling the soldiers into these houses. The houses that I refer to are on the borders of the fort, and are houses of prostitution—all of them."

**Insanity.**—For the sake of completeness, we submit a table showing the rate of mental diseases in our Army for the period from 1880 to 1902, inclusive.

It will be observed that there was a decided tendency to diminution of insanity from 1884 to the beginning of the Spanish-American war, probably the result of better provision for the intellectual needs and recreation of the soldier, and of which the canteen system may have been a factor. It would be unfair, however, to attribute the increase in recent years to the absence of canteens, since service in tropical islands, the lack of knowledge of the native languages, enforced confinement to garrisoned towns, and the constant strain incident to continued preparation against attack by the enemy, all combine to act as predisposing causes to different forms of mental disorders, which are by no means limited to the drinking classes.

*Insanity—United States Army.*

Year.	Cases.	Mean strength.	Admission rate per 1,000 strength.
1880	50	24,002	2.1
1881	62	23,222	2.5
1882	65	23,239	2.8
1883	71	23,439	3
1884	52	24,034	2.1
1885	34	24,138	1.4
1886	33	23,572	1.4
1887	46	23,841	1.9
1888	42	24,726	1.7
1889	34	25,008	1.3
1890	33	24,234	1.3
1891	37	23,289	1.5
1892	48	24,203	1.9
1893	35	23,287	1.3
1894	24	23,376	.9
1895	21	25,204	.7
1896	22	25,119	.8
1897	21	25,417	.8
1898	159	147,795	1.1
1899	188	105,546	1.8
1900	273	100,389	2.7
1901	166	92,491	1.8
1902	138	80,778	1.7

**Present aspect of the question and the effect of the sale of beer and light wines at military posts in the United States.**—The provisions of this act approved February 2, 1901, prohibiting the sale of or dealing in beer, wine, or any intoxicating liquors in post exchanges was promulgated in General Orders, No. 5, dated February 2, 1901, so that now over two years have elapsed during which the effects of this law upon the health and morale of the Army can be studied. In transmitting a copy of this order the Secretary of War enjoined upon all department commanders a prompt and effective compliance with the terms of the act, and requested that he might be informed of the effect of this law on the morality, health, and discipline of the troops, commanding officers be instructed along the following lines, report thereon to be made to the Adjutant-General not later than September 1, 1901:

1. To prepare at once a list of the liquor saloons within 1 mile of their reservation limits; to observe and record any additional saloons subsequently established within such limits.
2. Special mention to be made of saloons temporarily opened in the vicinity of posts or camps where the new regiments are to rendezvous or regiments returning from the Philippine Islands are to be mustered out.
3. To observe whether drunkenness among the enlisted men of their commands increases or decreases as a consequence of the abolishment of the canteen; whether the percentage of trials by summary or other courts for drunkenness for the coming six months is greater or less than for the past six months.
4. To make similar observations as to desertion and absences without leave.
5. To observe generally the effect of the abolition of the sale of beer at the post or camp on the morality and discipline of the command.
6. To make similar observation as to its effect upon the health of the command.
7. To report the effect of the law upon the table fare of the soldier in garrison and in the field, and to recommend measures for any improvements therein that may be considered necessary.

Replies have been received at the War Department which indicate the following conditions:

1. **Increase of liquor saloons within 1 mile of military posts since the passage of the act.**—The reports under this head show that on or about February 2, 1901, the date of the passage of the act abolishing the sale of beer, there were within 1 mile of the military posts 1,555 saloons, at which intoxicating liquors of all kinds were dispensed, and at the date of the last report there were 2,287 such saloons; that is to say, that 98 post canteens, at which beer and light wines alone were sold, had been closed and their places taken by 341 saloons in the United States and 371 saloons in the Philippine Islands, dispensing all kinds of intoxicants, in very many cases with gambling rooms attached, and in at least three instances houses of ill fame. Many of the additional saloons have been opened by discharged soldiers.

2. **Increase of drunkenness.**—To the inquiry to report whether drunkenness among the enlisted men of their commands has increased as a consequence of the abolition of the canteen, ninety-eight post commanders replied, of which number eighty-one reported that drunkenness had increased, ten that it had decreased, and in seven cases the commanding officers had no means of com-

parison, owing to changes of garrison or absence of data relating to prior garrisons, new posts established since February 2, 1901, and the failure to report on the specific question, or inability to reach a positive determination from the language of the report. (See table showing increase in alcoholism in the Army.)

3. **Increase of trials by summary or other courts for drunkenness and for offenses caused by drunkenness.**—To this inquiry ninety-eight post commanders responded, of which number sixty-eight responded that such trials had been more numerous since the passage of the bill, three that they had been less, and in twenty-one instances the effects were in doubt, for reasons given under paragraph 2.

4. **Increase of desertions.**—To the inquiry whether desertion had increased or lessened, ninety-eight post commanders replied, of which number fifty-four reported that desertion had increased, eight that it had decreased, and in thirty-six reports the result was in doubt for reasons stated under paragraph 2. (For statistics see table showing percentage of desertions in the United States Army.)

5. **Increase in absence without leave.**—To a similar inquiry as to absence without leave, 98 post commanders replied, of which number 74 reported that absences without leave had increased, 6 that they had decreased, and in 18 the effect was doubtful for reasons stated in paragraph 2. A number of post commanders reported that absences without leave had doubled, and in some cases that they had increased from 250 per cent to 300 per cent.

6. **Effects of the abolition of the sale of beer at the posts on the morality and discipline of the command.**—To this inquiry 98 post commanders replied; 1 reported that the effect had been good, 56 that it had been bad, and in 42 instances the commanding officers had no means of comparison owing to changes of garrison or absence of data relating to prior garrisons, etc. See table giving statistics of venereal diseases.

*Collections made by paymasters, United States Army, from enlisted men of the Regular Army, including Hospital Corps, on account of fines and forfeitures imposed by sentence of courts-martial from July 1, 1897, to June 30, 1903.*

Year ending June 30—	Number of enlisted men.	Fines and forfeitures.	Average per man.
1898	28,110	\$52,905.88	\$1.88
1899	66,258	166,207.87	
1900	69,669	316,943.83	
1901	81,287	340,768.28	
1902	70,711	526,059.10	
1903	62,866	428,051.38	6.82

**Conclusions.**—A careful review of the evidence on file in the various bureaus of the War Department justify the following conclusions:

1. The abolition of the post canteen, more especially the prohibition of the sale of light wines and beer, instead of proving a temperance measure as hoped for by its advocates, has had a detrimental effect on the health and morale of the troops. In the opinion of an overwhelming majority of commanding officers drunkenness has actually increased, and the admission rate for alcoholism has been increased from 22.43 per 1,000 in 1900 to 24.02 in 1902. The 98 post canteens at which light wines and beers alone were sold have been replaced within a mile from military posts by 341 additional saloons in the United States and 371 in the Philippine Islands dispensing all kinds of intoxicants, in many cases with gambling rooms and in some cases with houses of ill fame attached.

2. Since drunkenness and vice are intimately associated, it is natural that the evidence should reveal an alarming increase in the prevalence of venereal diseases in the Army. As a matter of fact, the statistics of the Surgeon-General's office show that the admission rate for these diseases in 1902 is almost twice as high as that for the decade of 1890-1899, and is doubtless the result of the cause pointed out by Secretary Root and Archbishop Ireland. In view of the grave and far-reaching consequences of these diseases, which are a menace to the public health and welfare, and so often transmitted to the innocent and to future generations, this result, apparently associated with the abolition of the canteen, is especially deplorable.

3. It is a matter of evidence that desertions, absences without leave, and trials of summary or other courts-martial for drunkenness and for offenses caused by the same have increased, and that savings deposits by the enlisted men have decreased from an average of \$49.49 per man in 1900 to an average of \$31.54 per man in 1903. The records of the Paymaster-General's Office also show that fines and forfeitures imposed upon and collected from the enlisted men of the Army have increased from an average of \$1.88 per man in 1898 to \$6.82 per man in 1903, all of which indicates a growing spirit of discontent and a decided tendency to degeneracy, which must seriously affect the discipline and morale of the Army.

**Recommendations.**—In view of the foregoing facts and in the interest of scientific temperance, the committee recommends:

1. The presentation to the Senate and the House of Representatives in Congress assembled of the following resolutions, adopted by the American Public Health Association in September, 1901:

*Resolved*, That this body deploras the action of Congress in curtailing the operation of the army canteen or post exchange, and in the interest of general and military sanitation recommends its establishment on its former basis at the earliest possible date.

*Resolved*, That this body, in the interest of temperance and humanity, cordially invites the intelligent cooperation of a very large element of good citizens who have been active in securing legislation against the sale in the military service of alcoholics of any character, in taking successive steps toward the betterment of existing conditions, and thus assist in controlling and largely curtailing an evil which it is powerless at present to prevent."

2. Your committee is aware of the fact that beverages containing alcohol are an accessory food of value only when it becomes necessary to increase temporarily the elasticity of mind and body and a desire and capacity for work, and that the subsequent depressing effect and the baneful influence of their misuse require great care in their employment, especially when rest proper food, and some of the alkaloidal beverages like coffee, tea, cocoa, and stimulants like meat broths and soups may accomplish the same purpose, and their sale as a substitute should be encouraged.

3. In spite of the fact that "beer drinking viewed in the abstract is unproductive of good," your committee believes that its sale in canteens under rational and comprehensive regulations, rather than its total prohibition, will subserve the best interest of scientific temperance, because so long as human nature is weak and the masses are not properly educated the substitution of a lesser evil under military control appears not only justifiable, but will in the future, as it has in the past, prevent excesses which are fatal to the soldier, soul and body. At present every effort toward total abstinence at military posts merely opposes theory to facts and sentiment to statistics, and compels recourse to saloons of the lowest character, whose proprietors care nothing for the efficiency of the Army or the ruin of a good soldier.

4. Every precaution should be observed to conduct post exchanges and the



sale of light wine and beer along the lines recommended by Munson in his *Theory and Practice of Military Hygiene*, pages 820-823, and your committee begs to emphasize the fact that the bar feature should be entirely abolished and that the exchange should in fact be a "soldiers' club," with ample facilities for reading rooms, legitimate amusements, and athletic sports, where the soldier as a self-respecting individual may satisfy in an orderly manner his craving for diversion from the routine duties of a military life without undue prominence of the refreshment feature.

5. The sale of soft drinks, coffee, tea, cocoa, bouillon, soups, and warm lunches should be encouraged as substitutes for alcoholic beverages, and medical and line officers should be directed to educate by precept and example the rank and file of the Army, that for persons in health alcohol in any form presents no advantages not found in other food stuffs or stimulants, and which are, moreover, free from the dangers attending its use. In this connection it should be remembered that good food, well prepared, and properly cooked and served, is one of the most effective prophylactic measures against the "drink habit" in civil as well as military life, and no effort should be spared to bring the culinary department in the Army to the highest state of perfection.

6. Military officers should point out the grave and far-reaching consequences of the effects of venereal diseases, so intimately connected with the drink habit, and make a strong plea in favor of continence. This may be done by telling these young men that while the sexual passion is strong it can be accelerated or delayed, excited or lowered, by the influence of the will. The soldier can be assured that by the cultivation of pure thoughts, removal of temptation, normal mental, and especially by vigorous physical exercise, continence is not only possible, but easy.

7. A strong effort should be made to improve the social conditions of the soldier. There are times and occasions when the friendly advice of a company commander or attending surgeon, a personal interest in the physical and moral welfare of the young soldier, will prove of greater benefit to the service and to humanity than the cold verdict of a summary court-martial. Such personal efforts on the part of the officers, dictated by the spirit of a universal brotherhood of man, appears to us perfectly compatible with proper military discipline. It is also believed that the habit of making savings deposits with the army paymasters may be greatly stimulated by personal efforts.

In conclusion, the committee desires to express its obligations to the officials of the War Department for the opportunity of making a full and impartial investigation of the records, and especially to Dr. Edward L. Munson, United States Army, the author of *Military Hygiene*, for invaluable assistance in the preparation of this report.

Respectfully submitted.

GEO. M. KOBER, M. D.,  
Professor of Hygiene, School of Medicine,  
Georgetown University, Washington, D. C., Chairman.  
F. C. HARRISON, PH. D.,  
Professor of Bacteriology, Ontario Agricultural College,  
Bacteriologist to the Experiment Station, Canada.  
JESUS E. MONJARAS, M. D.,  
City of Mexico.

#### APPENDIX.

[Extracts from reports of post commanders.]

Commanding officer, Fort Gaswell, N. C.:

"I do not think the morality or discipline of the command has been much affected by the abolition of the canteen. I notice, though, that fewer men are willing to reenlist for organizations at the post, and I believe some discontent has been caused by this law."

Commanding officer, Fort Snelling, Minn.:

"From my own observation and that of the officers of the garrison, the morality and discipline of the post was superior after the abolishment of the canteen as compared with any period prior to that act. \* \* \* The percentage of sick was much less after the abolishment of the canteen. \* \* \* The records show that the number of desertions for the six months prior to the abolishment of the canteen exceeds that of the six subsequent months. \* \* \* On February 1, 1901, there were two saloons within 1 mile of the reservation. Up to the time of my leaving Fort Snelling, September 1, 1901, no additional saloons had been established. \* \* \*

"I find that the company amusement room, with tobacco, cigars, lunch, and soft drinks on sale, is more satisfactory than a common amusement room, as at a large post a common amusement room of sufficient size to accommodate the whole command when off duty can not well be established; besides, the company amusement room develops and fosters the company unit, which constitutes the most important factor in contentment and discipline. I urge the early establishment by the Quartermaster's Department at every large post of a well-equipped gymnasium in connection with a race track and athletic grounds. \* \* \*

Commanding officer, Fort Logan, Colo.:

"I believe that many company commanders are induced to approve of the canteen feature of the post exchange because they obtain an income from it with which they improve the mess of the men and purchase pool tables, gymnastic outfits, bowling alleys, etc. It must be remembered the soldiers of our present Army are much younger than before the Spanish war. They are men who either do not drink or who want very little, and have not contracted the drink habit. It is the duty of the Government to protect these men and not put temptation before them. It is not sufficient to say to a soldier, 'You shall not drink;' but surround him with wholesome and decent means of diversion and amusement, and he will not want to drink."

[Effects in prohibition States, where the sale is regulated by the State.]

Commanding officer, Fort Fremont, S. C.:

"The number of cases of venereal diseases in the command has increased. The evil effects of the law in question upon the health of the command have been more marked. The places at which liquor is sold are frequented by negro women of loose character, with whom the men are thus more closely associated than was formerly the case. \* \* \* The liquor sold in the vicinity of the post is of the poorest quality, and is, from what I can learn, adulterated very often with the most injurious substances. During the summer just past three members of the command have died under exactly the same conditions, each exhibiting the same symptoms and each dying within six hours after having been first taken ill. \* \* \*

"In each case the man had absented himself for the twenty-four hours preceding his illness and had during that time been drinking heavily of the liquors sold around the post. The diagnosis of the surgeon in each case was 'cerebral congestion due to excessive use of alcoholic stimulants.' It is very difficult in this State to secure the conviction of a man charged with selling liquor illegally, and until recently it has not been practicable to obtain sufficient evidence to justify the prosecution of any of these persons so engaged. Recently, however, enough evidence to secure the conviction of one of the proprietors of these places has been obtained, and he will be prosecuted at the next meeting in this county of the criminal court."

Commanding officer, Sullivan's Island, S. C.:

"The stoppage of the sale of beer induces patronage of State dispensaries where liquor is sold by bottle only, and consequently large quantities are drunk at one time."

Commanding officer, Fort Riley, Kans.:

"\* \* \* On February 13, 1901, there were eleven joints and eight drug stores within 1 mile of the reservation limits. On August 21, 1901, six joints and eight drug stores. The drug stores in Junction City sell liquor, spirits, and beer, and the joints are simply barrooms. Kansas is a prohibition State."

Commanding officer, Fort Ethan Allen, Vt.:

"Vermont is a prohibition State. \* \* \* While there are no liquor saloons, there are many drug stores. All sell liquor on prescription. Prescriptions are easily obtained."

Commanding officer, Fort Logan H. Roots, Ark.:

"\* \* \* There are men in the ranks of our Army from many walks of life, and many of the most valuable clerks, mechanics, carpenters, etc., are men of good education and trades, who are in the Army because periodic sprees have lost for them many positions in civil life, and they entered the Army to receive the discipline it affords. Take their daily drinks from them, tell them that they shall not drink, and you make drunkards of them."

Commanding officer, Fort Apache, Ariz.:

"\* \* \* In my opinion the breaking up of the canteen system has been the hardest blow we have received in many years. Before its abolition our men were well satisfied with their condition; they had good food; the receipts from the canteen were applied in various ways for their welfare, comfort, and amusement, and they were rarely drunk and seldom absent. Now at many posts it is the reverse."

"Places known as 'hog ranches' are established near the posts; if not, then men called 'bootleggers' are selling whisky to the men by the bottle (many of the men would not think of patronizing the whisky peddlers if they could occasionally get a glass of beer at the post); after one or two drinks of the vile stuff that is sold them they do not or can not know what they do, remaining away from the post for a day or two. Some, fearing punishment on their return to the post, desert. The idea that full-grown men are going to patronize a canteen where nothing is sold except soft drinks is an illusion."

Commanding officer, Twenty-seventh Regiment, New York Volunteers, reports from Presidio, San Francisco, Cal., as follows:

"\* \* \* My camp was located just inside the main gate of the reservation. Across the street and in the immediate vicinity were located many saloons, which were most of the time crowded by soldiers. The saloons were there expressly to catch soldiers and were successful. Drunkenness and disorders were very frequent. From my observation, while serving with the volunteers in the Philippines, I consider the abolishment of the sale of beer in the post canteen a positive calamity to troops serving in that locality. Men will drink stimulants if they wish to, and there is always a supply where there is a demand."

"In the Philippines, drinking men are almost sure to resort to the native drink 'vino' if unable to obtain beer. The poorest whisky ever distilled can not compare with 'vino' in its evil effects upon the men. The latter drink seems to destroy the character of a man mentally, morally, and physically. I believe many deaths and much of the insanity which occurred during my stay in the islands were due either directly or indirectly to the use of 'vino.'"

Commanding officer, Presidio of San Francisco, Cal.:

"\* \* \* Volunteers returning from the Philippines have made raids upon near-by saloons, being incited to such deeds under drunkenness; perhaps sometimes sober impulses, aroused by real or imaginary grievances, such as being drugged, robbed, or otherwise maltreated while in the saloons. There were several such occurrences between January 1 and July 1, 1901, which were so serious that it became necessary for the commanding officer to aid the police in restoring order and to save property from destruction. \* \* \*

Commanding officer, Mayaguez, P. R.:

"The percentage of sick in this last company has been over 10 per cent the last three months. I believe it is due to rum drinking instead of beer. Every effort has been made to discover the cause of the sickness in this company, and no other cause than that some of the men were financially lacking a rum shop near the post has so far been discovered."

Commanding officer, Ponce, P. R.:

"The effect of the abolition of the sale of beer is very bad, both morally and for discipline, because the men will have beer and must go into the city to get it. There they are thrown into contact with immoral women and drink rum and other cheap alcoholic beverages. These drinks cause some men to become crazy and boisterously drunk. Before the abolishment of the canteen most of the beer drinkers drank almost exclusively in the exchange and in moderation."

Post surgeon, Fort Schuyler, N. Y.:

"Where two affections, such as excessive drinking and venereal diseases, are so intimately associated, were it possible to control the former, the latter would of itself greatly decrease. While it is true many cases of venereal disease may occur when drinking has not been a factor, still by far the majority of cases reported to me have been subsequent to drunkenness and resulting carelessness."

Commanding officer, Fort Douglas, Utah:

"The social evil in this city is more rampant than I have ever seen before. When we had the canteen the men were contented to stay in the post, but now they want to go to town all the time, and these women get hold of them."

Commanding officer, Benicia Barracks, Cal.:

"A post is the soldier's home during the time he is in the Army, and a well-managed, regulated, and attractive canteen, where beer and light wines are sold, adds to the physical, moral, and intellectual well-being of a soldier, improves his surroundings, contributes to his rational enjoyment, and adds to his pleasures, making him a contented and satisfied soldier. To make a post a mere place where duty is the sole thing and every diversion and recreation denied a man makes duty dull, uninteresting, and stupid. That there should be a canteen at every post, in my opinion, admits of no argument."

Commanding officer, Camp McKinley, Hawaii:

"\* \* \* The effect of the abolition of the sale of beer has been to double the number of trials for drunkenness and also for absence without leave."

Commanding officer, Washington Barracks, D. C.:

"\* \* \* With the canteen in existence the decent, well-behaved, self-respecting, and orderly men of the command—men who pride themselves on their soldierly conduct and good behavior—had the privilege of drinking an occasional glass of beer in an orderly, clean, and perfectly proper establishment for that purpose."

"They enjoyed the privilege, and respected it, and were well satisfied with their condition and surroundings, knowing that they were being treated as self-respecting men, free to indulge a perfectly proper and legitimate appetite in a perfectly proper way, and knowing also that they were being benefited indirectly in their better food provided upon their mess table. \* \* \* The moment the sale of beer was abolished the human nature of every individual man—good, bad, and indifferent—at once resented this interference with his individual right to regulate his appetite, and to try and force him to be a total abstainer from the use of alcoholic drinks."



"The effect was at once to make every man assert himself to indulge intemperately in the use of beer or something stronger; at once to seek outside of the post that which he was denied therein, and to be dissatisfied, restless, and discontented, and to show this spirit on any and every occasion possible. \* \* \* The demand for all-night passes became so overwhelming that positive and stringent regulations had to be adopted to regulate the number. \* \* \* With the abolition of the sale of beer the soldiers' club practically ceased, and their only recourse for diversion and recreation was to go to the saloon dives and brothels of the city of Washington, with their very decided immoral adjuncts.

"The hospital records show that during the period August 2, 1900, to February 2, 1901, there were admitted to sick report 13 venereal cases and 3 cases of alcoholism, while for the period February 2, 1901, to August 2, 1901, there were admitted 31 cases of venereal diseases and 7 of alcoholism. \* \* \* The total abstainers may claim what they please as to the abolition of the sale of beer in the Navy. It is respectfully submitted that the cases are not parallel in any particular. \* \* \* To try and regulate a military garrison by the same rules possible on board a ship at sea would be to confine every man of the command, officers and all, to the limits of the post for weeks and months at a time and is evidently not only impossible, but also very undesirable, yet the only way to enforce total abstinence."

Commanding officer district of Santiago, February 1, 1902:

"The recent act of Congress prohibiting the sale of beer and light wines at all military posts has been the means of breaking up, to a certain extent, the happy club life of the soldier. It is a well-established fact that there has been more drunkenness among the soldiers at army posts since the abolition of the canteen than there was before. No system of discipline nor severity of punishment can prevent soldiers from visiting low saloons and obtaining liquor. The canteen question resolves itself into one of expediency rather than sentiment.

"If it can be proved that temperance in the Army is best promoted by a well-regulated canteen, under the immediate eye of the commanding officer, the practical view of the matter will ultimately prevail, instead of an abstract theory. It has been advanced by some who are severe and unreasonable in their condemnation of the canteen that all soldiers who are inclined to drink intoxicating drinks should be put out of the Army. This is absurd. It is folly to talk of an army of total abstainers; nor is it to be expected that men enlisting as soldiers to serve their country shall be forced to take a temperance pledge any more than that they should be forced to be religious.

"Soldiers are not children, to be governed like children. They are men upon whom the country must depend for a stalwart individuality and the exercise of heroic qualities in the stress of privation, hardship, and danger. If they are to be trusted in battle, they must be trusted in garrison. In the interest of discipline, morality, general welfare, and contentment of the soldier of the Army, I most earnestly recommend that the act of Congress prohibiting the sale of beer at army posts may be repealed by Congress at the next session."

[Extract from a petition from enlisted men to the Senate committee.]

"In submitting this petition we desire to express to your honorable committee and through you to the Senate of the United States, and through the Senate to the people of the United States, our reasons for petitioning for the defeat of this amendment, which in our opinion—and we are confident our opinion is that of 87 per cent of the enlisted strength of the Army—deprives the American soldier of not only his chief source of pleasure and recreation in his life as a soldier, but also the safeguards against temptations which are thrown in his way when he is forced outside of the garrison for recreation and amusement, for its passage means the abolition of the post exchange.

"The post exchange as conducted in the Army to-day is a mutual cooperative institution in which every enlisted man in the garrison is practically a stockholder, as it is run solely for his benefit. Its object is twofold: First, to afford the soldier a place where he can obtain at minimum cost to himself, and where any profit made will redound to his benefit, those recreations which all religious denominations of the country deem of sufficient importance to the working men and women of this country to take under their fostering care, irrespective of denomination, i. e., the establishment of working-men and working women clubs to employ the unoccupied time of the members, with the addition that beer and soft drinks are sold; the profit from which, as the Government does not make any appropriation for the support of the same, enables the post exchange to be run and furnishes the means for its second object, and that is to provide the soldier with those articles of food which are commonly called luxuries, and which, although the American soldier is acknowledged by every reading man in the United States to be the best clothed and best taken-care-of soldier in the world, are not supplied as a part of his contract with the Government, but tend to make him more contented with his life, more cheerful under hardships, and a better soldier, and thus a better citizen."

The Clerk read as follows:

#### MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment of officers and enlisted men of the Army on duty, and of prisoners of war and other persons in military custody or confinement at posts and stations for which no other provision is made, under such regulations as shall have been or shall be prescribed by the Secretary of War; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages, not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$550,000. *Provided*, That hereafter the purchase of medicines and medical stores or the engagement of services not personal for the Medical Department of the Army may be made by the Medical Department in open market in the manner common among business men when the aggregate of the amount required does not exceed \$20, but every such purchase or employment shall be promptly reported to the Secretary of War; *Provided further*, That hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army.

Mr. HEMENWAY. Mr. Chairman, I want to ask the chairman of the committee as to the effect of that proviso.

Mr. HULL. It changes existing law and is subject to the point of order, but upon that I ask the Clerk to read what the Surgeon-General of the Army says, which is the most complete answer that can be given as to that item in the bill.

The Clerk read as follows:

#### WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE, Washington, November 11, 1905.

SIR: The army appropriation bill for 1884, act of March 3, 1883, provided under the head of "Medical Department" (22 Stat. L., 459)—

"That civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies prescribed by a medical officer of the Army at cost with 10 per cent added."

In 1884 the Acting Judge-Advocate-General expressed the opinion that the foregoing is general and permanent legislation, and the provisions of the act have been incorporated into the Army Regulations (A. R., 1638).

No subsequent legislation on the subject is known to this Office.

It is impracticable to exactly comply with this paragraph, for the prices of drugs constantly vary, and without its being known when and from whom each drug was purchased, the exact price can not be found in the Surgeon-General's Office. In addition most prescriptions contain several drugs in varying proportions, and to calculate the exact amount used and the cost price thereof is a complicated and tedious calculation. By the time the surgeon has been informed of the value of the prescription which he has dispensed, the patient may be dead or discharged. If the bill is collected and turned into the Treasury, the correspondence has cost more trouble and expense than it is worth.

In the Philippines it has been, of course, absolutely impossible to carry out the order, and General Orders, No. 236, Headquarters Division of the Philippines, August 23, 1901, although it annuls an act of Congress, was a convenient and simple method for carrying out the spirit of the law.

It is recommended that in forwarding the draft of the appropriation bill for the Army for the fiscal year 1905 the following clause be added:

"That civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army, provided that civilian employees receiving less than \$60 a month may be furnished medicines (but not hospital stores) free of charge when prescribed by a medical officer of the Army."

Enaction by Congress of the above clause will permit issue of regulation for the Army similar to General Orders, No. 236, Division of the Philippines.

Very respectfully,

R. M. O'REILLY,  
Surgeon-General, United States Army.

The CHIEF OF STAFF UNITED STATES ARMY.

Mr. HULL. That so fully explains it that if the point of order is insisted upon I have nothing to say.

Mr. HEMENWAY. I did not make any point of order.

The CHAIRMAN. Does the gentleman from Indiana insist on a point of order?

Mr. HEMENWAY. I do not.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the completion of the necessary buildings, including approaches, heating and lighting plant, for the Army War College, at Washington Barracks, District of Columbia, in accordance with plans of the architects, \$300,000: *Provided*, That no part of this appropriation shall be used until it shall have been determined by the Secretary of War that the entire cost of finishing the buildings, providing the approaches, heating and lighting plant shall not exceed the appropriation herein made.

Mr. HEMENWAY. Mr. Chairman, reserving the point of order, I would like to ask if this is a new school?

Mr. HULL. This is a building that was commenced at the last Congress. We appropriated last year \$400,000. It is on Government grounds. The Government owns the property. It was formerly known as "Washington Barracks." This is to complete the building for which we have already appropriated \$400,000.

Mr. HEMENWAY. Is it authorized by law? Was there any special authority of Congress to construct such a building?

Mr. HULL. The authority of Congress was undoubtedly given in the last appropriation bill. Mr. Chairman, I would like to have read for the information of the House a communication as to what this War College is, because I think we are all a little vague on the matter. I was so vague upon it myself that I wrote the Secretary of War and told him I wanted to know.

The Clerk read as follows:

#### MEMORANDUM REPORT FOR THE CHIEF OF STAFF.

ARMY WAR COLLEGE,  
Washington, January 15, 1904.

Referring to the accompanying extract of a letter from the chairman of the Committee on Military Affairs of the House of Representatives, it is to be noted that these gentlemen are in error who think that there is no War College at present. The error is natural in view of the fact that the college has begun its work without pomp and parade and under conditions which attract no attention from the public, but in this respect there will be no difference even after the completion of the War College building, which Congress has authorized. This is a necessary consequence of its inception and development on the lines already marked out with the approval of the Secretary of War. It is not likely that it will ever be much talked of in the public prints, and its existence must and undoubtedly will be justified by the work which it accomplishes.

As this work is designed to be carried out on lines very different from that of the ordinary scholastic institutions, it would be well that a brief outline of its system and methods should be laid before the Military Committee.

The United States has within its Army a splendid and inexpensive system of military education, better than exists elsewhere in the world, and one which is capable of further development without any increase of expense. I



do not here refer to the Military Academy at West Point or to the military colleges throughout the country which are aided by the Government and which do such excellent work in the preparation of young men to receive a commission. I refer only to those schools established within the Army and intended for the systematic training and development of officers after receiving their commission.

At the bottom of this system is the officers' post school. The object of this school is to thoroughly train regimental officers in the duties with which every such officer must be familiar. What this school is intended to do and actually does is stated in the following extract from my annual report:

"In our system, as in all others, the first requisite is a corps of efficient regimental officers. For such an officer there must be presupposed zeal and ability for hard work, unremitting attention to the petty details of company and other regimental duty, tact in the management of men, courtesy, a spirit of justice, obedience, and subordination. Some of these things can be taught, but in no other school than that of experience; others, if not innate, can hardly be acquired, and we must do the best we can without them.

"Upon this foundation the training of the regimental officer is built up, with little necessary study of other than those books which must be the daily reference of every officer. He needs a thorough knowledge, both theoretical and practical, of the drill regulations (both close and extended order) and the outpost duties of his arm. With this he will know how to instruct his men in all the duties of a soldier and to handle them in the operations of peace and war.

"He needs a thorough knowledge of the army regulations; with this he will know his rights and obligations and those of other officers and of enlisted men; he will know how to feed, to clothe, to equip, to shelter, to pay, and transport his men; and he will know a good deal of the law which governs him in his relations to the civil authorities. He needs a thorough knowledge of the elements of military law and of the procedure of courts-martial; with this he will know how to guard his own rights and those of the men dependent upon him and how to proceed intelligently and lawfully in the administration of justice.

"All this and something more is now provided in our system of military education in the course outlined for the officers' post schools."

From these officers' post schools officers are selected to take the course of instruction in the more technical schools where special training is given in those duties, with which only a part of the officers of a thoroughly efficient army need be familiar.

Officers of the infantry and cavalry arms go to the infantry and cavalry school (now called the General Service and Staff College) at Fort Leavenworth. Officers of the artillery take the scientific course at the Artillery School at Fort Monroe. A few of the specially selected officers take the special course at the torpedo school or School of Submarine Defense at Willets Point. For special field instruction with their combined arms officers of cavalry and light artillery go to the School of Application for Cavalry and Field Artillery at Fort Riley, while young officers of engineers take the course of instruction at the Engineer School of Application at Washington Barracks.

These schools are all maintained at a trifling expense to the Government. They go to the limit of useful training by the ordinary scholastic methods. After passing them there is no further need for professors, instructors, and text-books, although the limit of useful training has not been reached. One officer may be an expert in the manufacture, handling, and employment of submarine mines; another may be an expert in all questions relating to artillery, both coast defense and field; others may know all that may be taught in the schools about the organization, equipment, and tactics of bodies of infantry and cavalry, while others are able to solve every problem connected with military road and bridge building and the construction of permanent and field fortifications.

Nevertheless, these same officers, if assembled together and directed to prepare almost on the spur of the moment some plan of national defense, upon the success of which perhaps the fortune and honor of their country depended, might be completely at a loss. The preparation of such a plan involves the consideration of a thousand details which are not and can not be taught in the schools.

All the work of judiciously combining these details, of determining what are essentials and what are not, of substituting workable makeshifts for things more desirable but which do not exist, the work of training the scientific imagination so that everything useful or necessary in an emergency will be anticipated and every detail carefully provided for in advance, all this constitutes an essential part of the art of war and which can be learned not from books and professors, but only by patient and unostentatious labor in doing these things themselves.

Of this sort of training we have always had a serious lack, and we have experienced the evil results of it at every occurrence of military emergency with which the country has been confronted. Let us see how the War Department proposes to secure this final training of its officers through the medium of the War College.

The General Staff is, under the Secretary of War, the great directing body of the Army. One of the three duties specifically imposed upon it by law is "to prepare plans for the national defense and for the mobilization of the military forces in time of war." In the preparation of these plans it acts as a general does who, after having utilized the services of many officers in collecting data and making tedious and laborious investigations, combines the material facts collected into a plan of operations which he intends to pursue.

Thus the Chief of Staff of the Army sends to the War College the outlines of a work which, for the college, constitutes perhaps nothing more than a theoretical problem, but which for the Chief of Staff means a plan of great practical importance. The college proceeds to the solution of the problem as a part of its assigned task. It makes a complete study of the territory concerned in the problem; it prepares statistical memoirs showing its resources; collects full data in regard to its highways, railroads, and bridges; it studies the details of the ground and the facilities which it affords for attack and defense.

Where information is lacking which can not be supplied from any other known source it calls upon the military information division to secure the information through its officers; it studies the military organization, number and composition of troops, whether militia, volunteers, or regulars, most suitable for the solution of the problem; it prepares the data necessary to effect the mobilization of these troops at a given point with the least delay or confusion; it prepares detailed supply tables showing the proper amounts and kinds of transportation, of clothing, of camp equipment, all quartermaster, commissary, medical, signal, and engineer supplies; it determines most suitable lines (ordinary roads, railroads, or water) for the mobilization of troops and the collection of supplies with respect both to the points from which they come and their ultimate destination.

If the problem involves the use of transports, it prepares a list of all those which the Government could reasonably count on securing; it secures all data necessary for determining the number and character of troops that can be comfortably carried by them, their capacity for transporting animals and every kind of military supplies; if the problem involves the use of railroads, it determines what roads are available, their equipment of rolling stock of all kinds, the amount of this stock that can be accumulated at a given point at a given time, the number and carrying capacity of trains which they can

run (a) to the exclusion of all other traffic and (b) without interfering with ordinary traffic, etc.

Having collected the necessary data, the War College prepares what it considers to be the most wise solution of the problem and submits its conclusions, accompanied by memoirs, showing in convenient form all the data above referred to, to the Chief of Staff. The latter, together with the General Staff, criticises this plan, revises it, and when necessary returns it to the War College for the collection of further information and corresponding modification. The final result is that there is a perfect plan, complete in all its details, which is accepted by the Chief of Staff as the one upon which he would operate were there suddenly to be realized the contingency upon which the original problem was based.

If that contingency were to arise the following day he would have under his hand ready for signature the communications to be sent by the War Department to the governors of States, to presidents of railroad companies and steamship companies, the orders ready to be addressed to the commanding officers of troops and to the officers of the Quartermaster, Subsistence, Medical, Signal, and Engineer departments.

As fast as time permits, the War College, under instructions from the Chief of Staff, takes up these problems (it now has in hand three of them), and when the work has passed through its final stage the War Department has in its archives that which it never heretofore has had, i. e., a plan thought out by many minds of what it could best do to-morrow if the emergency contemplated by the problem should arise. These will be of course, from time to time, revised to meet changes which have occurred in the conditions.

But the work outlined above is only a part of the task assigned to the War College. The moment one of these plans should have to be put into execution many officers, as was the case in the Spanish war, would have to be specially assigned to various important staff duties. The approved scheme of work for the War College contemplates the assembling from time to time of a convenient number of such officers for the careful and detailed confidential study of these plans.

During this detailed study there will be carried on a special course of study with sole reference to the plan in hand. Each one of these will involve its special problem in military engineering, in mobilization, in transportation, in sanitation, in signal work, in grand tactics, and in strategy, and possibly in international law.

These problems will be taken up in turn by officers best qualified to pass upon them, and in a series of confidential "talks" every detail that is necessary to know in advance for the successful execution of the plan will be thoroughly mastered. Thus the scholastic work of the War College will not consist in the study of general principles, but in the application of these principles to the details of a specific plan.

A great advantage of this method of work is that while accomplishing the maximum of practical result, it will involve for only short periods the detachment of officers from their other work.

The mere statement of such a scheme should impress upon the minds of everyone who remembers the bitter experiences that we have had in times past the immeasurable importance of the work. Beyond the cost of the building now being erected for the War College, its support involves but a trifling annual expense to the Government.

There are now attached to the War College seven officers, six of them being members of the General Staff, engaged in the first part of the work above described, i. e., the preparation of plans to be passed upon by the Chief of Staff and the General Staff in full committee before final acceptance. It is expected by the coming summer to assemble the first body of officers for the detailed special study which constitutes the second part of the work of the college.

Meanwhile the first and very important part of the work must continue. The rent of the building now occupied by it is \$3,000 per annum, and other expenses for light, heat, stationery, Public Printer, binding, etc., are estimated to bring the total for this year to \$4,770.91. The rest of the appropriation is spent in the equipment of the college for its special work—books, maps, instruments, the preparation of maps, furniture, etc. These are needed now just as much as they will be when the new building is completed.

In my opinion it is more advantageous to continue the small appropriation in advance of the completion of the new building rather than to make a larger one at that time. The expenditure of money in the special equipment of the War College can be done far more judiciously with small sums available each year than with a larger sum to be more quickly expended. For example, the judicious selection of books for the library can only be made slowly and after much consultation with those for whose use it is intended.

I have endeavored in the foregoing to show that the War College actually exists; is doing most important work, the value of which the general public can never realize, and that the small annual cost of its maintenance is worthy of the favorable consideration of Congress.

Respectfully submitted.

TASKER H. BLISS,

Brigadier-General, U. S. Army, President Army War College.

Mr. HEPBURN. Mr. Chairman, while we are on this subject, I would be glad if the chairman of the committee would inform us how many war colleges or schools we have now in the United States.

Mr. HULL. At every post where there is a regiment we have a school.

Mr. HEPBURN. Commence with West Point, if you will.

Mr. HULL. The one at West Point is the permanent Military Academy. We have a school of infantry and cavalry at Leavenworth. We have a school for artillery and cavalry at Riley, and we have a school for artillery at Fortress Monroe. This is supposed to be the head of the educational post-graduate course of the Army.

Mr. HEPBURN. We have still another one, have we not, at Sewalls Point?

Mr. HULL. Oh, we have a school for engineers, yes. That is here now.

Mr. HEPBURN. And we have still another one, have we not, for submarine warfare?

Mr. HULL. That is not so much a school.

Mr. HEPBURN. Who are the students at these various schools?

Mr. HULL. Officers of the United States Army—officers of the militia.

Mr. HEPBURN. Then we have seven schools besides the post schools for the officers in the Army. How many officers have we?



Mr. HULL. In the neighborhood of 4,000.  
Mr. HEPBURN. Is there anything for anybody else to do when these gentlemen are at school?

Mr. HULL. They do not take all of them at once, I will say to my friend. They take them by installments, and then send them back to their command; and I will say to my friend that these schools of artillery—not so much engineering—especially infantry and cavalry and staff corps, have been of great benefit to a very large number of volunteer officers.

Mr. HEPBURN. Will the gentleman tell us what they all cost in the aggregate?

Mr. HULL. There is very little additional cost beyond what is carried in the regular pay of the officers of the line. The gentleman can see here by the appropriation what these schools cost.

Mr. HEPBURN. There was \$400,000 appropriated last year, was there not, for this building?

Mr. HULL. The year before last.

Mr. HEPBURN. And \$300,000 this year?

Mr. HULL. All the United States service schools—and that includes these different ones—cost \$25,000 last year, and we have appropriated the same amount for this year.

Mr. HEPBURN. Altogether?

Mr. HULL. Yes.

Mr. HEPBURN. That is the total expense of these seven schools, exclusive of West Point?

Mr. HULL. That is the service schools. Then we have the School of Artillery and the School of Submarine Defense, \$10,000, and for material, apparatus, special apparatus, apparatus for electricians, bindings, books, etc., making it altogether run up more than that, so that I should say that \$50,000 would cover absolutely all the expense of these schools.

Mr. HEPBURN. Of all schools excepting West Point?

Mr. HULL. I think so.

Mr. HEPBURN. Of every character?

Mr. HULL. Yes.

Mr. HEPBURN. Will that include the traveling expenses of gentlemen that go to the schools?

Mr. HULL. I would not want to give an absolute statement of that without more information.

Mr. PALMER. Who are the students that attend the War College?

Mr. HULL. They are the gentlemen who have graduated with greatest honor at the other schools.

Mr. PALMER. That is to say, these are officers detailed to come here to Washington to make the researches that the brigadier-general refers to in the communication which has been read—to study out plans as to what ought to be or might be done in certain emergencies or under certain conditions?

Mr. HULL. The War College, as I understand, is designed to give the highest education to the best class of officers going through these other schools.

Mr. PALMER. Probably about how many officers will be here in attendance at this War College at any one time?

Mr. HULL. From what we learned during the hearings, I should say twenty-five or thirty at one time.

Mr. PALMER. Then will the gentleman please tell me what is the use of a building costing \$700,000 if it is only for the instruction of twenty-five or thirty students at one time?

Mr. HULL. That is a question which was naturally asked in the hearings before the committee by the chairman. Of course it seemed as if the expenditures were very large for this purpose. We were informed that this building is not only for the accommodation of the students, but for many other purposes, for which considerable space is required. I sympathize with the theory of the gentleman, but those were the facts stated to us.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HEMENWAY] insist on his point of order?

Mr. HEMENWAY. I do; and if the Chair is in doubt, I want to be heard.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HEMENWAY. My point is that this building has not been authorized by law in accordance with the provisions of section 1136 of the Revised Statutes.

The CHAIRMAN. To what provision of the bill is the gentleman's point directed?

Mr. HEMENWAY. To the provision beginning at line 23, page 34:

For the completion of the necessary buildings, including approaches, heating and lighting plant, for the Army War College at Washington Barracks, D. C., in accordance with plans of the architects, \$300,000, etc.

Mr. CRUMPACKER. The gentleman makes his point of order on the whole paragraph?

Mr. HEMENWAY. The whole paragraph, beginning at line 23, page 34.

Section 1136 of the Revised Statutes provides that—

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same, except when constructed by the troops; and no such structures the cost of which shall exceed \$20,000 shall be erected unless by special authority of Congress.

I make the point of order that there has been no special act of Congress authorizing the construction of this building, and the further point of order that if there has been carried upon an appropriation bill an appropriation of \$400,000 for this purpose, no point of order having been made against it, and it having gone through for that reason, this provision is still subject to a point of order for the reason that the amount carried is more than \$20,000, and there has been no special authority of Congress for the construction of the building.

In other words, suppose that at the last session of Congress, on an appropriation bill, an item got through for the construction of a building, no one having made a point of order upon it, that does not cure this provision when on a later appropriation bill it is sought to increase the amount. In other words, this provision is still subject to a point of order, because the requirements of the statute have never been complied with—estimates have not been made and submitted to the proper committee, and no special act of Congress has ever been passed authorizing the construction of this building.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. HEMENWAY. Certainly.

Mr. CRUMPACKER. Is not this the building the construction of which was commenced a year or so ago, the corner stone of which was laid last February, and is it not now in process of construction?

Mr. HEMENWAY. I say that even if the building is in process of construction it was provided for on an appropriation bill—

Mr. CRUMPACKER. Then the gentleman's theory is that its original inception was unauthorized, and the work that has been done on it and the money expended on it had no authority of law, and the gentleman makes that point now?

Mr. HEMENWAY. Yes, sir.

Mr. HULL. Mr. Chairman, the United States Statutes at Large, page 512, contain this language:

*Provided*, That the Secretary of War is hereby authorized to expend the sum of \$400,000, or so much thereof as may be necessary, from the unexpended balance of the emergency fund appropriated in the act approved March 3, 1899, for the erection of the necessary buildings for the Army War College established at Washington Barracks, D. C., for the instruction of officers of the Army and militia of the United States.

That was enacted in an appropriation bill; but it has been reserved for the gentleman from Indiana [Mr. HEMENWAY] to state that a law enacted in an appropriation bill is not a law, and that all money expended under such a law is illegally expended. This is the first time, I think, that that charge has been made upon this floor. On the regular estimates for this year, the Chair will find, on page 162, is an estimate made for the completion of the Army War College.

Mr. HEMENWAY. Let me ask the gentleman right there, Does not your act limit the cost to \$400,000?

Mr. HULL. Oh, as much as buildings are ever limited in the language of the act. This year we put it so that they could not go beyond. Take the State of Illinois and the appropriation made for the construction of the post-office at Chicago. Does the gentleman claim that the money expended was done illegally because they come with an appropriation on the deficiency bill? Take the case of the buildings at Omaha and all over the country.

Mr. HEMENWAY. If the gentleman will allow me to answer, there can not be a dollar appropriated beyond the limit of cost fixed.

Mr. HULL. That limit was raised.

Mr. HEMENWAY. The limit must be raised by unanimous consent, and if any point of order was made upon this floor, why, an appropriation can not be made, and any dollar of money put into the building for Chicago, or any other building, beyond the limit of cost originally fixed is subject to the point of order.

Mr. HULL. In the estimates for this year you will find on page 162 an estimate for the completion of this building, and a note which says:

By the army appropriation act approved June 30, 1902 (32 Stats., 512), the Secretary of War was authorized to expend the sum of \$400,000 from the unexpended balance of the emergency fund appropriated in the act approved March 3, 1899, for the erection of the necessary buildings for the Army War College, Washington Barracks, D. C. Detailed study of the probable requirements of the War College since the time when the original estimates were submitted has shown that true ultimate economy will demand considerably greater floor space than was then anticipated.

The \$400,000 already made available might possibly be sufficient to inclose the necessary space in the cheapest types of fireproof construction, using nothing but common brick for the exterior of the building, though it would not permit an architectural treatment at all adequate to its situation and permanence.



The gentleman makes an argument upon the point that provision should have been made that the limit be raised. I want to say to the gentleman from Indiana that his argument might be good upon the question as to whether Congress should give the additional amount or not, but that so far as the point of order is concerned it has no effect whatever.

Here is a work commenced by authority of law. The limit was not enough to finish it properly, and an appropriation was made for the approaches, heat, and lighting plant, so much money. That is what the point of order is based on. As to whether they should have it or not is a matter to be determined after the point of order is decided.

Mr. HEMENWAY. It clearly exceeds the limit of cost fixed by the last Congress.

The CHAIRMAN. Section 1136 of the Revised Statutes provides:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed \$20,000, shall be erected unless by special authority of Congress.

Whether that means \$20,000 for one structure or \$20,000 for all the structures it is not necessary to decide here, as in the opinion of the Chair that provision of law as to this particular college was repealed by the act of June 30, 1902, which authorized the expenditure of \$400,000 and did not limit the cost of the buildings even to that amount, but authorized the expenditure of that amount for that year.

Now, section 1136 of the Revised Statutes being thus repealed as to this college by the act of 1902, the Chair is of opinion that the paragraph against which this point of order is made specifically providing for the completion of the necessary buildings, which the Chair is advised are already in course of construction under authority of law heretofore given, the point of order must be overruled.

Mr. LACEY. I move to strike out the last word. I had leave the other day to extend my remarks upon the tariff by inserting some documents. I wish further leave in this connection, as some controversy seems to exist as to the views of the President upon the tariff revision, to insert an extract from a speech delivered by him on April 4 last at Minneapolis.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the direction he has indicated. Is there objection? [After a pause.] The Chair hears none.

The extract is as follows:

EXTRACT FROM SPEECH OF PRESIDENT ROOSEVELT.

We are now in a condition of prosperity unparalleled, not merely in our own history, but in the history of any other nation.

This prosperity is deep rooted and stands on a firm basis because it is due to the fact that the average American has in him the stuff out of which victors are made in the great industrial contests of the present day, just as in the great military contests of the past; and because he is now able to use and develop his qualities to best advantage under our well-established economic system.

UNITED STATES WINNING HEADSHIP.

We are winning headship among the nations of the world because our people are able to keep their high average of individual citizenship and to show their mastery in the hard, complex, pushing life of the age.

There will be fluctuations from time to time in our prosperity, but it will continue to grow just so long as we keep up this high average of individual citizenship and permit it to work out its own salvation under proper economic legislation.

The present phenomenal prosperity has been won under a tariff which was made in accordance with certain fixed and definite principles, the most important of which is an avowed determination to protect the interests of the American producer, business man, wageworker, and farmer alike.

The general tariff policy, to which, with regard to changes in detail, I believe this country is irrevocably committed, is fundamentally based upon ample recognition of the difference between the cost of production—that is, the cost of labor—here and abroad, and of the need to see to it that our laws shall in no event afford advantage in our market to foreign industries over American industries, to foreign capital over American capital, to foreign labor over our own labor.

NEED HIGH TYPE OF LABOR.

This country has and this country needs better paid, better educated, better fed, and better clothed workingmen, of a higher type than are to be found in any foreign country.

It has and it needs a higher, more vigorous, and more prosperous type of tillers of the soil than is possessed by any other country.

The business men, the merchants and manufacturers, and the managers of the transportation interests show the same superiority when compared with men of their type abroad.

The events of the last few years have shown how skillfully the leaders of American industry use in international business competition the mighty industrial weapons forged for them by the resources of our country, the wisdom of our laws, and the skill, the inventive genius, and the administrative capacity of our people.

It is of course a mere truism to say that we want to use everything in our power to foster the welfare of our entire body politic. In other words, we need to treat the tariff as a business proposition from the standpoint of the interests of the country as a whole, and not with reference to the temporary needs of any political party. It is almost as necessary that our policy should be stable as that it should be wise.

TARIFF CHANGES.

A nation like ours could not long stand the ruinous policy of readjusting its business to radical changes in the tariff at short intervals, especially when,

as now, owing to the immense extent and variety of our products, the tariff schedules carry rates of duty on thousands of different articles.

Sweeping and violent changes in such a tariff, touching so vitally the interests of all of us, embracing agriculture, labor, manufactures, and commerce, would be disastrous in any event, and they would be fatal to our present well-being if approached on the theory that the principle of the protective tariff was to be abandoned.

The business world—that is, the entire American world—can not afford, if it has any regard for its own welfare, even to consider the advisability of abandoning the present system.

Yet, on the other hand, where the industrial conditions so frequently change, as with us must of necessity be the case, it is a matter of prime importance that we should be able from time to time to adapt our economic policy to the changed conditions.

Our aim should be to preserve the policy of a protective tariff, in which the nation as a whole has acquiesced, and yet wherever and whenever necessary to change the duties in particular paragraphs or schedules as matters of legislative detail, if such a change is demanded by the interests of the nation as a whole.

In making any readjustment there are certain important considerations which can not be disregarded. If a tariff law has on the whole worked well, and if business has prospered under it and is prospering, it may be better to endure some inconveniences and inequalities for a time than by making changes to risk causing disturbance and, perhaps, paralysis in the industries and business of the country. The fact that the change in a given rate of duty may be thought desirable does not settle the question whether it is advisable to make the change immediately. Every tariff deals with duties on thousands of articles arranged in hundreds of paragraphs and in many schedules.

These duties affect a vast number of interests which are often conflicting. If necessary for our welfare, then of course Congress must consider the question of changing the law as a whole or changing any given rates of duty, but we must remember that whenever even a single schedule is considered some interests will appear to demand a change in almost every schedule in the law; and when it comes to upsetting the schedules generally the effect upon the business interests of the country would be ruinous.

THE TRUSTS.

One point we must steadily keep in mind. The question of tariff revision, speaking broadly, stands wholly apart from the question of dealing with the trusts. No change in tariff duties can have any substantial effect in solving the so-called trust problem.

Certain great trusts or great corporations are wholly unaffected by the tariff. Practically all the others that are of any importance have, as a matter of fact, numbers of smaller American competitors, and of course a change in the tariff which would work injury to the large corporation would work not merely injury but destruction to its smaller competitors; and equally, of course, such a change would mean disaster to all the wageworkers connected with either the large or the small corporations. From the standpoint of those interested in the solution of the trust problem such a change would, therefore, merely mean that the trust was relieved of the competition of its weaker American competitors and thrown only into competition with foreign competitors, and that the first effort to meet this new competition would be made by cutting down wages, and would therefore be primarily at the cost of labor.

In the case of some of our greatest trusts such a change might confer upon them a positive benefit. Speaking broadly, it is evident that the changes in the tariff will affect the trusts for weal or for woe simply as they affect the whole country. The tariff affects trusts only as it affects all other interests. It makes all these interests, large or small, profitable, and its benefits can be taken from the large only under penalty of taking them from the small also.

To sum up, then, we must as a people approach a matter of such prime economic importance as the tariff from the standpoint of our business needs.

We can not afford to become fossilized or to fail to recognize the fact that as the needs of the country change it may be necessary to meet these new needs by changing certain features of our tariff laws. Still less can we afford to fail to recognize the further fact that these changes must not be made until the need for them outweighs the disadvantages which may result, and when it becomes necessary to make them they should be made with full recognition of the need of stability in our economic system and of keeping unchanged the principle of that system, which has now become a settled policy in our national life. We have prospered marvelously at home. As a nation we stand in the very forefront in the giant international industrial competition of the day. We can not afford by any freak of folly to forfeit the position to which we have thus triumphantly attained.

The Clerk read as follows:

Ordinance, ordnance stores, and supplies: Manufacture or purchase of metallic ammunition for small arms for current needs and reserve supply, and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., marksmen's medals and insignia for all arms of the service, \$825,200: Provided, That provision "for the purpose of furnishing a national trophy and medals, etc." contained in the act approved March 2, 1903, being an act making appropriation for the support of the Army for the fiscal year ending June 30, 1904, is amended to read as follows: "That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, the sum of \$2,500 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War."

Mr. HEMENWAY. Do I understand the desire of the chairman is to make this a permanent appropriation?

Mr. HULL. I think that was the desire of the committee.

Mr. PALMER. And the desire of the Secretary of War?

Mr. HULL. And the desire of the committee, I think, too. The idea is that anything that will stimulate the rifle practice of the different organizations of the United States, including the Army, Navy, and Marine Corps, is money very well expended.

Mr. HEMENWAY. The idea is to set aside \$2,500 a year for this purpose?

Mr. HULL. We practically last year made it permanent by saying "hereafter;" but, while that is true, it did not include the Marine Corps and did not include the Navy. The Secretary of



War believes that all arms in the service should be brought in here, not only all arms of the regular service, but the National Guard and the various military organizations of the United States. There was a time, Mr. Chairman, in the history of this country when almost every man in the nation was an expert rifle shot. The time is rapidly coming when no one who is not trained in some of these military organizations will know anything about shooting.

Mr. HEMENWAY. The only thing I suggest is, had we not better take care of the amount as it comes due annually in place of making it a permanent appropriation?

Mr. HULL. The only question is whenever they do not need it it will not be expended, and if they should need it they would have to come back each year for it.

Mr. HEMENWAY. But you lose sight of it when it gets clear out of your control.

Mr. HULL. There is this about it, however. I should imagine whenever the Department would not need this for paying the expenses of rifle shooting they would fail to ask for it.

Mr. HEMENWAY. All I desire is that the gentleman should have oversight over it. It becomes a permanent appropriation it goes to the Committee on Appropriations, and the gentleman's committee knows better how to take care of this item than the Committee on Appropriations, and I would rather the gentleman would not make it an annual appropriation.

Mr. HULL. I will say to the gentleman that as far as trophies are concerned my idea was that there should not be a trophy to be won each year, but that the trophy should be put up and shot for each year and go to the winner, like a cup in yacht races or the Iowa trophy for the National Guard. A medal is something that a man retains permanently.

Mr. HEMENWAY. You want to make this a permanent appropriation?

Mr. HULL. That is the idea of the committee. I was overruled on the trophy business, but that is the idea of the committee, the same as last year.

The Clerk read as follows:

For the purpose of procuring field-artillery material for the organized militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States or Territories or the commanding general of the militia of the District of Columbia, to issue said artillery material to the organized militia; and the sum of \$585,000 is hereby appropriated, to remain available until expended, for the procurement and issue of the articles constituting the same.

Mr. HEMENWAY. The item commencing at line 6 and ending at line 19. Do I understand you wish to make an annual appropriation?

Mr. HULL. On page 37?

Mr. HEMENWAY. On page 37.

Mr. HULL. For field artillery? We do not want to make that an annual appropriation. We only make this appropriation to finish up the batteries for that artillery for the militia.

Mr. HEMENWAY. No; you say "to remain available until expended." Why not strike out that and keep it under the control of your committee?

Mr. HULL. I want to say to the gentleman the estimate was provided in that way for the reason it would be impossible to finish them up during this year.

Mr. HEMENWAY. Then you can appropriate next year the money.

Mr. HULL. You can do that, of course.

Mr. HEMENWAY. I wish you would do it.

Mr. HULL. But they want to make a contract for it.

Mr. HEMENWAY. We ought all the time to be in touch with what they are doing and not to make permanent appropriations.

Mr. HULL. My judgment from the evidence given in regard to making their contract is that it would be better to make it available than for them to come back again to Congress. I would not really know how to divide this, because we do not need to make all of this appropriation if we do not make it available until expended.

Mr. HEMENWAY. We had better make the full amount available until the end of the fiscal year, and then if it is not expended it goes back into the Treasury and can be reappropriated.

Mr. HULL. I have no objection to that, as far as I am concerned, but I hope it will not defeat the early arming of the Militia.

Mr. HEMENWAY. You leave the whole amount in, and they can contract when the money is appropriated.

Mr. HULL. Then the gentleman moves to strike out the words "to remain available until expended."

Mr. HEMENWAY. That is it.

Mr. HULL. I have no objection.

Mr. HEMENWAY. Make the motion yourself, then.

Mr. HULL. No; the gentleman can make his own motion.

Mr. HEMENWAY. Then, Mr. Chairman, I move to amend, on page 37, line 18, by striking out the words "to remain available until expended."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 37, line 18, strike out the words "to remain available until expended."

The amendment was agreed to.

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

Hereafter all employees of the Ordnance Department whose rate of compensation is annual shall be paid monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this provision each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less.

Mr. HEMENWAY. Mr. Chairman, I have no objection to that provision, although it ought not to apply to the Ordnance Department at Washington, because it would give one set of people in the Department one method of computation and to others another.

Mr. HULL. Mr. Chairman, I think it has only been one or two years since we made it apply to the pay of the Army, and made it permanent law, but we seem to have left this out. I talked with the Auditor of the War Department about it, and he said that all Departments of the Government ought to come under this provision, as it simplifies the accounts.

Mr. HEMENWAY. If they were all to come under it, there would be no objection to it.

Mr. HULL. This brings the Army all in.

Mr. HEMENWAY. But the employees in the Ordnance Department at Washington who do not belong to the Army will not be taken in. Your language will take in a little bunch of clerks up here and give them rates that the other clerks of the Government would not have.

Mr. HULL. The Chief of the Ordnance Department, in the hearings, made this statement:

General CROZIER. You see what the difficulty is there—that we have some employees who are paid out of more than one appropriation. That portion of their pay which comes out of the army bill is computed in a certain fashion, and that portion which comes out of some other bill is computed in another fashion, and it is very difficult to get the matter straight. What have you to say on that subject, Captain Montgomery?

Captain MONTGOMERY. The law as embraced in the army appropriation bill last year provided for payment only out of funds appropriated for the support of the Army. As it reads, it applies to all army appropriation acts. It did not make a bit of difference whether payment is to be made from the appropriation "Ordnance service," "Pay of the Army," or any other. We have appropriations in the sundry civil acts, and sometimes in the deficiency acts, and an employee being employed on three kinds of work, each kind of work authorized by a different appropriation, one authorization in the army appropriation act, one in the sundry civil act, and another in the fortification act, the result is that you will have to calculate that man's pay on two different bases.

In one case your calculation will be based on the Government salary tables, which have been gotten up by the Comptroller of the Treasury and have been in effect for years.

Mr. HEMENWAY. I do not think the gentleman from Iowa gets my point. If this were applied to the employees in the Ordnance Department at Washington, it would give a bunch of clerks employed in that Department this method of payment and the balance of the clerks in the other Departments of the Government another plan of payment. The gentleman ought not to confine it to the Army, but let the provision go on that it shall not apply to those employed in the Ordnance Department at Washington.

Mr. HULL. This only simplifies the matter. The Comptroller has decided that it does not apply to anything but the money carried in the army appropriation bill.

Mr. HEMENWAY. The Comptroller has decided that it would not apply to any money that is not carried in the army appropriation bill?

Mr. HULL. That is right.

Mr. HEMENWAY. And the clerks provided for under the legislative bill would not come under it?

Mr. HULL. They would not. I do not know what it is, but they would be paid under a different plan or theory. The object of this is to bring the employees all under one computation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter all moneys arising from dispositions authorized by law and regulation of serviceable ordnance and ordnance stores shall constitute one fund on the books of the Treasury Department, which shall be available to replace like ordnance and ordnance stores thus disposed of throughout the fiscal year in which the disposition was effected and throughout the following year.

Mr. GROSVENOR. Mr. Chairman, I rise to give notice that I wish to make some points of order on the remaining portion of this bill. I give this early notice so that I may not be ruled out.

Mr. HEMENWAY. Mr. Chairman, I make a point of order on



this paragraph, and the point of order is that it changes existing law. It says:

Hereafter all moneys arising from dispositions authorized by law and regulation of serviceable ordnance and ordnance stores, shall constitute one fund on the books of the Treasury Department, which shall be available to replace like ordnance and ordnance stores thus disposed of.

In other words, it provides that the Ordnance Department may sell certain things that they think ought to be sold, and turn around and repurchase other items with that money. It is a change of existing law. Under the law now the proceeds for any item which is sold have to be turned into the Treasury.

Mr. HULL. I wish the gentleman from Indiana would withhold his point of order, because I acknowledge that it is subject to a point of order, if he insists upon it. I would like to ask the gentleman if he has read the hearings?

Mr. HEMENWAY. Yes; but I would not allow any officer on earth to dispose of property of the Government and then turn around and invest the money received for it on his own motion.

Mr. HULL. But you have done it for forty years.

Mr. HEMENWAY. Then we ought to stop it. The temptation is always strong for a man, when he wants something new and can not get an appropriation for it, to find something that he can sell and then go and buy what he wants.

Mr. HULL. I acknowledge that it is subject to a point of order, but the gentleman is not correct in the statement that we do not allow it. We allow commissary officers to sell stores from the commissary department, and the money does not go back into the Treasury, but they buy other stores with it.

Mr. HEMENWAY. I am sorry if they do; if I had charge of the bill, I would change it as quick as I could.

Mr. HULL. I would not.

The CHAIRMAN. To what language does the gentleman make the point of order?

Mr. HEMENWAY. I make the point of order against lines from 13 to 19, inclusive.

The CHAIRMAN. The point of order is sustained.

The Clerk read the last section of the bill, as follows:

That the officers of the Adjutant-General's Department, except the Adjutant-General, and the officers of the Record and Pension Office shall hereafter constitute one department of the Army, to be known as the Military Secretary's Department; and the Adjutant-General's Office and the Record and Pension Office, heretofore constituting bureaus of the War Department, shall hereafter constitute the Adjutant-General's section and the Record and Pension section of a consolidated bureau to be known as the Military Secretary's Office of the War Department. The officers so consolidated shall be borne on one list in the order of rank held by them, and those of them who hold permanent appointments as officers of the Adjutant-General's Department or of the Record and Pension Office shall be entitled to promotion below the grade of brigadier-general, as now provided by law, and in the order of their standing on said list. Except as otherwise provided herein, the laws now in force shall continue to govern the appointment, promotion, and detail of all officers of the consolidated department hereby created: *Provided*, That the officers of the said consolidated department shall be subject to the supervision of the Chief of Staff: *Provided further*, That no appointments or details to the grade of assistant adjutant-general with the rank of major shall be made until the number of officers of that grade shall be reduced to less than ten, and thereafter the number of officers of said grade in the consolidated department shall be ten: *Provided further*, That of the officers consolidated, as hereinbefore provided, the senior in rank, who shall be chief of the consolidated department and the title of whose office is hereby changed to that of military secretary, shall hereafter have rank one grade higher than that now held by him; but when he shall become separated from service on the active list of the Army the rank of the military secretary on said list shall thereafter be the same as that now held by the senior of the officers hereby consolidated. Except as hereinafter provided, the remaining officers of the consolidated department shall retain the titles that they now bear: *Provided further*, That when the office of Adjutant-General shall become vacant, the vacancy so created on the active list of the Army shall not be filled, and thereafter the several officers now designated by the title Assistant Adjutant-General and by the title Assistant Chief of the Record and Pension Office shall be designated by the title Adjutant-General. Nothing in this act shall be so construed as to deprive any officer of his commission or to increase the total number of officers of the Army, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. GROSVENOR. Mr. Chairman, I make the point of order of that paragraph beginning at page 39, line 20, and ending with the words "Adjutant-General" in the twelfth line on page 41, that it is new legislation throughout, and I make the further point of order against the several distinct and separate provisos, each as a distinct and separate proposition, because it is all new legislation materially affecting, repealing, and changing existing law.

Mr. HULL. Mr. Chairman, I do not purpose contesting the point of order. It is obvious to every Member of the House that it is subject to a point of order. I do want, however, to say for the Committee on Military Affairs that at the time it was incorporated in the bill it was supposed it would have practically no opposition on the part of the Members of the House.

It was placed on the military appropriation bill because it was understood it was exceedingly desirous to get these provisions through at the earliest possible date, for the reason set out by the Secretary of War in his letter of the 16th of January, in which

he says that if it should become a law it will necessitate many transfers in the clerical force of the Department, all of which must be provided for in the legislative, executive, and judicial appropriation bill. He says:

I beg leave to suggest, therefore, that if the measure meet with the approval of your committee it be incorporated in the pending army appropriation bill in order to avoid, as far as possible, the delays to which a separate bill is likely to be subjected.

At the time it was incorporated in the bill the committee had every reason to believe that it would be permitted to remain there. That action not having been taken by the House, there is nothing to say except that we believe the measure would result in a large saving to the Government, in better administration to the War Department, and that we hope in the near future to bring it before the House as a separate measure.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL. Mr. Chairman, I ask unanimous consent to recur to the paragraph providing for contingent expenses of the military information division, on page 4, in order that I may ask unanimous consent that the amendment offered by the gentleman from Indiana [Mr. HEMENWAY] be withdrawn. I ask that for this reason, that if his amendment remains in the bill it is impossible for a Chief of Staff to buy a ribbon for a typewriter. It is impossible to buy a paper of pins for his office. It is impossible to buy any stationery for the General Staff, and I do not believe the gentleman intended to make an amendment so restrictive as that. I hope he will consent to having it withdrawn.

Mr. HEMENWAY. I did not intend to and did not do what the gentleman fears. The \$50,000 carried on the legislative bill is available for the items the gentleman mentions. I object to returning to that paragraph.

The CHAIRMAN. Objection is made.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10670, the army appropriation bill, and had instructed him to report that it had made sundry amendments thereto and recommends that the amendments be agreed to and that the bill as amended do pass.

Mr. HULL. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote asked on any amendment? If not, the vote will be taken on the amendments in gross. The question is on the amendments.

The amendments were agreed to.

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.

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

ENROLLED BILL SIGNED.

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

H. R. 6804. An act providing for the appointment of a customs appraiser at Pittsburg, Pa.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. CASSINGHAM to withdraw from the files of the House, without leaving copies, the papers in the case of Nathan Finnigan, Fifty-seventh Congress, no adverse report having been made thereon.

Also to Mr. LORIMER, to withdraw from the files of the House, without leaving copies, the papers in the case of Louis J. Sacriste, Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. WILEY, of New Jersey, for five days on account of death in his family.

To Mr. MURDOCK, for fifteen days, on account of important business.

ADJOURNMENT.

Then, on motion of Mr. HULL (at 4 o'clock and 5 minutes p. m.), the House adjourned.



## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1903—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for miscellaneous expenses of Fish Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of Division of Printing and Stationery submitting an estimate of appropriation for postage for Smithsonian Institution—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for a building at the military post near Indianapolis, Ind.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of State, proposing a joint resolution to permit Alfonso Zelaya, of Nicaragua, to become a cadet at the West Point Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of State, transmitting, with a favorable recommendation, a communication relating to the incorporation of the American National Institute at Paris—to the Committee on the Library, and ordered to be printed (all except accompanying printed documents).

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3581) providing the means of acquiring title to two groves of *Sequoia gigantea* in the State of California, with a view to making national parks thereof, reported the same with amendment, accompanied by a report (No. 461); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

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

A bill (H. R. 7619) construing the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases—Committee on Invalid Pensions discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 10968) granting a pension to Marceline P. Hamilton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10523) granting a pension to Edson H. Crawford—Committee on Military Affairs discharged, and referred to Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KALANIANA'OLE (by request): A bill (H. R. 11036) to prohibit the employment of aliens on public works in the Territory of Hawaii—to the Committee on the Territories.

Also, a bill (H. R. 11037) for the improvement of entrance to harbor of Honolulu, Territory of Hawaii—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11038) for survey and estimate for the construction of a breakwater for the protection of the harbor at Hilo, island of Hawaii, Territory of Hawaii—to the Committee on Rivers and Harbors.

By Mr. NEVIN: A bill (H. R. 11039) to amend section 3263 of the Revised Statutes as amended—to the Committee on Ways and Means.

Also, a bill (H. R. 11040) for the erection of a public building at Hamilton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey: A bill (H. R. 11041) for the

extension of Wyoming avenue, and for other purposes—to the Committee on the District of Columbia.

By Mr. HAY: A bill (H. R. 11042) to provide for the settlement of certain claims of officers and enlisted men of the Army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 11043) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901—to the Committee on the District of Columbia.

By Mr. WILSON of Arizona: A bill (H. R. 11044) relating to certain mineral lands now included in the Gila River Indian Reservation, in Arizona—to the Committee on Indian Affairs.

By Mr. MANN: A bill (H. R. 11045) to provide for a public building at South Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. HENRY of Texas: A bill (H. R. 11046) making an appropriation for the improvement of the Brazos River between Old Washington and Waco—to the Committee on Rivers and Harbors.

By Mr. COWHERD: A bill (H. R. 11047) for the construction of a conduit for the waters of Rock Creek, and for other purposes—to the Committee on the District of Columbia.

By Mr. THOMAS of Iowa: A bill (H. R. 11048) for the judicial ascertainment of claims against the United States—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: A bill (H. R. 11049) to amend section 1 of an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. RANSELL of Louisiana: A bill (H. R. 11050) to authorize the Little Rock and Monroe Railway Company to construct, maintain, and use a bridge across Ouachita River, in the State of Louisiana, at a point between Ouachita City and the mouth of Bayou Loutre—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: A bill (H. R. 11051) for the extension of Elm street northwest.—to the Committee on the District of Columbia.

By Mr. SCUDDER: A joint resolution (H. J. Res. 86) directing the Secretary of War to submit plans and estimates for the construction of a breakwater at Luces Landing, Northville, Suffolk County, N. Y.—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 87) directing the Secretary of War to submit plans and estimates for a channel leading into West Harbor, Fishers Island, all in the county of Suffolk and State of New York—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 88) directing the Secretary of War to submit plans and estimates for a breakwater at Fire Island Inlet, in the county of Suffolk and State of New York—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND (by request): A joint resolution (H. J. Res. 89) for the relief of Daniel B. Watts—to the Committee on Military Affairs.

By Mr. HINSHAW: A concurrent resolution (H. C. Res. 35) for binding 17,000 copies of the three separate memorial addresses delivered before the two Houses of Congress—to the Committee on Printing.

By Mr. NEVIN: A resolution (H. Res. 164) to pay the sum of \$202.50 to Jacob Bader—to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. AMES: A bill (H. R. 11052) granting an increase of pension to Mary Eaton Livingston—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 11053) granting a pension to Cynthia J. Hathcock—to the Committee on Pensions.

Also, a bill (H. R. 11054) granting a pension to Henry P. Conn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11055) granting an increase of pension to Winfield S. Russell—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 11056) to authorize the President to appoint Henry T. Skelding, now paymaster on the retired list of the Navy, a pay director on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. CALDWELL: A bill (H. R. 11057) granting an increase of pension to Samuel H. McCarty—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 11058) granting a pension to Mary Apple—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11059) granting



an increase of pension to Josiah E. Keyes—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 11060) granting an increase of pension to Thomas Maker—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 11061) granting an increase of pension to Frances Thorn Brann—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 11062) to provide suitable medals for the officers and crews of the United States vessel of war *Kearsarge*, at the time she sank the Confederate vessel of war *Alabama* off Cherbourg, France, June 19, 1864—to the Committee on Naval Affairs.

By Mr. DE ARMOND (by request): A bill (H. R. 11063) granting an increase of pension to Robert L. McMurtry—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 11064) granting an increase of pension to Elbert Parker—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 11065) granting an increase of pension to Elihu Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11066) granting an increase of pension to Joshua D. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11067) granting an increase of pension to Eli Duvall—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 11068) granting a certificate of merit to John A. Cassell—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 11069) granting an increase of pension to William H. Willey—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 11070) for the relief of George H. Mellen, deceased—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 11071) for the relief of Franklin Patterson—to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 11072) for the relief of Turman V. Cremeans—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 11073) granting an increase of pension to Henry B. Summey—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 11074) granting a pension to Merritt R. Simpson—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 11075) for the relief of Downings Methodist Episcopal Church South, of Oak Hall, Va.—to the Committee on War Claims.

By Mr. KNOFF: A bill (H. R. 11076) granting an increase of pension to Elvira Miller—to the Committee on Invalid Pensions.

By Mr. LIVERNASH: A bill (H. R. 11077) granting a pension to Gustav Jansen—to the Committee on Pensions.

Also, a bill (H. R. 11078) for the relief of William R. Wheaton and Charles H. Chamberlain, of California—to the Committee on Claims.

Also (by request), a bill (H. R. 11079) to increase the pension of William Turner—to the Committee on Pensions.

By Mr. LORIMER: A bill (H. R. 11080) granting a pension to M. R. Clark—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 11081) for the relief of Samuel L. Robertson—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 11082) granting a pension to Johann G. Fleckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11083) to authorize the Secretary of War to correct the military record of Oscar B. Knight—to the Committee on Military Affairs.

Also, a bill (H. R. 11084) to compensate E. C. Sturges for property lost during the Spanish-American war—to the Committee on War Claims.

Also, a bill (H. R. 11085) placing Hugh T. Reed on the retired list with rank of captain—to the Committee on Military Affairs.

Also, a bill (H. R. 11086) granting a pension to Charles W. Crary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11087) granting a pension to John Eckerman—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11088) granting an increase of pension to Cora M. Mosier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11089) granting an increase of pension to William H. Summers—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 11090) granting an increase of pension to Joseph Reese—to the Committee on Invalid Pensions.

Also a bill (H. R. 11091) granting an increase of pension to Charles Stackhouse—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 11092) granting a pension to Eben N. Blake—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 11093) for the relief of the heirs at law of Charles K. Smith, jr.—to the Committee on Claims.

By Mr. OTJEN: A bill (H. R. 11094) for the relief of William A. Power—to the Committee on War Claims.

By Mr. PAGE: A bill (H. R. 11095) for the relief of E. J. French, heir of Patrick D. Gilchrist, deceased—to the Committee on Claims.

By Mr. POWERS of Massachusetts: A bill (H. R. 11096) to remove the charge of desertion from the military record of George D. Coburn—to the Committee on Military Affairs.

By Mr. POWERS of Maine: A bill (H. R. 11097) for the relief of Seth H. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11098) granting an increase of pension to Leonard H. Washburn—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 11099) granting a pension to Catrena Helmig—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 11100) for the relief of J. W. Bauer and others—to the Committee on Claims.

Also, a bill (H. R. 11101) for the relief of J. C. Pendleton, of Jefferson County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 11102) granting a pension to Christina Vetter—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 11103) for the relief of George T. Larkin—to the Committee on Claims.

Also, a bill (H. R. 11104) for the relief of George T. Larkin—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 11105) granting an increase of pension to Peter Furnier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11106) granting an increase of pension to Sherman R. Haskill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11107) granting an increase of pension to Charles V. Lincoln—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11108) granting an increase of pension to John W. Cleuch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11109) to correct the military record of James Taylor, alias James Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 11110) to correct the military record of Joseph C. Keubeler, alias Karl Kuhne—to the Committee on Military Affairs.

Also, a bill (H. R. 11111) to correct the military record of Edward S. Knappen—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 11112) granting an increase of pension to Henry H. Howard—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 11113) granting an increase of pension to Silas G. Soules—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 11114) granting an increase of pension to William D. Leek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11115) granting an increase of pension to Mary E. Lantz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11116) for the relief of Charles C. Bauman—to the Committee on Claims.

Also, a bill (H. R. 11117) to correct the military record of Timothy Lyons—to the Committee on Military Affairs.

By Mr. WILSON of Arizona: A bill (H. R. 11118) for the relief of Pima County, Ariz.—to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of William McKinley Post, No. 701, Grand Army of the Republic, Chicago, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Resolutions of board of directors of the Georgia Experiment Station, favoring an increased appropriation for agricultural experiment stations—to the Committee on Appropriations.

By Mr. BABCOCK: Papers to accompany bill H. R. 7878, granting an increase of pension to Richard Jones—to the Committee on Invalid Pensions.

Also, petition of residents of Prairie du Chien, Wis., for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: Petition of Mound City Council, No. 207, United Commercial Travelers of America, in favor of bill to amend bankruptcy law—to the Committee on the Judiciary.

Also, petition of the presidents of the St. Louis Manufacturers' Association and Business Men's League, relating to the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: Resolution of the board of directors of the Georgia experiment station, favoring increasing appropriations for agricultural experiment stations—to the Committee on Appropriations.



By Mr. BENTON: Papers to accompany bill granting a pension to Cynthia J. Hatchcock—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Winfield S. Russell—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Henry P. Cann—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of residents of Bethany County, Nebr., and E. B. Lockwood, of Tecumseh, Nebr., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Resolutions of John B. Hubbard Post, No. 20, of Hallowell; Heath Post, No. 6, of Gardiner; Warren Post, No. 66, of Winterport, and George Goodwin Post, No. 32, of Ripley, Me., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Resolution of General George A. McCall Post, No. 31, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany bill to increase pension of Joseph Starr—to the Committee on Invalid Pensions.

Also, resolution of the Ohio Vicksburg Battlefield Commission, in favor of bill H. R. 5084, providing for a national military park commission—to the Committee on Military Affairs.

By Mr. CLARK (by request): Petition of Rev. J. P. Koeller and 10 others, of Herman, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CROMER: Resolution of Warren Cole Post, No. 523, Grand Army of the Republic, Department of Indiana, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of H. C. Adams and others, of Muncie, Ind., against enactment of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIELS: Papers to accompany bill H. R. 4487, relative to a trail up Mount Whitney, California—to the Committee on Military Affairs.

By Mr. ESCH: Resolution of William Moore Post, No. 92, Grand Army of the Republic, Black River Falls, Wis., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. FIELD: Petition of H. W. Armstrong and 68 others, of Hearne, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FLOOD: Papers to accompany bill H. R. 10209, to increase the pension of Margaret Delaney—to the Committee on Invalid Pensions.

By Mr. FULLER: Memorial of the Commercial Club of Topeka, Kans., relative to the restoration of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of E. N. Kirk Post, No. 656, Grand Army of the Republic, of Peru, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Paper to accompany bill H. R. 7056, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. GIBSON: Papers to accompany bill to increase pension of Elbert Parker—to the Committee on Invalid Pensions.

Also, paper to accompany bill to correct military record of Frank Medlin—to the Committee on Military Affairs.

By Mr. GREENE: Resolution of the Board of Trade of Gloucester, Mass., relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the Board of Trade of Gloucester, Mass., favoring arbitration treaties between United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of the Board of Trade of Gloucester, Mass., favoring the rehabilitation of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Board of Trade of Gloucester, Mass., in favor of destruction of derelicts at sea—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Papers to accompany House bill to increase pension of Joshua D. Griffith—to the Committee on Invalid Pensions.

Also, resolution of Wadsworth Post, No. 127, Grand Army of the Republic, of Franklin, Ind., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to increase pension of Henry B. Sparks—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Papers to accompany bill granting a certificate of merit to John A. Cassell—to the Committee on Military Affairs.

By Mr. HAMILTON: Resolution of George H. Thomas Post, No. 14, of Benton Harbor, Mich., and A. W. Chapman Post, No. 21, of St Joseph, Mich., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany bill granting a pension to Warren R. Herrell—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 9563, granting a pension to James J. Wallis—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Resolution of the board of directors of the Georgia Experiment Station, relative to an increase of appropriation for agricultural experiment stations—to the Committee on Agriculture.

By Mr. HAUGEN: Petition of citizens of Postville, Iowa, against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of J. L. Mitchell and 12 others, of Snyrna, Iowa, in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWARD: Petition of voters of Young Men's Christian Association of Union Point, Ga., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HULL: Paper to accompany bill H. R. 3921, granting an increase of pension to M. C. Staves—to the Committee on Invalid Pensions.

By Mr. JOHNSON: Paper to accompany House bill granting a pension to Merritt R. Simpson—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of citizens of Blakesburg, Iowa, in favor of bills providing relief for military telegraph operators in the civil war—to the Committee on Military Affairs.

By Mr. LANNING: Resolution of George B. McClellan Post, No. 99, Grand Army of the Republic, Lambertville, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LIVERNASH: Resolutions of San Francisco Building Trades Council and of City Front Federation, of San Francisco, concerning the use of militia at Cripple Creek, Colo.—to the Committee on Military Affairs.

Also, resolutions of Central Trades and Labor Union of St. Augustine, Fla., favoring an eight-hour and anti-injunction bill—to the Committee on Labor.

Also, resolutions of Board of Trade of San Francisco, for the improvement of Siuslaw Harbor—to the Committee on Rivers and Harbors.

Also, resolution of San Francisco Labor Council, against United States soldiers coming in competition with civilian mechanics on Government work—to the Committee on Labor.

Also, resolutions of San Francisco Labor Council, concerning John Turner—to the Committee on Foreign Affairs.

By Mr. LOUDENSLAGER: Petition of Henry D. Moore and 19 others, of Haddonfield, N. J., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MANN: Papers to accompany bill H. R. 9599, granting a pension to Grace P. Paddock—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10920, for the relief of Julius Frank—to the Committee on War Claims.

Also, papers to accompany bill H. R. 8387, granting a pension to Emma E. Wallace—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Papers to accompany House bill granting an increase of pension to Herman J. Watjen—to the Committee on Invalid Pensions.

Also, petition of George Lendreck and others, of Vincennes, Ind., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

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

Also, papers to accompany bill granting pension to William H. Summers—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 6647, granting an increase of pension to Thomas Headley—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolution of Colonel James Asworth Post, No. 334, Grand Army of the Republic, of Frankford, Philadelphia, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of representatives of grain-trade organizations, relative to the inspection of grain at terminal markets—to the Committee on Interstate and Foreign Commerce.

By Mr. NEVIN: Petitions of J. E. Wheeler and 11 others, of Craftonville, Cal.; O. F. McJenkin and 17 others, and S. T. Bennett and 25 others, of Dayton, Ohio; T. J. Stubbs and 36 others, and C. Halsey and 29 others, of West Elkton, Ohio; Rev. G. H. Draper and 28 others, of Middletown, Ohio; Harvey Pennuall and 28 others, of West Carrollton, Ohio, and H. C. Minnich and 202 others, of Oxford, Ohio, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. OLMSTED: Resolution of Post No. 58, of Harrisburg,



Pa.: Captain Colwell Post, No. 201, of Carlisle, Pa., and Sedgwick Post, No. 42, of Lebanon, Pa., Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolution of the executive committee of the Wisconsin Rest Day Association, for Sunday closing of the proposed Lewis and Clark Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. POWERS of Maine: Papers to accompany House bill granting an increase of pension to Seth H. Hall—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Leonard H. Washburn—to the Committee on Invalid Pensions.

By Mr. PRINCE: Resolutions of the Chamber of Commerce of Quincy, Ill., favoring passage of Senate bill 1618, for reorganization of United States consular service—to the Committee on Foreign Affairs.

Also, resolutions of George W. Parker Post, No. 700, Grand Army of the Republic, of Williamsfield, Ill., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of Julius Pratt Post, No. 143, Grand Army of the Republic, of Kewanee, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany bill H. R. 10099, granting a pension to Harrison Cook—to the Committee on Pensions.

Also, papers to accompany bill to pension William A. Russell—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 2421, for the relief of William P. Tanner—to the Committee on War Claims.

By Mr. RIXEY: Papers to accompany claim of George M. Fry—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of H. O. Wells, of Fort Wayne, Ind., in favor of bill H. R. 1976, relative to post-check system—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolutions of Manufacturers' Association of New York City, on pending bills to repeal the national bankruptcy act—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Paper to accompany bill granting a pension to Catrena Helmig—to the Committee on Invalid Pensions.

By Mr. SHERLEY: Papers to accompany bill H. R. 7497, granting a pension to Emma A. Webster—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 8408, for the relief of Catherine B. Jones—to the Committee on War Claims.

By Mr. SMITH of Michigan: Resolutions of John A. Logan Post, No. 1; Innes Post, No. 408; Bonner Post, No. 306; Sedgwick Post, No. 16; W. H. Whitney Post, No. 350; Joseph Wilson Post, No. 87; O. H. Read Post, No. 234, and Henry Rice Post, No. 151, Department of Michigan, Grand Army of the Republic, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SNOOK: Papers to accompany bill H. R. 9273, granting an increase of pension to James H. Sackett—to the Committee on Invalid Pensions.

By Mr. STAFFORD: Resolution of Robert Mueller Post, No. 250, Grand Army of the Republic, of Milwaukee, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolutions of New York Board of Trade and Transportation, in opposition to the repeal of the national bankruptcy act—to the Committee on the Judiciary.

By Mr. TAWNEY: Papers to accompany bill granting an increase of pension to Henry H. Howard—to the Committee on Invalid Pensions.

Also, petition of the Upper Mississippi Improvement Association, of Winona, Minn., for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. TIRRELL: Papers to accompany bill granting an increase of pension to Silas G. Soules—to the Committee on Invalid Pensions.

By Mr. WADE: Resolutions of August Wentz Post, No. 1, of Davenport, Iowa, and of John R. Buckman Post, No. 382, of Le Claire, Iowa, Grand Army of the Republic, favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of O. P. Scovell and others, of Lewiston, N. Y., favoring the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WILEY of New Jersey: Petition of pastor of the Central Presbyterian Church, of Orange and East Orange, N. J., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Resolutions of Chamber of Commerce of Quincy, Ill., in favor of Senate bill 1618, for reorganization of the consular service—to the Committee on Foreign Affairs.

## SENATE.

TUESDAY, January 26, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

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

The PRESIDENT pro tempore. The Journal will stand approved without objection.

## CLERICAL FORCE AT SUBTREASURY, BOSTON, MASS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the assistant treasurer at Boston, Mass., relative to an increase in the clerical force in his office of three clerks at \$1,200 each, and one clerk at \$1,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## CLERICAL FORCE AT SUBTREASURY, CHICAGO, ILL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter addressed by the Treasury Department to the Committee on Appropriations, House of Representatives, relative to the growth of business in the office of the assistant treasurer at Chicago, Ill., and recommending that provision be made for an increase in that force; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the Turn Verein of Chattanooga, Tenn.; of Lodge No. 50, of Buffalo Lake, and of Freiheit Lodge, No. 142, of St. Paul, in the State of Minnesota; of the Arion Association, of Wheeling, W. Va.; of the German Dramatic Society of Providence, R. I.; of the Deutscher Krieger Verein of Charleston, and of Schiller Lodge, No. 30, of Charleston, in the State of South Carolina; of Columbia Lodge, of Randolph, Nebr.; of the Maennerchor of Waco; of the Turn Verein of San Antonio; of Lodge No. 43, of Welcome; of Schley Lodge, of Umland; of the Deutsche Bauern Lodge, of Sandoval; of Welfen Lodge, No. 52, of Galveston; of Lodge No. 162, of Fenham; of the Liederkrantz Singing Society, of San Antonio; of Lessing Lodge, No. 12, of Sealy; of the Turn Verein of Houston, and of Germania Lodge, No. 1036, of San Antonio, all in the State of Texas; of William Tell Lodge, No. 5, of Washington; of the United German Societies of Washington; of the Verein Baden, of Washington; of the German Order of Knights in Black, of Washington, and of the Plattdeutsche Verein of Washington, all in the District of Columbia; of the Deutscher Landwehr Maenner Verein, of Milwaukee; of the Turn Verein of Madison; of Armin Lodge, No. 9, of Milwaukee; of St. George's Benevolent Society, of Kenosha; of Eintracht Lodge, No. 34, of Wausau; of the Deutscher Kriegerbund, of Milwaukee; of Lodge No. 145, of Milwaukee; of the Harmonie Singing Club, of Kenosha; of the Bavarian Sick and Benefit Society of Sheboygan; of the Bruderbund of Milwaukee; of the Germania Singing Society, of Eau Claire, and of the Turn Verein of Milwaukee, all in the State of Wisconsin; of the Germania Benevolent Association, of Richmond, Va.; of the Goethe Lodge, No. 592, of Burlington, Vt.; of Multnomah Lodge, No. 10, of Portland, and of the General German Aid Society, of Portland, all in the State of Oregon; of the Saengerbund of Rome; of the Germania Gesang Verein, of Dunkirk; of the Plattdeutsche Bowling Club of Brooklyn; of the Lueneburger Heide Club, of New York City; of the Court Clinton Lodge, No. 198, of Buffalo; of the Deutscher Krieger Verein of Buffalo; of the Turn Verein of New York City; of the Arion Club of Amsterdam; of the Turn Verein of Newburgh; of the Saengerbund of Syracuse; of the United Grocery and Tea Clerks' Union, of New York City; of the Arbeiter-Liederkrantz, of Mount Vernon; of the Turn Verein of Yonkers; of the Arbeiter Liederkrantz, of Syracuse; of the Schützen Club of Brooklyn; of the German Order of Harugaris, of Olean; of Point Gratiot Lodge, No. 181, of Dunkirk; of Concordia Tent, No. 128, of Rochester; of the Stein Hive, Ladies of the Maccabees of the World, of Rochester; of the Leher Club, of Brooklyn; of the Turn Verein of Mount Vernon; of the Social Gymnastic Society of Dolgerville; of the Plattdeutsche Club of Brooklyn; of the Bavarian Benefit Society of Syracuse; of the Nachtwaechter Cycles, of Buffalo; of Friendship Lodge, No. 551, of Utica, and of the Workmen's Sick and Death Benefit Fund, Branch No. 88, of Utica, all in the State of New York; of the Secret Heart Society of Erie; of the German-American Benevolent Association of Erie; of the Singing Society of Wilkesbarre; of the Turn Gesang Verein of McKeesport; of the Beneficial Association of Philadelphia; of the Turn und Gesang Verein Eintracht, of Monongahela; of the Aurora Gesang Verein, of Allegheny; of the German Guards